

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 19, 2021

Assembly called to order at 12:22 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, You are the "Light of the world" and Your word is "a lamp unto our feet and a light unto our path." You are the source of light, truth, knowledge, and wisdom. Grant these legislators knowledge and understanding, wisdom, and a spirit of cooperation enabling them to perform well today on behalf of all Nevadans; In Jesus' Name, I pray.

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 Commerce and Labor, to which were referred Assembly Bills Nos. 73, 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 330, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 56, 224, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 87, 211, 220, 249, 270, 280, 315, 316, 333, 340, 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 Government Affairs, to which were referred Assembly Bills Nos. 153, 196, 268, 307, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 96, 345, 348, 374, 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. 343, 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. 7, 115, 161, 296, 318, 326, 339, 400, 405, 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 was referred Assembly Bill No. 321, 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 were referred Assembly Bills Nos. 85, 102, 170, 209, 299, 356, 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 Natural Resources, to which was referred Assembly Bill No. 97, 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 Natural Resources, to which was referred Assembly Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 5, 12, 61, 107, 179, 284, 359, 360.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 4.

Resolution read.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 429.

SUMMARY—Urges Congress **and the President of the United States to designate protect certain land containing swamp cedars in Spring Valley, ~~as a National Heritage Area.~~** (BDR R-467)

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States ~~of America,~~ **and the President of the United States to designate protect certain land containing swamp cedars in Spring Valley, ~~as a National Heritage Area.~~**

WHEREAS, ~~The~~ Spring Valley ~~population of Rocky Mountain junipers (Juniperus scopulorum) known as swamp cedars, are sacred to the~~ **located in White Pine County, Nevada, has been a central part of the traditional homelands of certain indigenous Newe peoples, including the** Confederated Tribes of the Goshute Reservation, the Ely Shoshone ~~, Tribe and~~ the Duckwater Shoshone ~~Tribe~~ and ~~are part of their spiritual~~ **certain Paiute peoples, since time immemorial and remains a place of current** cultural ~~practices;~~ **uses for these peoples;** and

WHEREAS, The **indigenous Newe peoples continue to use an area in Spring Valley known as** Bahsahwahbee, ~~the Newe word for the location of the swamp cedars in Spring Valley, has been a meeting place for intertribal~~ **locally known as Swamp Cedars but traditionally known as the Sacred Water Valley, to hold religious and ceremonial gatherings since time immemorial;** **pass down traditional knowledge, honor their ancestors and mourn for their relatives;** and

WHEREAS, ~~The swamp cedar trees are believed to be the spiritual embodiment of tribal ancestors who were killed during three separate massacres.~~ **A massacre of indigenous people occurred at Bahsahwahbee in the Spring Valley Massacre of 1859 and** ~~the Tribes use the swamp cedar trees in their~~ **was committed during a religious and** ceremonial ~~practices;~~ **gathering;** and

WHEREAS, **Two subsequent massacres occurred at Bahsahwahbee at times of religious and ceremonial gatherings, the Swamp Cedars Massacre of 1863 and the Swamp Cedars Massacre of 1897;** and

WHEREAS, The ~~spiritual and cultural heritage of the Tribes would be irreparably damaged without the swamp cedar trees;~~ **Rocky Mountain juniper trees, locally known as swamp cedars, that grow on the valley floor in Spring Valley are believed by the Newe peoples to embody the spirits of the indigenous Newe who were killed during those massacres;** and

WHEREAS, The ~~swamp cedar trees in Spring Valley are a rare occurrence of~~ **Swamp Cedars is a globally and nationally unique grove of** Rocky Mountain ~~junipers and may be on their way to becoming a new species because the trees,~~ **juniper trees that exists at the valley bottom, unlike Rocky Mountain juniper trees elsewhere in the western United States,**

which largely grow ~~at a low elevation and depend on a unique perched water table;~~ in the mountains; and

WHEREAS, ~~The swamp cedars are at risk of extinction due to groundwater pumping and drought;~~ A large portion of Bahsahwahbee is listed on the National Register of Historic Places as a Traditional Cultural Property and a much smaller portion lies within the boundaries of an Area of Critical Environmental Concern administered by the Bureau of Land Management; and

WHEREAS, Bahsahwahbee, and the swamp cedar trees therein, faces threats from climate change and development; and

WHEREAS, Neither being listed on the National Register of Historic Places nor being designated as an Area of Critical Environmental Concern provides legal protections to ensure the survival of Bahsahwahbee and the indigenous Newe peoples' continued religious and ceremonial use of the site; and

WHEREAS, The Federal Government has a fiduciary relationship with all federally recognized Indian tribes, including tribes of the indigenous Newe peoples; and

WHEREAS, Federal protection of Bahsahwahbee would be strengthened by collaborative management with the sovereign tribal nations that share ancestral and ongoing ties to the site; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That members of the 81st Session of the Nevada Legislature hereby urge the Congress of the United States ~~of America;~~ and the President of the United States to ~~designate the land in Spring Valley that contains the swamp cedar trees as;~~ take action to further protect Bahsahwahbee, including, without limitation, designating Bahsahwahbee as a National ~~Heritage Area;~~ Monument or expanding Great Basin National Park to include Bahsahwahbee; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

NOTICE OF EXEMPTION

April 13, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 40.

SARAH COFFMAN
Fiscal Analysis Division

April 15, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 422.

SARAH COFFMAN
Fiscal Analysis Division

April 16, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 192 and 370.

SARAH COFFMAN
Fiscal Analysis Division

April 18, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 161, 213, 220 and 408.

SARAH COFFMAN
Fiscal Analysis Division

REVISED NOTICE OF EXEMPTION

April 13, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility exemption of: Assembly Bills Nos. 188 and 415.

SARAH COFFMAN
Fiscal Analysis Division

April 14, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 401.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 5.

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

Motion carried.

Senate Bill No. 12.

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

Motion carried.

Senate Bill No. 61.

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

Motion carried.

Senate Bill No. 107.

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

Motion carried.

Senate Bill No. 179.

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

Motion carried.

Senate Bill No. 284.

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

Motion carried.

Senate Bill No. 359.

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

Motion carried.

Senate Bill No. 360.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 20, in its first reprint, makes various changes to provisions relating to the transferable tax credit program administered by the Governor's Office of Economic Development, including making various changes to the definition of "qualified production"; making the approval of the application at the discretion of the Office; changing the time by which an audit of the qualified production must be submitted; removing the requirement that the production company's business address be located in Nevada; requiring qualified productions to acknowledge the state of Nevada in the end credits or elsewhere in the production; and specifying the qualified direct production expenditures timeline.

Roll call on Assembly Bill No. 20:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Krasner, Leavitt, Matthews, McArthur, Titus, Wheeler—11.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 42.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 42 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. The courts in which such cases must be tried by a jury are expanded to include a justice court and municipal court for certain cases. All criminal actions, whether in district court, justice court, or municipal court, must be tried by a jury of 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. The bill also revises various provisions relating to jury trials including the selection of jurors, the use of sound recording equipment in certain courts, and the summoning of jurors, from the qualified electors of the county.

Roll call on Assembly Bill No. 42:

YEAS—32.

NAYS—Dickman, Ellison, Hafen, Hansen, Leavitt, Matthews, McArthur, O'Neill, Titus, Wheeler—10.

Assembly Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 58 authorizes the Attorney General to 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. At the conclusion of the investigation, a report must be issued that includes whether the governmental entity engaged in such conduct. If such conduct is disclosed by certain persons, they must be afforded protections against reprisal or retaliation. Finally, the Attorney General is required 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.

Roll call on Assembly Bill No. 58:

YEAS—42.

NAYS—None.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Assembly Bill 129 requires a political action committee [PAC] receiving contributions of \$100 or more to open and maintain a separate account in a financial institution. The measure also requires a PAC to report its account balance at the end of a specified reporting period. Further, a

PAC must make certain reports concerning contributions and expenditures, and it must report the total of all contributions received during a reporting period that are \$1,000 or less. Finally, the bill specifies that these new requirements only apply to reports on contributions and expenditures filed by a PAC after January 15, 2022. The provision specifying the new report filing dates is effective upon passage and approval. The remaining provisions are effective upon passage and approval for the purpose of adopting regulations and performing other preparatory tasks and on January 1, 2022, for all other purposes.

Roll call on Assembly Bill No. 129:

YEAS—42.

NAYS—None.

Assembly Bill No. 129 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 132 requires a peace officer or probation officer who takes a child into custody to make certain disclosures to the child concerning his or her rights before initiating a custodial interrogation.

Roll call on Assembly Bill No. 132:

YEAS—42.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 141 requires a court to automatically seal any records relating to any action for summary eviction related to nonpayment of rent that is granted during the state's declaration of COVID-19 emergency. These provisions apply to any action for summary eviction filed before, on, or after the effective date of this bill.

Roll call on Assembly Bill No. 141:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 141 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.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 143 requires the Administrator of the Division of Child and Family Services for the Department of Health and Human Services to designate a human trafficking specialist within the program for compensation for victims of crime; ensure that a directory of services for victims of human trafficking is publicly accessible on the Internet; develop a statewide plan for the delivery of services to victims of human trafficking; and form a statewide 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.

Roll call on Assembly Bill No. 143:

YEAS—42.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 148 requires an applicant for an exploration or mining permit who is a corporation or business entity to submit with the application an affidavit that states whether or not the applicant is in good standing with all agencies in relation to exploration projects or mining operations, along with the name and address of each person who has a controlling interest in the corporation or business entity. The bill prohibits the issuance of such a permit if the applicant is not in good standing with such an agency in relation to an exploration project or mining operation. The bill also offers remedies for such a default scenario.

Roll call on Assembly Bill No. 148:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 148 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 181 requires certain health insurers that provide health coverage for their employees to comply with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. The bill also requires each insurer or other organization subject to those requirements to submit to the Commissioner of Insurance certain information that demonstrates compliance with the Act. The Commissioner may adopt regulations to carry out the provisions of this bill.

Assembly Bill 181 also requires certain providers of health care to report information relating to suicide to the Chief Medical Officer pursuant to regulations adopted by the State Board of Health.

Roll call on Assembly Bill No. 181:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 201 provides that the office of a prosecuting attorney must maintain complete records of any case prosecuted by the office in which testimony or information was provided by an informant pursuant to a cooperation agreement. If a prosecuting attorney intends to use an informant's testimony or information at a hearing or trial, certain information or material must be disclosed to the defense as soon as possible, but not later than 30 days before the hearing. 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, if making the disclosures may result in substantial bodily harm to the informant. Lastly, a court is required to instruct the jury to consider certain information in assessing the credibility of an informant.

Roll call on Assembly Bill No. 201:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 406 allows the withholding of money for the support of a child from the gambling winnings of an obligor.

Roll call on Assembly Bill No. 406:

YEAS—41.

NAYS—Ellison.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 414 revises 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. Upon the

recording of the Death of Grantor Affidavit in the office of the county recorder, the conveyance of real property is exempt from taxes imposed on the transfer of real property. This bill establishes a procedure for claims to be made against property transferred pursuant to a deed upon death if the grantor of the deed dies on or after July 1, 2021. Any property transferred pursuant to such a deed remains subject to any claim by the Department of Health and Human Services to recover public assistance provided to the grantor. Lastly, the bill provides certain rights and protections to a person dealing with a beneficiary of a deed upon death.

Roll call on Assembly Bill No. 414:

YEAS—41.

NAYS—Ellison.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 56 be taken from its place on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 135.

AN ACT relating to gaming; ~~revising certain definitions relating to gaming, including~~ **establishing provisions relating to the approval of games or gambling games; revising the definition of “game” and “gambling game”;** revising the definition of “associated equipment” to include inter-casino linked systems; revising, removing and repealing various provisions related to inter-casino linked systems; **revising provisions relating to the confidentiality of certain information and data of manufacturers, distributors and operators;** requiring certain persons involved in the manufacturing or distribution of associated equipment to register with the Nevada Gaming Control Board; ~~requiring the amount of live entertainment tax to be displayed on tickets for admission to live entertainment at certain licensed gaming establishments;~~ repealing provisions relating to business entities who place race book and sports pool wagers; ~~repealing provisions concerning personnel of labor organizations for gaming casino employees;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Nevada Gaming Commission to issue licenses to certain persons for the operation of inter-casino linked systems. (NRS 463.170) Existing law requires an operator of an inter-casino linked system to pay an initial licensing fee of \$500 and an annual renewal fee of \$500, in addition to the proportionate share of certain other licensing fees. (NRS

463.245, 463.370, 463.3715, 463.375, 463.385, 463.3855) Existing law defines an “operator of an inter-casino linked system” as a person who under certain agreements places and operates an inter-casino linked system upon the premises of two or more licensed gaming establishments and who is authorized to share in the revenue from the linked games without needing a license to conduct gaming at the establishment. (NRS 463.01805) Moreover, existing law defines an “inter-casino linked system” as a network of electronically interfaced similar games located at two or more licensed gaming establishments and linked to conduct gaming activities, contests or tournaments. (NRS 463.01643)

Existing law defines “associated equipment” as any equipment or certain contrivances, components or machines used remotely or directly in connection with gaming, any game, race book or sports pool that would not otherwise be classified as a gaming device. (NRS 463.0136) Existing law defines “manufacturer” to mean any person who operates, carries on, conducts or maintains any form of manufacture. (NRS 463.0172) Moreover, existing law defines “manufacture” to include: (1) manufacturing, producing, programming, designing, controlling the design of or making modifications to associated equipment; (2) directing or controlling the methods and processes used to design, develop, program, assemble, produce, fabricate, compose and combine the components and other tangible objects of associated equipment; (3) assembling, or controlling the assembly of associated equipment; or (4) assuming responsibility for any such act. (NRS 463.01715)

Section 2 of this bill revises the definition of “associated equipment” to include inter-casino linked systems, thereby making inter-casino linked systems subject to the same regulation and control as associated equipment, except that **section 9** of this bill retains certain provisions related to the authority of the Commission to adopt certain regulations related to inter-casino linked systems. **Sections ~~1-1~~ 1.5, 4, 6-8, 10-13, 15-19, 21 and 23** of this bill remove or repeal all other provisions with individual references to inter-casino linked systems.

Existing law: (1) requires manufacturers and distributors of associated equipment to register with the Nevada Gaming Control Board under certain circumstances; (2) establishes a maximum fee of \$1,000 for any application, issuance or renewal of such registration; and (3) authorizes the Board to require any person who is not otherwise required to be licensed as a manufacturer or distributor of associated equipment, and who is directly or indirectly involved in the sale, transfer or offering for use or play in Nevada of associated equipment, to file an application for a finding of suitability. (NRS 463.665) **Section 20** of this bill: (1) requires persons who have a significant involvement in the manufacturing or distribution of associated equipment to register with the Board under certain circumstances; (2) removes the limitation on the fee that may be charged for the application or renewal of registration for a manufacturer or distributor of associated equipment; and (3) removes the

authorization for a finding of suitability for certain persons involved in the sale, transfer or offering for use or play in Nevada of associated equipment.

Existing law defines the terms “game” or “gambling game” to include a game or device approved by the Commission. (NRS 463.0152) **Section 1 of this bill sets forth various procedures relating to a recommendation for and approval of a game or gambling game. Specifically, section 1 authorizes the Board to recommend a game or gambling game for the approval of the Commission, and authorizes the game or gambling game to be played immediately upon the issuance of the recommendation by the Board, subject to the final disposition of the Commission. Section 1 requires the Commission to make a final disposition regarding the approval or disapproval of the game or gambling game within 60 days after the issuance of the recommendation by the Board. If the Commission does not make a final disposition within 60 days after the recommendation of the Board is rendered, the game or gambling game is deemed approved for play. Section 1 also requires the Commission to adopt regulations relating to the approval of games or gambling games. Section 3 of this bill** ~~revises this~~ **makes a conforming change to the definition** ~~to include a game or device approved by the Board instead of the Commission.~~ **of “game” or “gambling game” relating to the procedures established in section 1. Section 3 also removes certain games from the definition.**

Existing law defines the terms “associated equipment,” “game” or “gambling game” and “gambling device” to include references to electromechanical contrivances, components, machines, devices, displays or units, as applicable. (NRS 463.0136, 463.0152, 463.0155) **Sections 2, 3 and 5** of this bill revise these definitions by removing certain electromechanical references.

~~[Existing law imposes an excise tax on admission to certain facilities where there is live entertainment and provides that the rate of the tax is 9 percent of the admission charge to the facility. Existing law requires: (1) each admissions ticket to any such facility to display the admission charge on the ticket; or (2) the seller of the ticket to display the admission charge at the box office or other like place. (NRS 368A.200) Existing law defines “admission charge” as the total amount of consideration paid for the right or privilege to enter or have access to live entertainment at a facility. (NRS 368A.020) Section 22 of this bill requires the admission ticket or the seller to display the amount of the live entertainment tax, instead of the admission charge, if the ticket is for admission to a facility for live entertainment in certain licensed gaming establishments.]~~

Existing law provides that information and data obtained by the Board from a manufacturer, distributor or operator relating to the manufacturing of gaming devices is confidential under certain circumstances. (NRS 463.120) Section 8 of this bill expands such confidentiality provisions to include information and data obtained by a manufacturer, distributor or operator relating to any other technology regulated by the Board.

Existing law authorizes certain business entities to place race book and sports pool wagers under certain circumstances. Existing law also authorizes the Commission to adopt regulations governing the acceptance of such wagers. (NRS 463.800) **Section 23** of this bill repeals this provision. **Section 14** of this bill makes a conforming change to reflect the repealed section.

~~Existing law regulates the personnel of labor organizations for gaming casino employees. (Chapter 463A of NRS) Section 23 repeals the provisions of chapter 463A of NRS.~~

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a licensee shall not offer a game or gambling game for play unless the game or gambling game has received a recommendation from the Board or an approval of the Commission.

2. The Board may recommend a game or gambling game for the approval of the Commission, and upon the issuance of any such recommendation, a licensee may immediately offer the game or gambling game for play, subject to the final disposition of the Commission pursuant to subsection 3.

3. Not later than 60 days after the issuance of a recommendation of the Board pursuant to subsection 2, the Commission shall render a final disposition relating to the approval or disapproval of the game or gambling game. If the Commission does not render a final disposition within such time, the game or gambling game is deemed to be approved by the Commission.

4. The Commission shall adopt regulations governing the approval of games or gambling games.

~~Section 1.1~~ **Sec. 1.5.** NRS 463.0129 is hereby amended to read as follows:

463.0129 1. The Legislature hereby finds, and declares to be the public policy of this state, that:

(a) The gaming industry is vitally important to the economy of the State and the general welfare of the inhabitants.

(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming and the manufacture, sale and distribution of gaming devices and associated equipment are conducted honestly and competitively, that establishments which hold restricted and nonrestricted licenses where gaming is conducted and where gambling devices are operated do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments ~~and~~ **and** the manufacture, sale or distribution of gaming devices and associated equipment. ~~and the operation of inter-casino linked systems.~~

(d) All establishments where gaming is conducted and where gaming devices are operated, and manufacturers, sellers and distributors of certain gaming devices and equipment ~~and operators of inter-casino linked systems~~ must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.

(e) To ensure that gaming is conducted honestly, competitively and free of criminal and corruptive elements, all gaming establishments in this state must remain open to the general public and the access of the general public to gaming activities must not be restricted in any manner except as provided by the Legislature.

2. No applicant for a license or other affirmative Commission or Board approval has any right to a license or the granting of the approval sought. Any license issued or other Commission or Board approval granted pursuant to the provisions of this chapter or chapter 464 of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder.

3. This section does not:

(a) Abrogate or abridge any common-law right of a gaming establishment to exclude any person from gaming activities or eject any person from the premises of the establishment for any reason; or

(b) Prohibit a licensee from establishing minimum wagers for any gambling game or slot machine.

Sec. 2. NRS 463.0136 is hereby amended to read as follows:

463.0136 “Associated equipment” means any equipment or mechanical ~~electromechanical~~ or electronic contrivance, component or machine used remotely or directly in connection with gaming, any game, race book or sports pool that would not otherwise be classified as a gaming device, including dice, playing cards, links which connect to progressive slot machines, **inter-casino linked systems**, equipment which affects the proper reporting of gross revenue, computerized systems of betting at a race book or sports pool, computerized systems for monitoring slot machines and devices for weighing or counting money.

Sec. 3. NRS 463.0152 is hereby amended to read as follows:

463.0152 **1.** “Game” or “gambling game” means any game played with cards, dice, equipment or any mechanical ~~electromechanical~~ or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, ~~big injun~~, klondike, craps, poker, chuck-a-luck, ~~Chinese chuck-a-luck (dai shu)~~.

wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the Commission, upon the recommendation of the Board, ~~but~~ pursuant to section 1 of this act.

2. The term does not include games ~~played~~ :

(a) Played with cards in private homes or residences in which no person makes money for operating the game, except as a player ~~; or~~ ~~or games operated~~

(b) Operated by qualified organizations that are registered by the Chair pursuant to the provisions of chapter 462 of NRS.

Sec. 4. NRS 463.0153 is hereby amended to read as follows:

463.0153 “Gaming” or “gambling” means to deal, operate, carry on, conduct, maintain or expose for play any game as defined in NRS 463.0152. ~~or to operate an inter-casino linked system.~~

Sec. 5. NRS 463.0155 is hereby amended to read as follows:

463.0155 “Gaming device” means any object used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss and which does not otherwise constitute associated equipment. The term includes, without limitation:

1. A slot machine.
2. Mobile gaming.
3. A collection of two or more of the following components:
 - (a) An assembled electronic circuit which cannot be reasonably demonstrated to have any use other than in a slot machine;
 - (b) A cabinet with electrical wiring and provisions for mounting a coin, token or currency acceptor and provisions for mounting a dispenser of coins, tokens or anything of value;
 - (c) An assembled mechanical or electromechanical display unit intended for use in gambling; or
 - (d) An assembled mechanical ~~for electromechanical~~ unit which cannot be demonstrated to have any use other than in a slot machine.
4. Any object which may be connected to or used with a slot machine to alter the normal criteria of random selection or affect the outcome of a game.
5. A system for the accounting or management of any game in which the result of the wager is determined electronically by using any combination of hardware or software for computers.
6. A control program.
7. Any combination of one of the components set forth in paragraphs (a) to (d), inclusive, of subsection 3 and any other component which the Commission determines by regulation to be a machine used directly or remotely in connection with gaming or any game which affects the results of a wager by determining a win or loss.
8. Any object that has been determined to be a gaming device pursuant to regulations adopted by the Commission.
9. As used in this section:

(a) “Control program” means any software, source language or executable code which affects the result of a wager by determining win or loss as determined pursuant to regulations adopted by the Commission.

(b) “Mobile gaming” means the conduct of gambling games through communications devices operated solely in an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this paragraph, “communications technology” means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

Sec. 6. NRS 463.0157 is hereby amended to read as follows:

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

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

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

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

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

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

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

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

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

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

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

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

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

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

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

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

Sec. 7. NRS 463.0177 is hereby amended to read as follows:

463.0177 "Nonrestricted license" or "nonrestricted operation" means:

1. A state gaming license for, or an operation consisting of, 16 or more slot machines;

2. A license for, or operation of, any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment; **or**

3. A license for, or the operation of, a slot machine route. ~~for~~

~~4. A license for, or the operation of, an inter-casino linked system.~~

Sec. 8. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator ~~for~~ ~~or from an operator of an inter-casino linked system,~~ relating to ~~the~~ :

(1) The manufacturing of gaming devices ; for the operation of an inter-casino linked system; and

(2) Any other technology regulated by the Board;

(e) Obtained by the Board from a public accommodation facility pursuant to NRS 447.345; or

(f) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing, ➡ are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the

Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Notwithstanding any other provision of state law, if any applicant or licensee provides or communicates any information and data to an agent or employee of the Board or Commission in connection with its regulatory, investigative or enforcement authority:

(a) All such information and data are confidential and privileged and the confidentiality and privilege are not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country in connection with its regulatory, investigative or enforcement authority, regardless of whether such information and data are shared or have been shared either before or after being provided or communicated to an agent or employee of the Board or Commission; and

(b) The applicant or licensee has a privilege to refuse to disclose, and to prevent any other person or governmental agent, employee or agency from disclosing, the privileged information and data.

7. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

8. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

9. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

10. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

11. For the purposes of this section, “information and data” means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant’s or licensee’s compliance with statutory or regulatory requirements.

Sec. 9. NRS 463.15993 is hereby amended to read as follows:

463.15993 1. The Commission shall adopt regulations governing the approval and operation of inter-casino linked systems and the ~~licensing~~ **approval** of the operators ~~manufacturers and distributors~~ of such systems.

2. The Commission shall include in the regulations, without limitation:

(a) Standards for the approval and operation of an inter-casino linked system.

(b) Requirements for the:

(1) Operator ~~Manufacturer or distributor~~ of an inter-casino linked system to disclose to the Board, the Commission and licensees on a confidential basis the rate of progression of the primary jackpot meter; and

(2) Establishment of a minimum rate of progression of the primary jackpot meter.

(c) Criteria for multiple ~~licensing~~ **approvals** of inter-casino linked systems and the operators ~~manufacturers or distributors~~ of inter-casino linked systems.

(d) Procedures and criteria for the regular auditing of the regulatory compliance of an operator ~~in manufacturer or distributor~~ of an inter-casino linked system.

Sec. 10. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection ~~4~~ **3** and NRS 462.155 and 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, ~~inter-casino linked system,~~ slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

↪ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses or registrations as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. ~~The licensure of an operator of an inter-casino linked system is not required if:~~

~~—(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or~~

~~—(b) An operator of a slot machine route is operating an inter-casino-linked system consisting of slot machines only.~~

~~—3.1~~ Except as otherwise provided in subsection ~~4.1~~ 3, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, ~~inter-casino-linked system,~~ race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

~~4.1~~ 3. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

~~5.1~~ 4. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

↪ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

~~6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.~~

Sec. 11. NRS 463.170 is hereby amended to read as follows:

463.170 1. Any person who the Commission determines is qualified to receive a license, to be found suitable or to receive any approval required under the provisions of this chapter, or to be found suitable regarding the operation of a charitable lottery under the provisions of chapter 462 of NRS, having due consideration for the proper protection of the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and the declared policy of this State, may be issued a state gaming license, be found suitable or receive any approval required by this chapter, as appropriate. The burden of proving an applicant's qualification to receive any license, be found suitable or receive any approval required by this chapter is on the applicant.

2. An application to receive a license or be found suitable must not be granted unless the Commission is satisfied that the applicant is:

(a) A person of good character, honesty and integrity;

(b) A person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of this State

or to the effective regulation and control of gaming or charitable lotteries, or create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming or charitable lotteries or in the carrying on of the business and financial arrangements incidental thereto; and

(c) In all other respects qualified to be licensed or found suitable consistently with the declared policy of the State.

3. A license to operate a gaming establishment ~~for an inter-casino-linked system~~ must not be granted unless the applicant has satisfied the Commission that:

(a) The applicant has adequate business probity, competence and experience, in gaming or generally; and

(b) The proposed financing of the entire operation is:

(1) Adequate for the nature of the proposed operation; and

(2) From a suitable source.

↪ Any lender or other source of money or credit which the Commission finds does not meet the standards set forth in subsection 2 may be deemed unsuitable.

4. An application to receive a license or be found suitable constitutes a request for a determination of the applicant's general character, integrity, and ability to participate or engage in, or be associated with gaming or the operation of a charitable lottery, as appropriate. Any written or oral statement made in the course of an official proceeding of the Board or Commission by any member thereof or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

5. The Commission may in its discretion grant a license to:

(a) A publicly traded corporation which has complied with the provisions of NRS 463.625 to 463.643, inclusive;

(b) Any other corporation which has complied with the provisions of NRS 463.490 to 463.530, inclusive;

(c) A limited partnership which has complied with the provisions of NRS 463.564 to 463.571, inclusive; and

(d) A limited-liability company which has complied with the provisions of NRS 463.5731 to 463.5737, inclusive.

6. No limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Commission, or a limited-liability company, or business trust or organization or other association of a quasi-corporate character is eligible to receive or hold any license under this chapter unless all persons having any direct or indirect interest therein of any nature whatever, whether financial, administrative, policymaking or supervisory, are individually qualified to be licensed under the provisions of this chapter.

7. The Commission may, by regulation:

(a) Limit the number of persons who may be financially interested and the nature of their interest in any corporation, other than a publicly traded

corporation, limited partnership, limited-liability company or other organization or association licensed under this chapter; and

(b) Establish such other qualifications for licenses as it may, in its discretion, deem to be in the public interest and consistent with the declared policy of the State.

8. Any person granted a license or found suitable by the Commission shall continue to meet the applicable standards and qualifications set forth in this section and any other qualifications established by the Commission by regulation. The failure to continue to meet such standards and qualifications constitutes grounds for disciplinary action.

Sec. 12. NRS 463.245 is hereby amended to read as follows:

463.245 1. Except as otherwise provided in this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license for an operation described in subsection 1 or 2 of NRS 463.0177 may establish a sports pool or race book on the premises of the establishment only after obtaining permission from the Commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at a second establishment described in subsection 1 or 2 of NRS 463.0177 only if the second establishment is operated by a person who has been issued a nonrestricted license for that establishment. A person who has been issued a license to operate a race book or sports pool at an establishment is prohibited from operating a race book or sports pool at:

(a) An establishment for which a restricted license has been granted; or

(b) An establishment at which only a nonrestricted license has been granted for an operation described in subsection 3 ~~for 4~~ of NRS 463.0177.

4. A person who has been issued a license to operate a race book or sports pool shall not enter into an agreement for the sharing of revenue from the operation of the race book or sports pool with another person in consideration for the offering, placing or maintaining of a kiosk or other similar device not physically located on the licensed premises of the race book or sports pool, except:

(a) An affiliated licensed race book or sports pool; or

(b) The licensee of an establishment at which the race book or sports pool holds or obtains a license to operate pursuant to this section.

↪ This subsection does not prohibit an operator of a race book or sports pool from entering into an agreement with another person for the provision of shared services relating to advertising or marketing.

5. ~~Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the Commission. An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.~~

—6.‡ For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

- (a) Allowing patrons to establish an account for wagering with the race book or sports pool;
 - (b) Accepting wagers from patrons;
 - (c) Allowing patrons to place wagers;
 - (d) Paying winning wagers to patrons; or
 - (e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,
- ↪ whether by a transaction in person at an establishment or through mechanical means such as a kiosk or other similar device, regardless of whether that device would otherwise be considered associated equipment.

~~‡7.~~ 6. The provisions of this section do not apply to a license to operate interactive gaming.

Sec. 13. NRS 463.305 is hereby amended to read as follows:

463.305 1. Any person who operates or maintains in this State any gaming device of a specific model ~~‡‡~~ **or** any gaming device which includes a significant modification ~~for any inter-casino linked system~~ which the Board or Commission has not approved for testing or for operation is subject to disciplinary action by the Board or Commission.

2. The Board shall maintain a list of approved gaming devices. ~~and inter-casino linked systems.~~

3. If the Board suspends or revokes approval of a gaming device pursuant to the regulations adopted pursuant to subsection 4, the Board may order the removal of the gaming device from an establishment.

4. The Commission shall adopt regulations relating to gaming devices and their significant modification. ~~and inter-casino linked systems.~~

Sec. 14. NRS 463.360 is hereby amended to read as follows:

463.360 1. Conviction by a court of competent jurisdiction of a person for a violation of, an attempt to violate, or a conspiracy to violate any of the provisions of this chapter or of chapter 463B, 464 or 465 of NRS may act as an immediate revocation of all licenses which have been issued to the violator, and, in addition, the court may, upon application of the district attorney of the

county or of the Commission, order that no new or additional license under this chapter be issued to the violator, or be issued to any person for the room or premises in which the violation occurred, for 1 year after the date of the revocation.

2. A person who willfully fails to report, pay or truthfully account for and pay over any license fee or tax imposed by the provisions of this chapter, or willfully attempts in any manner to evade or defeat any such license fee, tax or payment thereof is guilty of a category C felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. Except as otherwise provided in subsection 4, a person who willfully violates, attempts to violate, or conspires to violate any of the provisions of subsection 1 of NRS 463.160 ~~for NRS 463.800~~ 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 10 years, by a fine of not more than \$50,000, or by both fine and imprisonment.

4. A licensee who puts additional games or slot machines into play or displays additional games or slot machines in a public area without first obtaining all required licenses and approval is subject only to the penalties provided in NRS 463.270 and 463.310 and in any applicable ordinance of the county, city or town.

5. A person who willfully violates any provision of a regulation adopted pursuant to NRS 463.125 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. The violation of any of the provisions of this chapter, the penalty for which is not specifically fixed in this chapter, is a gross misdemeanor.

Sec. 15. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373, the Commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

(a) Three and one-half percent of all the gross revenue of the licensee which does not exceed \$50,000 per calendar month;

(b) Four and one-half percent of all the gross revenue of the licensee which exceeds \$50,000 per calendar month and does not exceed \$134,000 per calendar month; and

(c) Six and three-quarters percent of all the gross revenue of the licensee which exceeds \$134,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 15th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 15th day of the following calendar month of operation. After the first full calendar month of operation, the Commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 15th day of the following calendar month. The payment of the fee due for the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next 3 calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the Commission on July 1, 1969, must be treated as an advance estimated payment.

4. All revenue received from any game or gaming device which is operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person ~~including, without limitation, an operator of an inter-casino-linked system,~~ who is authorized to receive a share of the revenue from any game ~~or gaming device for inter-casino-linked system~~ that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the 15th day of each calendar month. ~~The proportionate share of an operator of an inter-casino-linked system must be based on all compensation and other consideration received by the operator of the inter-casino-linked system, including, without limitation, amounts that accrue to the meter of the primary progressive jackpot of the inter-casino-linked system and amounts that fund the reserves of such a jackpot, subject to all appropriate adjustments for deductions, credits, offsets and exclusions that the licensee is entitled to take or receive pursuant to the provisions of this chapter.~~ A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any game ~~or gaming device for inter-casino-linked system~~ that is operated on the premises of the licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

5. ~~An operator of an inter-casino-linked system shall not enter into any agreement or arrangement with a licensee that provides for the operator of the inter-casino-linked system to be liable to the licensee for less than its full proportionate share of the license fees paid by the licensee pursuant to this section, whether accomplished through a rebate, refund, charge back or otherwise.~~

~~6.~~ Any person required to pay a fee pursuant to this section shall file with the Commission, on or before the 15th day of each calendar month, a report

showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:

(a) The fee due based on the revenue of the month covered by the report; and

(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.

~~17.1~~ **6.** If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid, the Commission shall:

(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment to the person entitled thereto pursuant to this chapter, with interest thereon.

➔ Interest pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following the due date of the additional license fees until paid. Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.

~~18.1~~ **7.** Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.

~~19.1~~ **8.** Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.

~~110.1~~ **9.** Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the Commission shall:

(a) Charge and collect the additional license fees determined to be due with interest computed pursuant to paragraph (a) of subsection ~~17.1~~ **6**; or

(b) Refund any overpayment to the licensee with interest computed pursuant to paragraph (b) of subsection ~~17.1~~ **6**,

➔ based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.

~~111.1~~ **10.** If in any month, the amount of gross revenue is less than zero, the licensee may offset the loss against gross revenue in succeeding months until the loss has been fully offset.

~~112.1~~ **11.** If in any month, the amount of the license fee due is less than zero, the licensee is entitled to receive a credit against any license fees due in succeeding months until the credit has been fully offset.

Sec. 16. NRS 463.3715 is hereby amended to read as follows:

463.3715 1. In calculating gross revenue, any prizes, premiums, drawings, benefits or tickets that are redeemable for money or merchandise or other promotional allowance, except money or tokens paid at face value

directly to a patron as the result of a specific wager, must not be deducted as losses from winnings at any game except a slot machine.

2. In calculating gross revenue, the amount of cash paid to fund periodic payments may be deducted as losses from winnings for any game.

3. In calculating gross revenue from slot machines, keno and bingo, the actual cost to the licensee of any personal property distributed to a patron as the result of a specific legitimate wager may be deducted as a loss, but not travel expenses, food, refreshments, lodging or services.

4. In calculating gross revenue from bingo, a licensee who provides a patron with additional play at bingo as the result of an initial wager may deduct as losses from winnings all money or tokens paid directly to that patron as a result of such additional play.

~~{5. In calculating gross revenue, a licensee may deduct its pro rata share of a payout from a game played in an inter casino linked system except for a payout made in conjunction with a card game. The amount of the deduction must be determined based upon the written agreement among the licensed gaming establishments participating in the inter casino linked system and the operator of the system. All cash prizes and the value of noncash prizes awarded during a contest or tournament conducted in conjunction with an inter casino linked system are also deductible on a pro rata basis to the extent of the compensation received for the right to participate in that contest or tournament. The deductions may be taken only by those participating licensed gaming establishments that held an active gaming license at any time during the month in which the payout was awarded.}~~

Sec. 17. NRS 463.375 is hereby amended to read as follows:

463.375 1. In addition to any other state gaming license fees provided for in this chapter, before issuing a state gaming license to an applicant for a nonrestricted operation, the Commission shall charge and collect from the applicant a license fee of \$80 for each slot machine for each calendar year.

2. The Commission shall charge and collect the fee prescribed in subsection 1, at the rate of \$20 for each slot machine for each calendar quarter:

(a) On or before the last day of the last month in a calendar quarter, for the ensuing calendar quarter, from a licensee whose operation is continuing.

(b) In advance from a licensee who begins operation or puts additional slot machines into play during a calendar quarter.

3. Except as provided in NRS 463.386, no proration of the quarterly amount prescribed in subsection 2 may be allowed for any reason.

4. The operator of the location where slot machines are situated shall pay the fee prescribed in subsection 1 upon the total number of slot machines situated in that location, whether the machines are owned by one or more licensee-owners.

5. Any other person ~~including, without limitation, an operator of an inter casino linked system,~~ who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by

the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the dates set forth in subsection 2. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any slot machine that is operated on the premises of a licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

Sec. 18. NRS 463.385 is hereby amended to read as follows:

463.385 1. In addition to any other license fees and taxes imposed by this chapter, there is hereby imposed upon each slot machine operated in this State an annual excise tax of \$250. If a slot machine is replaced by another, the replacement is not considered a different slot machine for the purpose of imposing this tax.

2. The Commission shall:

(a) Collect the tax annually on or before June 30, as a condition precedent to the issuance of a state gaming license to operate any slot machine for the ensuing fiscal year beginning July 1, from a licensee whose operation is continuing.

(b) Collect the tax in advance from a licensee who begins operation or puts additional slot machines into play during the fiscal year, prorated monthly after July 31.

(c) Include the proceeds of the tax in its reports of state gaming taxes collected.

3. Any other person ~~including, without limitation, an operator of an inter-casino linked system,~~ who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the dates set forth in subsection 2. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any slot machine that is operated on the premises of a licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

4. The Commission shall pay over the tax as collected to the State Treasurer to be deposited to the credit of the State Education Fund, and of the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education, which are hereby created in the State Treasury as special revenue funds, in the amounts and to be expended only for the purposes specified in this section, or for any other purpose authorized by the Legislature if sufficient money is available in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education on July 31 of each year to pay the principal and interest due in that fiscal year on the bonds described in subsection 6.

5. During each fiscal year, the State Treasurer shall deposit the tax paid over to him or her by the Commission as follows:

(a) The first \$5,000,000 of the tax in the Capital Construction Fund for Higher Education;

(b) Twenty percent of the tax in the Special Capital Construction Fund for Higher Education; and

(c) The remainder of the tax in the State Education Fund.

6. There is hereby appropriated from the balance in the Special Capital Construction Fund for Higher Education on July 31 of each year the amount necessary to pay the principal and interest due in that fiscal year on the bonds issued pursuant to section 5 of chapter 679, Statutes of Nevada 1979, as amended by chapter 585, Statutes of Nevada 1981, at page 1251, the bonds authorized to be issued by section 2 of chapter 643, Statutes of Nevada 1987, at page 1503, the bonds authorized to be issued by section 2 of chapter 614, Statutes of Nevada 1989, at page 1377, the bonds authorized to be issued by section 2 of chapter 718, Statutes of Nevada 1991, at page 2382, the bonds authorized to be issued by section 2 of chapter 629, Statutes of Nevada 1997, at page 3106, and the bonds authorized to be issued by section 2 of chapter 514, Statutes of Nevada 2013, at page 3391. If in any year the balance in that Fund is not sufficient for this purpose, the remainder necessary is hereby appropriated on July 31 from the Capital Construction Fund for Higher Education. The balance remaining unappropriated in the Capital Construction Fund for Higher Education on August 1 of each year and all amounts received thereafter during the fiscal year must be transferred to the State General Fund for the support of higher education. If bonds described in this subsection are refunded and if the amount required to pay the principal of and interest on the refunding bonds in any fiscal year during the term of the bonds is less than the amount that would have been required in the same fiscal year to pay the principal of and the interest on the original bonds if they had not been refunded, there is appropriated to the Nevada System of Higher Education an amount sufficient to pay the principal of and interest on the original bonds, as if they had not been refunded. The amount required to pay the principal of and interest on the refunding bonds must be used for that purpose from the amount appropriated. The amount equal to the saving realized in that fiscal year from the refunding must be used by the Nevada System of Higher Education to defray, in whole or in part, the expenses of operation and maintenance of the facilities acquired in part with the proceeds of the original bonds.

7. After the requirements of subsection 6 have been met for each fiscal year, when specific projects are authorized by the Legislature, money in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education must be transferred by the State Controller and the State Treasurer to the State Public Works Board for the construction of capital improvement projects for the Nevada System of Higher Education, including, but not limited to, capital improvement projects for the community colleges of the Nevada System of Higher Education. As used in this subsection, “construction” includes, but is not limited to, planning, designing, acquiring and developing a site, construction, reconstruction,

furnishing, equipping, replacing, repairing, rehabilitating, expanding and remodeling. Any money remaining in either Fund at the end of a fiscal year does not revert to the State General Fund but remains in those Funds for authorized expenditure.

8. The money deposited in the State Education Fund under this section must be apportioned as provided in NRS 387.030 among the several school districts and charter schools of the State at the times and in the manner provided by law.

9. The Board of Regents of the University of Nevada may use any money in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education for the payment of interest and amortization of principal on bonds and other securities, whether issued before, on or after July 1, 1979, to defray in whole or in part the costs of any capital project authorized by the Legislature.

Sec. 19. NRS 463.3855 is hereby amended to read as follows:

463.3855 1. In addition to any other state license fees imposed by this chapter, the Commission shall, before issuing a state gaming license to an operator of a slot machine route, ~~for an operator of an inter-casino-linked system,~~ charge and collect an annual license fee of \$500.

2. Each such license must be issued for a calendar year beginning January 1 and ending December 31. If the operation of the licensee is continuing, the Commission shall charge and collect the fee on or before December 31 for the ensuing calendar year.

3. Except as otherwise provided in NRS 463.386, the fee to be charged and collected under this section is the full annual fee, without regard to the date of application for or issuance of the license.

Sec. 20. NRS 463.665 is hereby amended to read as follows:

463.665 1. The Commission shall, with the advice and assistance of the Board, adopt regulations prescribing:

(a) The manner and method for the approval of associated equipment by the Board; and

(b) The method and form of any application required by paragraph (a).

2. Except as otherwise provided in subsection 4, the regulations adopted pursuant to subsection 1 must:

(a) Require persons who manufacture or distribute associated equipment for use in this State to be registered with the Board if such associated equipment:

(1) Is directly used in gaming;

(2) Has the ability to add or subtract cash, cash equivalents or wagering credits to a game, gaming device or cashless wagering system;

(3) Interfaces with and affects the operation of a game, gaming device, cashless wagering system or other associated equipment;

(4) Is used directly or indirectly in the reporting of gross revenue; or

(5) Is otherwise determined by the Board to create a risk to the integrity of gaming and protection of the public if not regulated;

(b) *Require persons who have a significant involvement in the manufacturing or distribution of associated equipment, as determined by the Commission, to register with the Board;*

(c) Establish the degree of review an applicant for registration pursuant to this section must undergo, which level may be different for different forms of associated equipment; and

~~{(c)} (d)~~ Establish fees for the application ~~{-issuance-}~~ and renewal of the registration required pursuant to this section. ~~{-which must not exceed \$1,000 per application, issuance or renewal of such registration.-}~~

3. This section does not apply to:

(a) A licensee; or

(b) An affiliate of a licensee or an independent contractor as defined by NRS 463.01715.

4. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, a manufacturer or distributor of associated equipment who sells, transfers or offers the associated equipment for use or play in Nevada may be required by the Board to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

~~5. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, any person who directly or indirectly involves himself or herself in the sale, transfer or offering for use or play in Nevada of such associated equipment who is not otherwise required to be licensed as a manufacturer or distributor may be required by the Board to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.~~

~~—6—~~ If an application for a finding of suitability is not submitted to the Board within 30 days after demand by the Board, it may pursue any remedy or combination of remedies provided in this chapter.

~~{7-}~~ 6. Any person who manufactures or distributes associated equipment who has complied with all applicable regulations adopted by the Commission before October 1, 2015, shall be deemed to be registered pursuant to this section.

Sec. 21. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of games, gaming devices, associated equipment, cashless wagering systems ~~{-inter casino linked systems-}~~ and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of games, gaming devices, associated equipment, cashless wagering systems ~~{-inter casino linked systems-}~~ and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of games, gaming devices, associated equipment, cashless wagering systems ~~{-inter casino linked systems-}~~ and interactive gaming systems must be balanced with the interest of

this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every game or gaming device which is manufactured, sold or distributed:

- (a) For use in this State, before the game or gaming device is put into play.
- (b) In this State for use outside this State, before the game or gaming device is shipped out of this State.

4. The Board may inspect every game or gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system ~~[- every inter-casino-linked system]~~ and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories and of each person that owns, operates or has significant involvement with an independent testing laboratory, specify the form of the application required for such registration, set forth the qualifications required for such registration and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any game, gaming device, associated equipment, cashless wagering system ~~[- inter-casino-linked system]~~ or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any game, gaming device, associated equipment, cashless wagering system ~~[- inter-casino-linked system]~~ or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and

procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. The Commission shall retain jurisdiction over any person registered pursuant to this section and any regulation adopted thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system ~~[, inter-casino-linked system]~~ or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.

9. A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

10. The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission pursuant to this section, the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the Board to inspect and certify games, gaming devices, associated equipment, cashless wagering systems ~~[, inter-casino-linked systems]~~ or interactive gaming systems, and any components thereof and modifications thereto, and to perform such other services as the Board and Commission may request.

Sec. 22. ~~NRS 368A.200 is hereby amended to read as follows:~~

~~368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where live entertainment is provided and on the charge for live entertainment provided by an escort at one or more locations in this State. The rate of the tax is:~~

~~—(a) Except as otherwise provided in paragraph (b), for admission to a facility in this State where live entertainment is provided, 9 percent of the admission charge to the facility.~~

~~—(b) For live entertainment provided by an escort who is escorting one or more persons at a location or locations in this State, 9 percent of the total amount, expressed in terms of money, of consideration paid for the live entertainment provided by the escort.~~

~~—2. Amounts paid for:~~

~~—(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.~~

~~—(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided are not taxable pursuant to this section.~~

~~—(c) Fees imposed, collected and retained by an independent financial institution in connection with the use of credit cards or debit cards to pay the admission charge to a facility where live entertainment is provided are not taxable pursuant to this section. As used in this paragraph, “independent financial institution” means a financial institution that is not the taxpayer or an owner or operator of the facility where the live entertainment is provided or an affiliate of any of those persons.~~

~~—3. The tax imposed by this section must be added to and collected from the purchaser at the time of purchase, whether or not the admission for live entertainment is purchased for resale. [Each]~~

~~—4. Except as otherwise provided in subsection 5, each ticket for admission to a facility where live entertainment is provided must show on its face the admission charge or the seller of the admission shall prominently display a notice disclosing the admission charge at the box office or other place where the charge is made.~~

~~[4.] 5. If live entertainment is provided at a licensed gaming establishment and is subject to the tax imposed by subsection 1, each ticket for admission to a facility where live entertainment is provided in the licensed gaming establishment must show on its face the tax imposed by subsection 1 or the seller of the admission shall prominently display a notice disclosing the tax imposed by subsection 1 at the box office or other place where the charge is made.~~

~~—6. The tax imposed by subsection 1 does not apply to:~~

~~—(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~—(b) Live entertainment that is governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS or is provided or sponsored by an elementary school, junior high school, middle school or high school, if only pupils or faculty provide the live entertainment.~~

~~—(c) An athletic contest, event, tournament or exhibition provided by an institution of the Nevada System of Higher Education, if students of such an institution are contestants in the contest, event, tournament or exhibition.~~

~~—(d) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.~~

~~—(e) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.~~

~~—(f) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.~~

~~—(g) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.~~

~~—(h) Live entertainment that is provided at a trade show.~~

~~—(i) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.~~

~~—(j) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.~~

~~—(k) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.~~

~~—(l) Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.~~

~~—(m) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:~~

~~—(1) Not the predominant element of the attraction; and~~

~~—(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.~~

~~(n) A race scheduled at a race track in this State and sanctioned by the National Association for Stock Car Auto Racing, if two or more such races are held at that race track during the same calendar year.~~

~~(o) An athletic contest, event or exhibition conducted by a professional team based in this State if the professional team based in this State is a participant in the contest, event or exhibition.~~

~~[5.] 7. As used in this section:~~

~~(a) “Affiliate” has the meaning ascribed to it in NRS 463.0133.~~

~~(b) “Maximum occupancy” means, in the following order of priority:~~

~~(1) The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;~~

~~(2) If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or~~

~~(3) If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.~~

~~(c) “Operator” includes, without limitation, a person who operates a facility where live entertainment is provided or who presents, produces or otherwise provides live entertainment.] (Deleted by amendment.)~~

Sec. 22.5. Section 1 of this act applies to any game or gambling game which has not been approved on or after July 1, 2021.

Sec. 23. NRS 463.01805, 463.306 ~~1~~ and 463.800 ~~1~~, 463A.010, 463A.020, 463A.030, 463A.040, 463A.050, 463A.060, 463A.070, 463A.080, 463A.090, 463A.100, 463A.110, 463A.120, 463A.130, 463A.140, 463A.150, 463A.160, 463A.170, 463A.180, 463A.190, 463A.200, 463A.210, 463A.220, 463A.230, 463A.240, 463A.250 and 463A.260 are hereby repealed.

Sec. 24. This act becomes effective on July 1, 2021.

HEADLINES; TEXT OF REPEALED SECTIONS

463.01805 “Operator of an inter-casino linked system” defined.

463.01805 “Operator of an inter-casino linked system” means a person who, under any agreement whereby consideration is paid or payable for the right to place an inter-casino linked system, engages in the business of placing and operating an inter-casino linked system upon the premises of two or more licensed gaming establishments, and who is authorized to share in the revenue from the linked games without having been individually licensed to conduct gaming at the establishment.

463.306 Availability of inter-casino linked system to certain nonrestricted licensees.

463.306 1. If an operator of an inter-casino linked system makes the inter-casino linked system available to a nonrestricted licensee, other than during a trial period, the operator shall also make the inter-casino linked

system available to any other eligible nonrestricted licensee subject to the provisions of this chapter and reasonable production and delivery schedules. For purposes of this section, a nonrestricted licensee shall be deemed to be eligible if the licensee is a Group I licensee or a Group II licensee, as determined pursuant to the regulations of the Commission and otherwise meets the requirements of the Commission regarding locations for games that are part of an inter-casino linked system.

2. The provisions of subsection 1 do not prevent the imposition by an operator of an inter-casino linked system of different terms and conditions, including prices, based on:

(a) The quantity or volume of gaming devices connected to an inter-casino linked system that are sold or leased to a licensee or to affiliated licensees by the operator; or

(b) Credit considerations.

463.800 Requirements; records of business entity; prohibited acts; regulations.

463.800 1. A race book or sports pool may accept wagers from a business entity if the business entity has established a wagering account with the race book or sports pool and provided the information required pursuant to subsection 2. The business entity shall:

(a) Be deemed to be a patron for the purposes of this chapter and chapter 465 of NRS.

(b) Place wagers in compliance with all applicable state and federal laws.

2. A business entity that wishes to establish a wagering account with a race book or sports pool shall provide to the race book or sports pool:

(a) The name, residential address, copy of a valid photo identification which evidences that the person is at least 21 years of age, and social security number or individual taxpayer identification number, of each of the business entity's equity owners, holders of indebtedness, directors, officers, managers and partners, anyone entitled to payments based on the profits or revenues and any designated individuals;

(b) The business entity's formation documents and all filings with the Secretary of State pursuant to title 7 of NRS;

(c) Any other documentation or information the Commission may require; and

(d) Any other documentation or information the race book or sports pool may require.

3. A business entity shall update the information provided pursuant to subsection 2 within 5 business days after any change in the information or status.

4. A business entity shall:

(a) In addition to the books and records required by law to be kept in this State, keep in this State originals or copies of the records received from the race book or sports pool for all wagers placed;

(b) Maintain an account in this State with a bank or other financial institution having a principal office, branch or agency located in this State, from which it shall transfer and receive all money used in wagering with an operator of a race book or sports pool; and

(c) Make any records pursuant to this subsection available for review by the Board or its agents.

5. Notwithstanding the provisions of NRS 463.350, a race book or sports pool may accept wagers from a designated individual of a business entity which has established a wagering account with the race book or sports pool.

6. A business entity and any designated individual that places a wager with a race book or sports pool pursuant to this section must not be considered to be engaged in the unlawful accepting or facilitating of any bet or wager.

7. It is unlawful for any person either solely or in conjunction with others:

(a) To knowingly pay or distribute profits or any compensation to a designated individual or equity owner who is not disclosed to the race book or sports pool pursuant to subsection 2;

(b) To knowingly pay or distribute a percentage of revenue derived from the wagering activity of a business entity to a person who is not disclosed to the race book or sports pool pursuant to subsection 2;

(c) To wager with money received from a person who is not disclosed to the race book or sports pool pursuant to subsection 2;

(d) To place a wager on behalf of a person who is not disclosed to the race book or sports pool pursuant to subsection 2; or

(e) To knowingly submit any false information as required by this section.

8. The Commission may, with the advice and assistance of the Board, adopt regulations as it deems necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Business entity" means an entity organized and existing under the laws of this State.

(b) "Designated individual" means a person listed as an officer, director, partner or manager of a business entity in the business entity's filings with the Secretary of State pursuant to title 7 of NRS, and any other natural person authorized by the business entity in writing to place wagers.

~~{463A.010 — Legislative findings and declaration.~~

~~463A.020 — Definitions.~~

~~463A.030 — Information concerning certain personnel of labor organization to be filed with Board; regulations of Commission.~~

~~463A.040 — Grounds for disqualification of personnel of labor organization.~~

~~463A.050 Investigation of personnel of labor organization: Powers of Board; costs; consultants; recommendations.~~
~~463A.060 Disqualification of personnel of labor organization: Notice of recommendation and reasons; notice of defense.~~
~~463A.070 Notice of defense: Time for filing; contents.~~
~~463A.080 Right to hearing; waiver.~~
~~463A.090 Notice of hearing.~~
~~463A.100 Subpoenas; witness fees; depositions; affidavits.~~
~~463A.110 Hearing: Procedures.~~
~~463A.120 Hearing: Official notice.~~
~~463A.130 Hearing: Amended and supplemental notices and statements.~~
~~463A.140 Hearing: Contempt.~~
~~463A.150 Failure to file notice of defense or appear.~~
~~463A.160 Disqualification: Written decision; notice.~~
~~463A.170 Rehearing.~~
~~463A.180 Judicial review: Petition; intervention; stay of enforcement.~~
~~463A.190 Judicial review: Record on review.~~
~~463A.200 Judicial review: Additional evidence taken by Commission.~~
~~463A.210 Judicial review: Review confined to record.~~
~~463A.220 Judicial review: Court may affirm, remand or reverse.~~
~~463A.230 Judicial review: Appeal to appellate court.~~
~~463A.240 Judicial review: Exclusive method of review.~~
~~463A.250 Injunction; fine.~~
~~463A.260 Rights of collective bargaining and concerted action not impaired if representative not disqualified.~~

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. 73.

Bill read second time.

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

Amendment No. 12.

AN ACT relating to dietetics; revising provisions relating to licensure to engage in the practice of dietetics; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing and regulation of the practice of dietetics by the State Board of Health. (Chapter 640E of NRS) Existing law requires an application for a license to engage in the practice of dietetics to include written evidence that the applicant meets certain criteria and has completed certain educational requirements and certain training and experience in the practice of dietetics. (NRS 640E.150) **Section ~~HH~~ 1.5** of this

bill replaces those existing requirements for an application for such a license with a requirement that an applicant provide evidence that the applicant is a registered dietitian in good standing with the Commission on Dietetic Registration ~~[of the Academy of Nutrition and Dietetics.] , or its successor organization.~~ (NRS 640E.080) **Sections 1, 1.3, 2 and 6.5 of this bill update the names of the national entities for credentialing dietitians and accrediting dietetics education programs.**

Existing law authorizes a person who has completed certain educational requirements and certain training and experience in the practice of dietetics, but who has not passed the examination required for licensure, to engage in the practice of dietetics without a license under the direct supervision of a licensed dietitian. (NRS 640E.170) **Section 2** of this bill replaces these qualifications for such unlicensed practice of dietetics with the qualification that the person is eligible to take, but has not successfully completed, the Registration Examination for Dietitians administered by the Commission on Dietetic Registration ~~[of the Academy of Nutrition and Dietetics.] , or its successor organization.~~

Existing law authorizes the Board to issue a provisional license to engage in the practice of dietetics to an applicant who meets the educational requirements but does not meet all the other qualifications for full licensure. (NRS 640E.180) **Section 3** of this bill replaces the ~~[existing documentation of education required from an applicant who completed the educational requirements at a college or university that is located in a foreign country with a requirement for the submission of an evaluation conducted by an independent national evaluation agency approved by the Division of Public and Behavioral Health of the Department of Health and Human Services indicating that the foreign degree is equivalent to a degree obtained at an accredited college or university in the United States.]~~ **qualifications for the issuance of a provisional license with the qualification that an applicant must be eligible to take, but have not successfully completed, the Registration Examination for Dietitians administered by the Commission on Dietetic Registration, or its successor organization.**

Section 4 of this bill removes a requirement in existing law that a licensed dietitian who fails to submit an application for the renewal of his or her license within 2 years after the date of the expiration of the license must take the Registration Examination for Dietitians before renewing the license. (NRS 640E.220)

Existing law requires the Board to establish by regulation certain fees relating to licensure, including a fee for the examination of an applicant for a license. (NRS 640E.240) Because ~~section 1.5~~ **section 1.5** requires an applicant for a license to be a registered dietitian, for which a prerequisite is successful completion of the Registration Examination for Dietitians, **section 5** of this bill removes the requirement that the Board establish a fee for the examination of an applicant for a license. **Section 5** also removes the requirement that the

Board establish fees for: (1) the late renewal of a license; and (2) the issuance of a duplicate license. ~~for for changing the name on a license.~~

Sections 6 and 7 of this bill make conforming changes as a result of the changes in the requirements for an application for licensure in **sections ~~1.1~~ 1.5 and 3**.

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

Section 1. NRS 640E.080 is hereby amended to read as follows:

640E.080 “Registered dietitian” means a person who is registered as a dietitian by the Commission on Dietetic Registration ~~of the Academy of Nutrition and Dietetics.~~, **or its successor organization.**

Sec. 1.3. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractor, athletic trainer, massage therapist, reflexologist, structural integration practitioner, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the ~~Commission on~~ Accreditation **Council** for ~~Dietetics~~ Education ~~of the Academy of~~ **in** Nutrition and Dietetics, **or its successor organization,** if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of

the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or

physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, “nutrition information” means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

- (a) Food preparation;
- (b) Food included in a normal daily diet;
- (c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;
- (d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and
- (e) Specific foods or supplements that are sources of essential nutrients.

~~{Section 1}~~ **Sec. 1.5.** NRS 640E.150 is hereby amended to read as follows:

640E.150 1. An applicant for a license to engage in the practice of dietetics in this State must submit to the Board a completed application on a form prescribed by the Board. The application must include ~~{, without limitation, written}~~ evidence that the applicant ~~{:~~

- ~~— (a) Is 21 years of age or older.~~
- ~~— (b) Is of good moral character.~~
- ~~— (c) Has completed a course of study and holds a bachelor’s degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:~~
 - ~~— (1) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or~~
 - ~~— (2) Is located in a foreign country if the application includes the documentation required by NRS 640E.160.~~
- ~~— (d) Has completed not less than 1,200 hours of training and experience within the United States in the practice of dietetics under the direct supervision of a licensed dietitian, registered dietitian or a person who holds a doctorate degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a college or university that is:~~
 - ~~— (1) Accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or~~
 - ~~— (2) Located in a foreign country if the application includes the documentation required by NRS 640E.160.~~
- ~~— (e) Has successfully completed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics.~~

~~— (f) Meets such other reasonable requirements as prescribed by the Board.]~~
is a registered dietitian in good standing.

2. Each applicant must remit the applicable fee required pursuant to this chapter with the application for a license to engage in the practice of dietetics in this State.

3. Each applicant shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174 and immediately inform the Board of whether the applicant has been convicted of such a crime.

Sec. 2. NRS 640E.170 is hereby amended to read as follows:

640E.170 1. A person who ~~has the education and experience required by NRS 640E.150 but who has not passed the examination required for licensure~~ ***is eligible to take, but has not successfully completed, the Registration Examination for Dietitians administered by the Commission on Dietetic Registration [of the Academy of Nutrition and Dietetics], or its successor organization,*** may engage in the practice of dietetics under the direct supervision of a licensed dietitian who is professionally and legally responsible for the applicant's performance.

2. A person shall not engage in the practice of dietetics pursuant to subsection 1 for a period of more than 1 year.

Sec. 3. NRS 640E.180 is hereby amended to read as follows:

640E.180 1. Upon application and payment of the applicable fee required pursuant to this chapter, the Board may grant a provisional license to engage in the practice of dietetics in this State to an applicant who provides evidence to the Board that the applicant ~~has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:~~

~~— (a) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or~~

~~— (b) Is located in a foreign country if the application includes the documentation required by NRS 640E.160. ***an evaluation conducted by an independent national evaluation agency approved by the Division of Public and Behavioral Health of the Department of Health and Human Services indicating that the foreign degree is equivalent to the degree required pursuant to paragraph (a).***~~ ***is eligible to take, but has not successfully completed, the Registration Examination for Dietitians administered by the Commission on Dietetic Registration, or its successor organization.***

2. A provisional license is valid for 1 year after the date of issuance. A provisional license may be renewed for not more than 6 months if the applicant

submits evidence satisfactory to the Board for the failure of the applicant to obtain a license to engage in the practice of dietetics during the time the applicant held the provisional license.

3. A person who holds a provisional license may engage in the practice of dietetics only under the supervision of a licensed dietitian.

Sec. 4. NRS 640E.220 is hereby amended to read as follows:

640E.220 1. A license to engage in the practice of dietetics expires 2 years after the date of issuance.

2. The Board may renew a license if the applicant:

(a) Submits a completed written application and the appropriate fee required pursuant to this chapter;

(b) Submits documentation of completion of such continuing training and education as required by regulations adopted by the Board;

(c) Has not committed any act which is grounds for disciplinary action, unless the Board determines that sufficient restitution has been made or the act was not substantially related to the practice of dietetics;

(d) Submits information that the credentials of the applicant are in good standing; and

(e) Submits all other information required to complete the renewal.

~~{3. The Board shall require a licensed dietitian who fails to submit an application for the renewal of his or her license within 2 years after the date of the expiration of the license to take the examination required by NRS 640E.150 before renewing the license.}~~

Sec. 5. NRS 640E.240 is hereby amended to read as follows:

640E.240 1. The Board shall adopt regulations establishing reasonable fees for:

(a) ~~{The examination of an applicant for a license;}~~

~~—(b)—~~ The issuance of a license;

~~{(c)}~~ (b) The issuance of a provisional license;

~~{(d)}~~ (c) The issuance of a temporary license;

~~{(e)}~~ (d) The renewal of a license; ~~and~~

~~—(f)—~~ The late renewal of a license;

~~—(g)—~~ (e) The reinstatement of a license which has been suspended or revoked ~~if~~; and

~~{(h) The issuance of a duplicate license or for changing}~~

~~(f) Changing the name on a license.~~

2. The fees established pursuant to subsection 1 must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter, except that no such fee may exceed \$250.

Sec. 6. NRS 640E.270 is hereby amended to read as follows:

640E.270 1. The Board may deny, refuse to renew, revoke or suspend any license applied for or issued pursuant to this chapter, or take such other disciplinary action against a licensee as authorized by regulations adopted by the Board, upon determining that the licensee:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Relating to the qualifications, functions or duties of a licensee.

(c) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license.

(d) Is guilty of unprofessional conduct, which includes, without limitation:

(1) ~~Impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license.~~

~~—(2)—~~ Impersonating another licensed dietitian.

~~—(3)—~~ (2) Permitting or allowing another person to use his or her license to engage in the practice of dietetics.

~~—(4)—~~ (3) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee.

~~—(5)—~~ (4) Physical, verbal or psychological abuse of a patient.

~~—(6)—~~ (5) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(e) Has willfully or repeatedly violated any provision of this chapter.

(f) Is guilty of aiding or abetting any person in violating any provision of this chapter.

(g) Has been disciplined in another state in connection with the practice of dietetics or has committed an act in another state which would constitute a violation of this chapter.

(h) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(i) Has willfully failed to comply with a regulation, subpoena or order of the Board.

2. In addition to any criminal or civil penalty that may be imposed pursuant to this chapter, the Board may assess against and collect from a licensee all costs incurred by the Board in connection with any disciplinary action taken against the licensee, including, without limitation, costs for investigators and stenographers, attorney's fees and other costs of the hearing.

3. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 6.5. NRS 640E.290 is hereby amended to read as follows:

640E.290 1. If any member of the Board or a Dietitian Advisory Group established pursuant to NRS 640E.130 becomes aware of any ground for initiating disciplinary action against a licensee, the member shall file an administrative complaint with the Board.

2. As soon as practical after receiving an administrative complaint, the Board shall:

(a) Notify the licensee in writing of the charges against him or her, accompanying the notice with a copy of the administrative complaint; and

(b) Forward a copy of the complaint to the Commission on Dietetic Registration, ~~for the Academy of Nutrition and Dietetics~~ or its successor organization, for investigation of the complaint and request a written report of the findings of the investigation or, to the extent money is available to do so, conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee.

3. Written notice to the licensee may be served by delivering it personally to the licensee, or by mailing it by registered or certified mail to the last known residential address of the licensee.

4. If the licensee, after receiving a copy of the administrative complaint pursuant to subsection 1, submits a written request, the Board shall furnish the licensee with a copy of each communication, report and affidavit in the possession of the Board which relates to the matter in question.

5. If, after an investigation conducted by the Board or receiving the findings from an investigation of the complaint from the Commission on Dietetic Registration, ~~for the Academy of Nutrition and Dietetics~~ or its successor organization, the Board determines that the administrative complaint is valid, the Board shall hold a hearing on the charges at such time and place as the Board prescribes. If the Board receives a report pursuant to subsection 5 of NRS 228.420, the hearing must be held within 30 days after receiving the report. If requested by the licensee, the hearing must be held within the county in which the licensee resides.

Sec. 7. NRS 439.537, 640E.160 and 640E.210 are hereby repealed.

TEXT OF REPEALED SECTIONS

439.537 Unlawful use of words or letters designating person as licensed or registered dietitian; penalty.

1. A person shall not use in connection with his or her name the words or letters "Dietitian," "Licensed Dietitian," "Registered Dietitian," "L.D.," "R.D." or any other title, word, letter or other designation intended to designate that the person is a licensed or registered dietitian without being registered with the Commission on Dietetic Registration, a member of the National Commission on Health Certifying Agencies, or its successor organization.

2. Any person who violates the provisions of this section is guilty of a misdemeanor.

640E.160 Submission of evidence of equivalent degree by certain applicants.

1. If an applicant for a license to engage in the practice of dietetics is a graduate of a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that the degree is equivalent to a degree issued by a college or university

accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education.

2. If an applicant for a license to engage in the practice of dietetics completed his or her hours of training and experience under the supervision of a person who holds a doctorate degree conferred by a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that the degree held by the person who supervised the training and experience is equivalent to a degree issued by a college or university accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education.

640E.210 Waiver of certain requirements for licensure by Board.

1. Except as otherwise provided in subsection 2, the Board may waive any requirement of NRS 640E.150 or 640E.180 for an applicant who proves to the satisfaction of the Board that his or her education and experience are substantially equivalent to the education and experience required by the respective section.

2. The Board may waive the requirement of an examination that is set forth in NRS 640E.150 in accordance with regulations adopted by the Board that prescribe the circumstances under which the Board may waive the requirement of the examination.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 294.

AN ACT relating to agriculture; revising provisions relating to the control of noxious weeds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Quarantine Officer to declare by regulation which weeds of the State are noxious weeds but prohibits the State Quarantine Officer from designating a weed as noxious if the weed is so well established in the State that the State Quarantine Officer judges its control to be impracticable. (NRS 555.130) This bill removes the prohibition, thereby authorizing the State Quarantine Officer to declare any weed to be noxious by regulation. **This bill additionally authorizes the State Quarantine Officer to limit a declaration or temporary designation to a specific geographic**

area or to specific geographic areas in this State so that a declaration or temporary designation would only apply to those specific geographic areas and not to the entire State.

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

Section 1. NRS 555.130 is hereby amended to read as follows:

555.130 1. Except as otherwise provided in subsection 2, the State Quarantine Officer may declare by regulation the weeds of the state that are noxious weeds . ~~[-, but a weed must not be designated as noxious which is already introduced and established in the State to such an extent as to make its control impracticable in the judgment of the State Quarantine Officer.]~~

2. The State Quarantine Officer may temporarily designate a weed as a noxious weed if he or she determines that immediate control of the weed is necessary. A temporary designation expires 18 months after the State Quarantine Officer makes the designation.

3. The State Quarantine Officer may limit a declaration made pursuant to subsection 1 or a temporary designation made pursuant to subsection 2 to a specific geographic area or to specific geographic areas in this State.

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. 87.

Bill read second time.

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

Amendment No. 444.

AN ACT relating to land use planning; authorizing cities and counties to establish a simplified procedure for the vacation and abandonment of certain easements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a procedure for the vacation or abandonment of streets and easements owned by a city or county. Existing law further authorizes the governing body of a city or county to establish by ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body. (NRS 278.480) This bill authorizes the governing body of a city or county to establish by ordinance a simplified procedure for the vacation or abandonment of any easement owned or controlled by the city or county. This bill also provides that unless the vacation or abandonment of the easement is for a public utility owned or controlled by the governing body, the simplified procedure must: (1) require that a petition be filed with the governing body that requests the vacation or

abandonment and contains the notarized signature of each owner of property abutting or underlying the easement; (2) prohibit the vacation or abandonment unless the staff of the city or county makes certain determinations; (3) authorize any person aggrieved by the decision on whether to approve the vacation or abandonment to appeal the decision to the governing body; and (4) provide that the vacation or abandonment is not effective until the order of approval is recorded in the office of the county recorder. **Lastly, this bill provides that the simplified procedure does not apply to the vacation or abandonment of any street, drainage easement, sidewalk or other pedestrian right of way.**

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

Section 1. NRS 278.480 is hereby amended to read as follows:

278.480 1. Except as otherwise provided in subsections 11 and 12, any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by a city or a county, or any portion thereof, shall file a petition in writing with the planning commission or the governing body having jurisdiction.

2. The governing body may establish by ordinance a procedure by which, after compliance with the requirements for notification of public hearing set forth in this section, a vacation or abandonment of a street or an easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349.

3. A government patent easement which is no longer required for a public purpose may be vacated by:

- (a) The governing body; or
- (b) The planning commission, hearing examiner or other designee, if authorized to take final action by the governing body,
➡ without conducting a hearing on the vacation if the applicant for the vacation obtains the written consent of each owner of property abutting the proposed vacation and any utility that is affected by the proposed vacation.

4. Except as otherwise provided in ~~subsection 1~~ **subsections 3 ~~11~~ and 11**, if any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5:

(a) Notify each owner of property abutting the proposed abandonment. Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient.

(b) Cause a notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing.

5. Except as otherwise provided in ~~subsection~~ **subsections 6 ~~+~~ and 11**, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

6. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and video service provider serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or video service provider, as applicable, shall respond in writing, indicating either that the public utility or video service provider, as applicable, does not require an easement or that the public utility or video service provider, as applicable, wishes to request the reservation of an easement. If a public utility or video service provider indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or video service provider, as applicable, and shall ensure that such easement is recorded in the office of the county recorder. ~~+~~ **before or as a part of the order vacating or abandoning the street.**

7. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city or county. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his or her property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other

than the owner if the sale would result in a complete loss of access to a street from the abutting property.

8. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against a determination of reasonable consideration which did not take into account the public benefit.

9. If an easement for light and air owned by a city or a county is adjacent to a street vacated pursuant to the provisions of this section, the easement is vacated upon the vacation of the street.

10. In any vacation or abandonment of any street owned by a city or a county, or any portion thereof, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may reserve and except therefrom all easements, rights or interests therein which the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, deems desirable for the use of the city or county.

11. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement owned or controlled by the governing body without conducting a hearing on the vacation or abandonment. Unless the vacation or abandonment of an easement is for a public utility owned or controlled by the governing body ~~that~~, *the simplified procedure must:*

(a) Require that a petition be filed with the governing body that requests the vacation or abandonment of the easement and contains the notarized signature of each owner of property abutting or underlying the easement;

(b) Prohibit the vacation or abandonment of the easement unless the staff of the city or county determines that:

(1) The easement has been superseded by relocation or is no longer needed by the city or county; and

(2) The vacation or abandonment will not substantially, unduly or unreasonably impair the access of any owner of property;

(c) Authorize any applicant or other person aggrieved by a decision on whether to approve the vacation or abandonment of the easement to appeal the decision to the governing body; and

(d) Provide that if the vacation or abandonment of the easement is approved, the vacation or abandonment is not effective until the order of approval is recorded in the office of the county recorder.

↪ A simplified procedure established pursuant to this subsection must not apply to the vacation or abandonment of any street, drainage easement, sidewalk or other pedestrian right of way.

12. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of a street for the purpose of conforming the legal description of real property to a recorded map or survey of the area in which the real property is located. Any such simplified procedure must include, without limitation, the requirements set forth in subsection 6.

13. As used in this section:

- (a) “Government patent easement” means an easement for a public purpose owned by the governing body over land which was conveyed by a patent.
- (b) “Public utility” has the meaning ascribed to it in NRS 360.815.
- (c) “Video service provider” has the meaning ascribed to it in NRS 711.151.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 62.

SUMMARY—~~[Creates the Emergency Response Employees Mental Health Commission.]~~ Revises provisions relating to emergency response employees. (BDR 40-96)

AN ACT relating to emergency medical services; ~~[creating the Emergency Response Employees Mental Health Commission; prescribing the duties of the Commission relating to]~~ authorizing a governmental entity which licenses and regulates emergency response employees to enter into a contract with a nonprofit organization to establish a program to provide peer support counseling to emergency response employees who are experiencing mental health issues as a result of the nature of their work; **~~[providing, with certain exceptions, that communications between an emergency response employee and a peer support counselor are confidential and not admissible in certain proceedings;]~~ prescribing requirements for such a program; imposing certain duties on the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the mental health issues experienced by emergency response employees; expanding the applicability of certain provisions relating to emergency response employees to emergency medical dispatchers and law enforcement dispatchers;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[Sections 2-7 of this bill provide for an Emergency Response Employees Mental Health Commission within the Division of Public and Behavioral~~

~~Health of the Department of Health and Human Services. Section 4 of this bill creates the Commission, prescribes its membership and establishes the terms of the appointed members. Section 10 of this bill provides for the initial appointment of the members. Section 5 of this bill requires the Commission to meet at least once each quarter and requires the Division to provide administrative support to the Commission.}~~ **Existing law prescribes certain requirements relating to employers of emergency response employees. (NRS 450B.340-450B.390) Existing law defines the term “emergency response employee” to include persons who perform certain duties or who respond to emergencies in this State. (NRS 450B.0703)**

Section 6 of this bill ~~{requires the Commission to}~~ **authorizes a governmental entity which licenses and regulates emergency response employees, within the limits of available money, to enter into a contract with a nonprofit organization to establish a program to provide peer support counseling to emergency response employees. Section 6 requires a nonprofit organization that establishes such a program to: (1) establish and operate a toll-free hotline for emergency response employees who are experiencing mental health issues as a result of the nature of their work** ~~{= Section 6 requires the hotline to connect a person who calls the hotline with a peer support counselor. Section 6 also requires the Commission to: (1)}~~ **; (2) establish and maintain a network of peer support counselors to provide peer support counseling to persons who call the hotline; and** ~~{(2) adopt regulations establishing qualifications and training requirements for peer support counselors.~~

~~Section 6 additionally requires the Commission to}~~ **(3) establish and maintain an Internet website** ~~{and design and update, as necessary, a poster}~~ that provides certain information relating to mental health issues associated with emergency response work. **Section 6 requires the Division of Public and Behavioral Health of the Department of Health and Human Services to** ~~{distribute the poster to each entity that employs emergency response employees and requires each such entity to conspicuously display the poster at its premises.~~

~~Section 7 of this bill provides, with certain exceptions, that any communications made between a peer support counselor and an emergency response employee using the hotline are confidential. Section 7 also provides immunity from liability to: (1) a peer support counselor who discloses certain communications; and (2) a governmental entity that employs a peer support counselor. Section 7 also provides that any notes, records or reports of any communication between a peer support counselor and an emergency response employee using the hotline are not public records. The confidentiality of communications and immunity provided by section 7 is similar to that provided for communications during counseling provided through a peer support program for law enforcement or public safety personnel. (NRS 281.805) Section 9 of this bill makes a conforming change relating to the confidentiality of the information in section 7.}~~ **post on an Internet website**

maintained by the Division certain information concerning support groups for mental health issues and the telephone number of each toll-free hotline established as part of a program to provide peer support counseling to emergency response employees. Section 6 also requires the Division, to the extent money is available, to: (1) collect information regarding suicide and attempted suicide among emergency response employees; and (2) report any information collected to the Chief Medical Officer. Section 11.5 of this bill expands the types of employees to whom certain provisions of law relating to emergency response employees, including section 6, apply to include emergency medical dispatchers and law enforcement dispatchers.

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~“Commission” means the Emergency Response Employees Mental Health Commission.~~ (Deleted by amendment.)

Sec. 3. ~~“Peer support counselor” means a person who provides peer support counseling through the toll-free hotline established by the Commission pursuant to paragraph (a) of subsection 1 of section 6 of this act.~~ (Deleted by amendment.)

Sec. 4. ~~1. The Emergency Response Employees Mental Health Commission, consisting of seven voting members and one ex officio nonvoting member, is hereby created within the Division.~~

~~2. The Governor shall appoint as voting members to the Commission:~~

~~(a) One member who represents the Nevada Sheriffs’ and Chiefs’ Association or its successor organization;~~

~~(b) One member who represents a professional firefighters’ or chiefs’ organization;~~

~~(c) One member who represents persons that provide emergency medical services;~~

~~(d) One member who represents volunteer firefighters;~~

~~(e) One member who is an elected city officer or his or her designee;~~

~~(f) One member who is an elected county officer or his or her designee;~~
~~and~~

~~(g) One member who is a medical professional with expertise in substance use disorders or who is a mental health professional.~~

~~3. The Administrator of the Division or his or her designee is an ex officio nonvoting member of the Commission.~~

~~4. After the initial term, the term of each member appointed by the Governor is 3 years. A member may be reappointed.~~

~~5. If a vacancy occurs in the voting membership of the Commission, the Governor shall appoint a person to fill the vacancy for the remainder of the unexpired term.~~ (Deleted by amendment.)

Sec. 5. ~~1. The Commission shall meet at least at once each quarter and may meet more often upon the call of the Chair.~~

~~2. A majority of the voting members of the Commission constitutes a quorum.~~

~~3. The voting members of the Commission shall elect a Chair and Vice Chair.~~

~~4. The members of the Commission serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Commission.~~

~~5. Each member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to make up the time the officer or employee is absent from work to carry out duties as a member of the Commission or use annual leave or compensatory time for the absence.~~

~~6. The Division shall provide administrative support to the Commission.~~
(Deleted by amendment.)

Sec. 6. 1. ~~The Commission shall.~~ A governmental entity which licenses and regulates emergency response employees may, within the limits of available money, enter into a contract with a nonprofit organization to establish a program to provide peer support counseling to emergency response employees.

2. A nonprofit organization that establishes a program to provide peer support counseling to emergency response employees pursuant to subsection 1 must:

(a) Establish and operate a toll-free hotline for emergency response employees to call if such employees are experiencing mental health issues as a result of the nature of their work. ~~{Such a hotline must connect a person who calls the hotline with a peer support counselor in the geographic region from which the person is calling.}~~

(b) Establish and maintain a network of peer support counselors to provide peer support counseling to persons who call the toll-free hotline established pursuant to paragraph (a).

(c) Establish and maintain an Internet website that provides:

(1) Information on mental health issues associated with emergency response work, including, without limitation, stress, post-traumatic stress disorder, depression, addictive disorders and self-medication; and

(2) ~~{Contact information for providers of mental health services in this State, organized by region;~~

~~— (3) The telephone number of the toll-free hotline established pursuant to paragraph (a); and~~

~~— (4) Information concerning local and national support groups for mental health issues.~~

~~— (d) Design and update, as necessary, a poster which includes, without limitation:~~

~~— (1) The telephone number of the toll-free hotline established pursuant to paragraph (a);~~

~~— (2) The Internet address of the website established pursuant to paragraph (e);~~

~~— (3) Information regarding common signs and symptoms of mental health issues associated with emergency response work, including, without limitation, stress, post-traumatic stress disorder, depression, addictive disorders and self-medication; and~~

~~— (4) Contact information for local and national support groups for mental health issues.~~

~~2. The Division shall distribute the poster designed pursuant to paragraph (d) of subsection 1 to each entity that employs emergency response employees in a printed format or an electronic format that may be printed. Each such entity that receives a poster shall conspicuously display the poster at its premises.~~

~~3. The {Commission} Division shall {adopt such regulations as it deems necessary to carry out the provisions of this section, including, without limitation, regulations establishing qualifications and training requirements for peer support counselors.} post on an Internet website maintained by the Division:~~

~~(a) The telephone number of each toll-free hotline established pursuant to subsection 2; and~~

~~(b) Information concerning local and national support groups for mental health issues.~~

~~4. To the extent money is available, the Division shall collect information regarding suicide and attempted suicide among emergency response employees and report that information to the Chief Medical Officer or his or her designee. Such a report must not include any confidential or privileged information.~~

Sec. 7. ~~{I. Any communication between a peer support counselor and an emergency response employee using the toll-free hotline established pursuant to paragraph (a) of subsection 1 of section 6 of this act is confidential and must not be disclosed unless:~~

~~(a) The communication is any of the following:~~

~~(1) Any explicit threat of suicide;~~

~~(2) Any explicit threat of imminent and serious physical harm or death to a clearly identified or identifiable person;~~

~~— (3) Any information relating to the abuse or neglect of a child, older person or vulnerable person, or any information that is required by law to be reported; or~~

~~— (4) Any admission of criminal conduct;~~

~~— (b) The emergency response employee who places the telephone call to the toll free hotline waives the confidentiality of the communication; or~~

~~— (c) A court of competent jurisdiction issues an order or subpoena requiring the disclosure of the communication.~~

~~— 2. This section:~~

~~— (a) Applies to all oral communications, notes, records and reports arising out of a telephone call placed to the toll free hotline. Any notes, records or reports arising out of a telephone call placed to the toll free hotline are not public records;~~

~~— (b) Does not prohibit any communications between peer support counselors. Any such communications are confidential for purposes of this section;~~

~~— (c) Does not limit the discovery or introduction into evidence of any knowledge acquired or observations made by any peer support counselors in the scope of their employments as emergency response employees which is otherwise subject to discovery or introduction into evidence.~~

~~— 3. A peer support counselor who discloses a communication pursuant to paragraph (a), (b) or (c) of subsection 1 is not liable for any error or omission in such a disclosure.~~

~~— 4. A governmental entity that employs a peer support counselor is not liable for any disclosure made in violation of this section by any peer support counselor.† (Deleted by amendment.)~~

Sec. 8. ~~†NRS 450B.020 is hereby amended to read as follows:~~

~~— 450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.† (Deleted by amendment.)~~

Sec. 9. ~~†NRS 239.010 is hereby amended to read as follows:~~

~~— 239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,~~

~~200.3925, 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, 233.100, 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 7 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

~~Sec. 10. [As soon as practicable after the effective date of this act, the Governor shall appoint to the Emergency Response Employees Mental Health Commission:~~

~~—1. The members described in paragraphs (a), (b) and (c) of subsection 2 of section 4 of this act to initial terms of 3 years.~~

~~—2. The members described in paragraphs (d) and (e) of subsection 2 of section 4 of this act to initial terms of 2 years.~~

~~—3. The members described in paragraphs (f) and (g) of subsection 2 of section 4 of this act to initial terms of 1 year. (Deleted by amendment.)~~

~~Sec. 11. [As soon as practicable after July 1, 2021, the Emergency Response Employees Mental Health Commission created by section 4 of this act shall carry out its duties pursuant to section 6 of this act of establishing the toll free hotline, the network of peer support counselors and the Internet website and designing the poster. (Deleted by amendment.)~~

Sec. 11.5. NRS 450B.0703 is hereby amended to read as follows:

450B.0703 “Emergency response employee” means a firefighter, attendant, volunteer attendant, emergency medical technician, advanced emergency medical technician, **emergency medical dispatcher**, paramedic, law enforcement officer, correctional officer, other peace officer or person who is employed by an agency of criminal justice, **including, without limitation, a law enforcement dispatcher**, county coroner or medical examiner or any of their employees, any other public employee whose duties may require him or her to come into contact with human blood or bodily fluids or any other person who, in the course of his or her professional duties, responds to emergencies in this State.

~~Sec. 12. [1.] This [section] act becomes effective upon passage and approval.~~

~~[2. Sections 1 to 11, inclusive, of this act become effective:~~

~~—(a) Upon passage and approval for the purpose of appointing members to the Emergency Response Employees Mental Health Commission created by section 4 of this act and adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On July 1, 2021, for all other purposes.]~~

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 457.

AN ACT relating to ~~health; requiring the State Environmental Commission to establish for certain substances water quality standards, effluent limitations and maximum permissible levels in public water systems; requiring certain persons to obtain a certificate of registration from the Division of Environmental Protection of the State Department of Conservation and Natural Resources to store or dispose of certain substances;~~ **toxic chemicals;** prohibiting, with certain exceptions, the **discharge, use, manufacture or sale** ~~release~~ of certain Class B firefighting foams; **requiring, with certain exceptions, certain entities who discharge, use or release certain Class B firefighting foam to notify the Division of Environmental Protection of the State Department of Conservation and Natural Resources; requiring the Division to establish a working group to study issues relating to certain substances;** prohibiting, with certain exceptions, the manufacture, sale or distribution of certain products containing certain chemicals; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the State Environmental Commission is required to establish standards of water quality, effluent limitations for point sources and primary drinking water standards with maximum permissible levels for contaminants in public water systems. (NRS 445A.425, 445A.520, 445A.525, 445A.855) Section 3 of this bill requires the Commission to adopt water quality criteria for perfluoroalkyl and polyfluoroalkyl substances in surface waters. Section 4 of this bill requires the Commission to establish effluent limitations for discharges of perfluoroalkyl and polyfluoroalkyl substances into the waters of the State. Section 5 of this bill requires the Commission to establish maximum permissible levels in drinking water for perfluoroalkyl and polyfluoroalkyl substance in public water systems and sets forth certain criteria for the Commission to use in establishing the maximum permissible levels. Section 1 of this bill defines the term "perfluoroalkyl and polyfluoroalkyl substances."~~

~~Section 11 of this bill requires a person who operates a facility or other structure that uses or stores perfluoroalkyl and polyfluoroalkyl substances, including class B firefighting foam that contains such a substance, to obtain a certificate of registration from the Division of Environmental Protection of the~~

~~State Department of Conservation and Natural Resources. Section 11 also requires the Commission to adopt regulations: (1) setting forth requirements for a certificate of registration for any person who uses or stores perfluoroalkyl and polyfluoroalkyl substances; (2) establishing standards for the capture and disposal of perfluoroalkyl and polyfluoroalkyl substances; and (3) establishing a schedule of penalties for the failure to obtain a certificate of registration or comply with the standards for the capture and disposal of perfluoroalkyl and polyfluoroalkyl substances.]~~

Existing law establishes various requirements for the regulation of hazardous waste, hazardous materials and hazardous substances. (Chapter 459 of NRS) Section 12 of this bill prohibits , with certain exceptions, a person , political subdivision, local government or state or local agency from discharging, [for otherwise] using or releasing, or allowing its employees or independent contractors to discharge, use or release, Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for testing or firefighting training [or for testing firefighting foam fire systems.] purposes.

Section 13 of this bill [prohibits the use of] requires any person, political subdivision, local government or state or local agency who discharges, uses or releases, or allows its employees or independent contractors to discharge, use or release, Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances [at certain airports.

~~Section 14 of this bill prohibits a person from knowingly manufacturing, selling, offering for sale, distributing for sale or distributing for use any class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances.]~~
to notify the Division of Environmental Protection of the State Department of Conservation and Natural Resources within 24 hours after the discharge, use or release.

Section 14.5 of this bill requires the Division to establish a working group to study issues relating to environmental contamination resulting from perfluoroalkyl and polyfluoroalkyl substances.

~~Sections 8 [and] - 9 of this bill [, respectively, define “class B firefighting foam” and “perfluoroalkyl and polyfluoroalkyl substances.”]~~
define various terms relating to the provisions of sections 7-14.5 of this bill.

Section 10 of this bill provides an exception to the requirements and prohibitions set forth in sections [11-14] 12 and 13 to the extent that those provisions are preempted by or conflict with federal law.

Section 24 of this bill prohibits, with certain exceptions, the knowing manufacture, sale, offering for sale, distribution for sale or distribution for use of a children’s product, upholstered residential furniture, residential textile, business textile or mattress containing any flame-retardant organohalogenated chemical in any product component in amounts greater than 1,000 parts per million. Section 25 of this bill prohibits, with certain exceptions, a manufacturer from replacing such a flame-retardant organohalogenated chemical with any other chemical that is known or suspected with a high

degree of probability to: (1) harm the normal development of a fetus or child; (2) cause cancer, genetic damage or reproductive harm; (3) disrupt the endocrine system; or (4) damage the nervous system, immune system or organs or cause other systemic toxicity. **Section 26** of this bill makes a person who willfully and knowingly violates **section 24 or 25** subject to a maximum civil penalty of \$1,000. **Sections 17-23** of this bill define certain terms related to these prohibitions.

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

Section 1. ~~{Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~“Perfluoroalkyl and polyfluoroalkyl substances” means a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom.}~~ **(Deleted by amendment.)**

Sec. 2. ~~{NRS 445A.310 is hereby amended to read as follows:~~

~~445A.310 As used in NRS 445A.300 to 445A.730, inclusive, unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.}~~ **(Deleted by amendment.)**

Sec. 3. ~~{NRS 445A.520 is hereby amended to read as follows:~~

~~445A.520 1. The Commission shall establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State.~~

~~2. The Commission shall base its water quality standards on water quality criteria which numerically or descriptively define the conditions necessary to maintain the designated beneficial use or uses of the water. The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.~~

~~3. The Commission may establish water quality standards for individual segments of streams or for other bodies of surface water which vary from standards based on recognized criteria if such variations are justified by the circumstances pertaining to particular places, as determined by biological monitoring or other appropriate studies.~~

~~4. The Commission shall establish water quality criteria for perfluoroalkyl and polyfluoroalkyl substances in the surface waters of this State.}~~ **(Deleted by amendment.)**

Sec. 4. ~~{NRS 445A.525 is hereby amended to read as follows:~~

~~445A.525 1. Effluent limitations shall be established and enforced for point sources, including publicly owned treatment works, which require the application of the best practicable control economically achievable.~~

~~2. In the case of a discharge into a publicly owned treatment plant in existence on July 1, 1977, or federally approved prior to June 30, 1974, effluent limitations shall be established and enforced which comply with applicable pretreatment requirements or are based upon secondary treatment as federally defined.~~

~~3. Effluent limitations established pursuant to this section must prescribe limits for the discharge of perfluoroalkyl and polyfluoroalkyl substances into the waters of this State. (Deleted by amendment.)~~

Sec. 5. ~~NRS 445A.855 is hereby amended to read as follows:~~

~~445A.855 1. The Commission shall adopt by regulation:~~

~~[1.] (a) Primary drinking water standards which prescribe the maximum permissible levels for contaminants in any public water system and provide for the monitoring and reporting of water quality. In establishing the standards, the Commission shall consider, among other things, the standards established pursuant to the Federal Act.~~

~~[2.] (b) Secondary drinking water standards which reasonably ensure that drinking water is aesthetically adequate.~~

~~2. The regulations adopted by the Commission pursuant to subsection 1 must establish the maximum permissible level for perfluoroalkyl and polyfluoroalkyl substances in any public water system. In establishing or revising the maximum permissible level, the Commission shall consider:~~

~~(a) The maximum contaminant levels for perfluoroalkyl and polyfluoroalkyl substances in public water systems that have been adopted by other states;~~

~~(b) Any studies and scientific evidence reviewed by other states which have set maximum contaminant levels for perfluoroalkyl and polyfluoroalkyl substances in public water systems;~~

~~(c) Information provided by the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services; and~~

~~(d) The latest peer-reviewed scientific studies and studies by independent and government agency sources.~~

~~3. The maximum permissible level for perfluoroalkyl and polyfluoroalkyl substances in a public water system established by the Commission:~~

~~(a) Must be protective of public health, including, without limitation, the health of vulnerable subpopulations such as pregnant women, nursing mothers, infants and children; and~~

~~(b) Must not be less stringent than any maximum permissible level for perfluoroalkyl and polyfluoroalkyl substances in a public water system or a health advisory promulgated by the United States Environmental Protection Agency.~~

~~4. As used in this section, "perfluoroalkyl and polyfluoroalkyl substances" has the meaning ascribed to it in section 1 of this act. (Deleted by amendment.)~~

Sec. 6. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to ~~14~~, 14.5, inclusive, of this act.

Sec. 7. *As used in sections 7 to ~~14~~, 14.5, inclusive, of this act, the words and terms defined in sections 8 ~~and~~ to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 8. “Class B firefighting foam” means a foam designed to extinguish flammable liquid fires.

Sec. 8.5. “Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances” means Class B firefighting foam containing perfluoroalkyl and polyfluoroalkyl substances that is designed to include at least one fully fluorinated carbon atom that is fully functional in the foam.

Sec. 8.7. “Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 9. “Perfluoroalkyl and polyfluoroalkyl substances” means a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom.

Sec. 10. *The provisions of sections ~~11 to 14, inclusive~~, 12 and 13 of this act do not apply to the extent that those provisions are preempted by or conflict with federal law, including, without limitation, any provision of federal law requiring the use of Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances pursuant to 14 C.F.R. Part 139 or for military purposes.*

Sec. 11. ~~1. Except as otherwise provided in section 10 of this act, any person who owns or operates a facility or other structure that uses or stores perfluoroalkyl and polyfluoroalkyl substances, including, without limitation, Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, must obtain a certificate of registration from the Division of Environmental Protection of the State Department of Conservation and Natural Resources by submitting an application to the Division that demonstrates that the applicant follows the standards for the capture and disposal of perfluoroalkyl and polyfluoroalkyl substances established by the State Environmental Commission pursuant to subsection 2.~~

~~2. The State Environmental Commission shall adopt regulations establishing:~~

~~(a) Standards for the capture and disposal of perfluoroalkyl and polyfluoroalkyl substances;~~

~~(b) Requirements for obtaining a certificate of registration for a person who uses and stores perfluoroalkyl and polyfluoroalkyl substances, including, without limitation, establishing a fee to obtain a certificate; and~~

~~(c) A schedule of penalties for the failure to obtain a certificate of registration or comply with the standards adopted by the Commission for the capture and disposal of perfluoroalkyl and polyfluoroalkyl substances.~~

~~3. In adopting regulations for perfluoroalkyl and polyfluoroalkyl substances pursuant to this section, the State Environmental Commission shall consider the costs, technological feasibility and the possibility of emergency firefighting situations or fire prevention scenarios that may require the use of perfluoroalkyl and polyfluoroalkyl substances.~~

~~4. As used in this section, “uses or stores perfluoroalkyl and polyfluoroalkyl substances” means the actual and intentional ownership or control of perfluoroalkyl and polyfluoroalkyl substances. The term does not include the interception or accumulation of perfluoroalkyl and polyfluoroalkyl substances in water treatment facilities and domestic wastewater facilities.~~ (Deleted by amendment.)

Sec. 12. 1. Except as otherwise provided in this section and section 10 of this act, a person, political subdivision, local government or state or local agency shall not discharge, for otherwise use or release, or allow its employees or independent contractors to discharge, use or release, any Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for firefighting the purpose of:

(a) Testing the Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances unless the person testing the foam has ensured that any measures necessary for the proper containment, treatment and disposal of the foam are available at the testing location and such measures will prevent the release of Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances to the surrounding environment; or

(b) Firefighting training, purposes or for testing firefighting foam fire systems any Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances.

2. ~~A violation of~~ Any person who violates the provisions of subsection 1 shall be is guilty of a misdemeanor.

~~3. As used in this section, “firefighting foam fire systems” means a system designed to provide protection from fire, or for the suppression of fire, through the use of firefighting foam.~~

Sec. 13. ~~1.~~ Except as otherwise provided in section 10 of this act, ~~the use of~~ any person, political subdivision, local government or state or local agency who discharges, uses or releases, or allows its employees or independent contractors to discharge, use or release, Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances is prohibited at any airport in this State that has been designated by the Federal Aviation Administration as a public use airport.

~~2. A violation of the provisions of subsection 1 shall be a misdemeanor.~~ must report the discharge, use or release to the Division not later than 24 hours after the discharge, use or release. The notification must include, without limitation:

1. The time, date, location and an estimate of the amount of the discharge, use or release of Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and

2. The purpose or reason for the discharge, use or release.

Sec. 14. ~~1. Except as otherwise provided in section 10 of this act, a person shall not knowingly manufacture, sell, offer for sale, distribute for sale or distribute for use in this State, any class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances.~~

~~2. A violation of the provisions of subsection 1 shall be a misdemeanor.~~
(Deleted by amendment.)

Sec. 14.5. 1. The Division shall establish a working group to study issues relating to environmental contamination resulting from perfluoroalkyl and polyfluoroalkyl substances in this State which must be composed of representatives of interested state and local public agencies, labor organizations, community organizations and trade associations.

2. The working group established pursuant to subsection 1 shall, without limitation:

(a) Evaluate the potential for environmental contamination in this State resulting from perfluoroalkyl and polyfluoroalkyl substances;

(b) Determine the location of potentially significant discharges or releases of perfluoroalkyl and polyfluoroalkyl substances in this State;

(c) Determine the potential sources of exposure to perfluoroalkyl and polyfluoroalkyl substances for residents of this State;

(d) Compile information relating to existing federal, state and local actions to monitor, contain and clean up environmental contamination resulting from perfluoroalkyl and polyfluoroalkyl substances; and

(e) Develop recommendations for state and local action to monitor, contain and clean up environmental contamination resulting from perfluoroalkyl and polyfluoroalkyl substances.

3. The members of the working group serve without compensation.

4. As used in this section, "public agency" means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada.

Sec. 15. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 26, inclusive, of this act.

Sec. 16. *As used in sections 16 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 23, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 17. "Business textile" means a textile designed for use in a business or commercial setting as a covering on windows or walls.

Sec. 18. "Child" means a person under 12 years of age.

Sec. 19. 1. "Children's product" means a product primarily designed or intended by a manufacturer to be used by or for a child, including, without limitation, any article used as a component of such a product.

2. The term does not include:

(a) Food, beverage, dietary supplement, pharmaceutical product or biologic;

(b) A children's toy that meets the requirements of the most recent version of the ASTM International Standard F963, "Standard Consumer Safety Specification for Toy Safety;"

(c) A device, as defined in the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 321(h);

(d) Consumer electronics products and electronic components, including, without limitation, personal computers, audio and video equipment, calculators, digital displays, wireless phones, cameras, game consoles, printers, handheld electronic and electrical devices used to access interactive software or associated peripherals or products that comply with the provisions of Directive 2002/95/EC of the European Union, adopted by the European Parliament and Council of the European Union;

(e) Outdoor sports equipment, including, without limitation, snowmobiles, all-terrain vehicles, personal watercraft, watercraft and off-highway vehicles, and all attachments and repair parts of such equipment; or

(f) A tent or sleeping bag.

Sec. 20. "Mattress" has the meaning ascribed to it in 16 C.F.R. § 1632.1.

Sec. 21. "Organohalogenated chemical" means any chemical that contains one or more carbon elements and one or more halogen elements, including, without limitation, fluorine, chlorine, bromine or iodine.

Sec. 22. "Residential textile" means a textile designed for residential use as a covering on windows or walls.

Sec. 23. "Upholstered residential furniture" means furniture with padding, coverings and cushions intended and sold for use in a residence.

Sec. 24. 1. Except as otherwise provided in subsection 3, a manufacturer or wholesaler shall not knowingly manufacture, sell, offer for sale, distribute for sale or distribute for use in this State a children's product, upholstered residential furniture, residential textile, business textile or mattress that contains any flame-retardant organohalogenated chemical in any product component in amounts greater than 1,000 parts per million.

2. Except as otherwise provided in subsection 3, a retailer shall not sell or offer for sale or use in this State, a children's product, upholstered residential furniture, residential textile, business textile or mattress that contains any flame-retardant organohalogenated chemical in any product component in amounts greater than 1,000 parts per million.

3. The provisions of this section do not apply to:

(a) The extent preempted by federal law;

(b) Any flame-retardant organohalogenated chemical that:

(1) Is a polymeric substance in accordance with the criteria set forth in 40 C.F.R. § 723.250, or is chemically reacted to form a polymer with the materials it is intended to protect; or

(2) *Has a determination of safety pursuant to 15 U.S.C. § 2604(a)(3)(C) or 15 U.S.C. § 2605(b)(4);*

(c) *The sale or offer for sale of any previously owned product containing a flame-retardant organohalogenated chemical;*

(d) *An electronic component of a children's product, mattress, upholstered residential furniture or residential textile or any associated casing;*

(e) *A children's product, mattress, upholstered residential furniture or residential textile for which there is a federal or national flammability standard;*

(f) *Thread or fiber for stitching mattress components together; or*

(g) *Components of an adult mattress other than foam.*

Sec. 25. *A manufacturer shall not replace a flame-retardant organohalogenated chemical, the use of which is prohibited pursuant to section 24 of this act, with a chemical that has been identified by a state ~~or~~ or federal ~~for international~~ agency on the basis of credible scientific evidence as being known or suspected to have a high degree of probability to:*

1. *Harm the normal development of a fetus or child or cause other developmental toxicity;*

2. *Cause cancer, genetic damage or reproductive harm;*

3. *Disrupt the endocrine system; or*

4. *Damage the nervous system, immune system or organs or cause other systemic toxicity.*

Sec. 26. *A person who willfully and knowingly violates the provisions of section 24 or 25 of this act is subject to a civil penalty not to exceed \$1,000.*

Sec. 27. 1. This section becomes effective upon passage and approval.

2. Sections 6 to 14.5, 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 sections 6 to 14.5, inclusive, of this act; and

(b) On January 1, 2022, for all other purposes.

3. Sections 1 to 5, inclusive, and 15 to 26, 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 sections 15 to 26, inclusive, of this act; and

(b) On July 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. 102.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 337.

AN ACT relating to state lands; ~~eliminating the requirement to impose an administrative fee for~~ **revising certain requirements relating to** the issuance to certain veterans of an annual permit for entering, camping and boating in state parks and recreational areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of State Parks of the State Department of Conservation and Natural Resources is required to issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State to certain persons including a bona fide resident of this State who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States. The permit must be issued without charge, but the Division is required to impose an administrative fee to cover the costs of issuing the permit. (NRS 407.065) This bill eliminates the requirement ~~for the Division to impose an administrative fee on an annual permit issued to such qualified veterans.~~ **that the permanent service-connected disability rating be of 10 percent or more.**

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

Section 1. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph and NRS 407.066, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The

Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this section, shall impose and collect reasonable fees for entering, camping and boating in state parks and

recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any bona fide resident of the State of Nevada who is 65 years of age or older. ~~!The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.~~

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability ~~of 10 percent or more~~ and has been honorably discharged from the Armed Forces of the United States.

↩ The permit must be issued without charge ~~!!~~ , except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as

otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee.

3. The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreational area in this State to any pupil who is enrolled in the fifth grade at a school in this State. The program must:

(a) Specify the period for which the Administrator may issue an annual permit to a pupil pursuant to this subsection, including, without limitation, the date upon which the Administrator may issue an annual permit to a pupil who has completed fourth grade and who intends to enter the fifth grade after completing the fourth grade;

(b) Specify the circumstances under which a pupil and any person accompanying a pupil may use the annual permit to enter a state park or recreational area; and

(c) Include any other requirement which the Administrator determines is necessary to establish and carry out the program pursuant to this subsection.

4. An annual permit issued pursuant to subsection 2 or 3 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

5. During each Public Lands Day observed pursuant to NRS 236.053, and upon proof of residency in this State, the Division shall allow a resident of this State to enter, camp and boat in any state park or recreational area without the payment of any fees for those activities. The free day of camping authorized pursuant to this subsection must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator for each state park and recreational area. A person is not entitled to receive more than one free night of camping during each Public Lands Day pursuant to this subsection.

6. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, 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. 115.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 466.

SUMMARY—Revises provisions relating to ~~parentage;~~ **domestic relations.** (BDR 11-118)

AN ACT relating to ~~parentage;~~ **domestic relations; authorizing one or more adults to petition a court for the adoption of a child; authorizing a court to waive the hearing on a petition for the adoption of a child in certain circumstances; requiring that additional information must be included in a petition for the adoption of a child who currently resides in the home of the petitioners;** authorizing a court to determine ~~in certain circumstances;~~ that more than two people have a parent and child relationship with a child; ~~establishing provisions concerning custody and visitation, adoption and the termination of parental rights in cases in which a child has more than two parents; requiring the Committee to Review Child Support Guidelines to review the guidelines established by regulation for the support of one or more children to determine the amount of required support in cases in which a child has more than two parents and provide any recommendations for revisions to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring the Administrator to review and consider any such recommendations and revise or adopt any necessary regulations;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides the manners in which the legal relationship of a mother and child can be established, including: (1) except in the case of a gestational agreement, proof that a woman gave birth to a child; (2) an adjudication that a woman is the mother of a child; (3) proof that a woman has adopted a child; (4) an un rebutted presumption of a woman's maternity; (5) the consent of a woman to assisted reproduction that resulted in the birth of a child; or (6) an adjudication confirming a woman as a parent of a child born to a gestational carrier. (NRS 126.041) Existing law also provides the manners in which the legal relationship of a father and child can be established, including: (1) an adjudication that a man is the father of a child; (2) proof that a man has adopted a child; (3) the consent of a man to assisted reproduction that resulted in the birth of a child; (4) an adjudication confirming a man as a parent of a child born to a gestational carrier; (5) a presumption of paternity that arises if a man was married to or cohabiting with the natural mother of a child or resides with and holds out a child as his natural child; (6) genetic testing establishing a man as the father of a child; or (7) a voluntary acknowledgment of paternity by a man. (NRS 126.041, 126.051, 126.053)~~

~~Section 2 of this bill authorizes a court to determine that more than two people have a parent and child relationship with a child if the court finds that recognizing only two people as having a parent and child relationship with the~~

~~child will be detrimental to the child. Section 2 requires a court to consider all relevant factors when making such a determination, including the harm that may occur to a child by removing him or her from a stable environment with a person who has fulfilled the physical needs of the child and psychological needs of the child for care and affection and has assumed that role for a substantial period.~~

~~— If a court determines pursuant to section 2 that a child has more than two parents: (1) section 1 of this bill requires a court that is making a determination regarding the legal or physical custody of the child to allocate custody and visitation among the parents based on the best interest of the child; (2) section 4 of this bill prohibits a court from granting a petition for adoption of a child unless each parent of the child provides his or her written consent; and (3) section 6 of this bill provides that, with respect to the termination of parental rights, if the mother of the child relinquishes or proposes to relinquish the child for adoption and all other parents have not consented to the adoption or relinquished the child for adoption, the court must determine whether any such parent and child relationship should be terminated. }~~

Existing law establishes provisions governing the adoption of children. (NRS 127.010-127.186) Existing law authorizes any adult or married couple to petition a court for the adoption of a child. (NRS 127.030) Section 5.2 of this bill instead provides that one or more adults may petition a court for the adoption of a child and requires that each prospective adopting adult and legal parent seeking to retain his or her parental rights be joined as a petitioner. Section 5.2 also authorizes a court to: (1) waive the hearing on a petition for the adoption of a child if the petitioner is related to the child within the third degree of consanguinity; and (2) determine that a child has a legal relationship with more than two petitioners. Sections 5.1, 5.3-5.6 and 5.7-5.85 of this bill make conforming changes to reflect that a child may have a legal relationship with more than two parents.

Existing law requires that a petition for the adoption of a child who currently resides in the home of the petitioners must contain certain information. (NRS 127.110) Section 5.65 of this bill requires the petition also to include a statement that there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

Section 8 of this bill generally provides that, for the purposes of the Nevada Revised Statutes, if ~~[a court determines pursuant to section 2 that a child has]~~ more than two ~~[parents,]~~ **persons have a parent and child relationship with a child pursuant to a prior court order,** any reference to ~~[(1)]~~ the parents of a child **or a parent of a child** must be interpreted to include any person whom a court has determined to be a parent of the child. ~~[, and (2) a parent of a child must be interpreted to include any person whom a court has determined to be a parent of a child and to whom the reference can logically be applied.~~

~~Existing law requires: (1) the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services to adopt regulations that establish the guidelines in this State for the support of one or more children; and (2) the Committee to Review Child Support Guidelines to review such guidelines not less than quadrennially. (NRS 425.620) Existing law requires courts to apply such guidelines to determine the amount of required support in any case involving the support of children or to change the amount of required support. (NRS 125B.080) Section 9 of this bill requires the Committee to: (1) review the guidelines not later than 90 days after the effective date of this bill for the purpose of determining the amount of required support in cases in which a court determines that a child has more than two parents; and (2) provide any recommendations for revisions to the guidelines to the Administrator. Section 9 also requires the Administrator to review and consider any recommendations of the Committee and revise or adopt any necessary regulations.]~~

~~[Whereas, Most children have two parents, but in rare cases, a child has more than two people who are that child's parent in every way; and~~

~~Whereas, Separating a child from a parent has a devastating psychological and emotional impact on the child, and courts must have the power to protect children from such harm; and~~

~~Whereas, This act does not change any of the requirements for establishing a claim to parentage, but rather provides that if more than two people have claims to parentage, a court may determine that a child has more than two parents if recognizing only two people as having a parent and child relationship with the child will be detrimental to the child; and~~

~~Whereas, It is the intent of the Legislature that the amendatory provisions of this act will only apply in the rare cases where a child truly has more than two parents, and a finding that a child has more than two parents is necessary to protect the child from the detriment of being separated from one of his or her parents; now, therefore,]~~

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

Section 1. ~~[Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*Notwithstanding any other provision of law, if a court determines pursuant to section 2 of this act that more than two people have a parent and child relationship with a child, a court making a determination regarding the legal or physical custody of the child shall allocate custody and visitation among the parents based on the best interest of the child, including, without limitation, by addressing the need of the child for continuity and stability by preserving established patterns of care and emotional bonds. This section must not be construed to require a court to order that all parents share legal or physical custody of a child.] (Deleted by amendment.)*~~

Sec. 2. ~~Chapter 126 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A court may determine that more than two people have a parent and child relationship with a child if the court finds that recognizing only two people as having a parent and child relationship with the child will be detrimental to the child.~~

~~2. In making a determination pursuant to subsection 1, a court shall consider all relevant factors, including, without limitation, the harm that may occur to a child by removing the child from a stable environment with a person who has fulfilled the physical needs of the child and the psychological needs of the child for care and affection and has assumed that role for a substantial period.~~

~~3. A finding of the unfitness of a parent or person with a claim to parentage is not required for a court to make a finding pursuant to subsection 1 that recognizing only two people as having a parent and child relationship with the child will be detrimental to the child.~~

~~4. Unless otherwise specified by a court or expressly provided by law, any person who is determined by a court to have a parent and child relationship with a child:~~

~~(a) Is entitled to and possesses all privileges, rights, benefits and protections provided to parents under the laws of this State; and~~

~~(b) Possesses all responsibilities, obligations and duties imposed on parents under the laws of this State.~~ **(Deleted by amendment.)**

Sec. 3. NRS 126.021 is hereby amended to read as follows:

126.021 As used in this chapter, unless the context otherwise requires:

1. “Custodial parent” means the parent of a child born out of wedlock who has been awarded physical custody of the child or, if no award of physical custody has been made by a court, the parent with whom the child resides.

2. “Nonsupporting parent” means the parent of a child born out of wedlock who has failed to provide an equitable share of his or her child’s necessary maintenance, education and support.

3. “Parent and child relationship” means the legal relationship existing between a child and his or her natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations. It includes the mother and child relationship and the father and child relationship. *This subsection does not preclude a determination by a court that a child has such a legal relationship with more than two people pursuant to section 2 of this act.* persons.

Sec. 4. ~~Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~Notwithstanding any other provision of law, and except as otherwise provided in NRS 127.090, if a court determines pursuant to section 2 of this act that more than two people have a parent and child relationship with a child, a court shall not grant a petition for adoption of a child unless each parent of the child has provided his or her written consent to the specific~~

~~adoption proposed by the petition or for relinquishment to an agency authorized to accept relinquishments in accordance with the provisions of this chapter.~~ (Deleted by amendment.)

Sec. 5. ~~NRS 127.005 is hereby amended to read as follows:~~

~~127.005 The provisions of NRS 127.010 to 127.1895, inclusive, and section 4 of this act govern the adoption of minor children, and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS 127.010 to 127.1895, inclusive, and section 4 of this act, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern the adoption of adults.~~ (Deleted by amendment.)

Sec. 5.1. NRS 127.020 is hereby amended to read as follows:

127.020 1. Except as otherwise provided in subsection 2:

(a) A minor child may be adopted by ~~[an adult person in the cases and]~~ **one or more adults** subject to the rules prescribed in this chapter.

(b) A person adopting a child must be at least 10 years older than the person adopted, and the consent of the child, if over the age of 14 years, is necessary to its adoption.

2. A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:

(a) The child is being adopted by a stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent; and

(b) The court is satisfied that it is in the best interest of the child and in the interest of the public.

Sec. 5.2. NRS 127.030 is hereby amended to read as follows:

127.030 1. ~~[Any adult person or any two persons married to each other]~~ **One or more adults** may petition the district court of any county in this state for leave to adopt a child. **Each prospective adopting adult and each legal parent seeking to retain his or her parental rights must be joined as a petitioner.**

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from his or her spouse may not adopt a child without the consent of his or her spouse, if such spouse is capable of giving such consent.

3. If a spouse consents to an adoption as described in subsection 2, such consent does not establish any parental rights or responsibilities on the part of the spouse unless he or she:

(a) Has, in a writing filed with the court, specifically consented to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order or decree of adoption.

4. The court shall not name a spouse who consents to an adoption as described in subsection 2 as an adoptive parent in an order or decree of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by an investigation conducted pursuant to NRS 127.120 or 127.2805.

5. The court may dispense with the requirement for the consent of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to consent. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order or decree of adoption.

6. If a person who petitions for the adoption of a child pursuant to this section is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the hearing on the petition.

7. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 5.3. NRS 127.040 is hereby amended to read as follows:

127.040 1. Except as provided in NRS 127.090, written consent to the specific adoption proposed by the petition or for relinquishment to an agency authorized to accept relinquishments acknowledged by the person or persons consenting, is required from:

- (a) ~~{Both parents if both are living;}~~ **Each legal parent who is alive; and**
- (b) ~~{One parent if the other is dead; or~~
- ~~{c) The}~~ **Any legal** guardian of the person of ~~{a}~~ **the** child appointed by a court of competent jurisdiction.

2. Consent is not required of a parent who has been adjudged insane for 2 years if the court is satisfied by proof that such insanity is incurable.

Sec. 5.4. NRS 127.043 is hereby amended to read as follows:

127.043 1. Except as otherwise provided in subsection 2, a child must not be placed in an adoptive home until a valid release for or consent to adoption is executed by the ~~{mother}~~ **parent who gave birth to the child** as provided by NRS 127.070.

2. The provisions of this section do not apply if one **or more of the existing legal parents is a** petitioner or the ~~{spouse of a}~~ petitioner is related to the child within the third degree of consanguinity.

Sec. 5.5. NRS 127.045 is hereby amended to read as follows:

127.045 1. Except as otherwise provided in subsection 2, until a valid release for or consent to adoption is executed by the ~~{mother}~~ **parent who gave birth to the child** as provided by NRS 127.070 and the investigation required by NRS 127.2805 is completed, no person may:

- (a) Petition any court for the appointment of a guardian; or
- (b) Be appointed the temporary guardian,
↪ of the person of the child to be adopted.

2. The provisions of subsection 1 do not apply ~~{to}~~ **if one or more of the existing legal parents is a petitioner or if** any ~~{person who is related}~~ **petitioner** or ~~{whose}~~ **his or her** spouse is related to the child within the third degree of consanguinity.

Sec. 5.6. NRS 127.070 is hereby amended to read as follows:

127.070 1. All releases for and consents to adoption executed in this state by the ~~[mother]~~ **parent who gave birth to a child** before the birth of ~~[a]~~ **the** child or within 72 hours after the birth of ~~[a]~~ **the** child are invalid.

2. A release for or consent to adoption may be executed by ~~[the father]~~ **a parent** before the birth of ~~[the]~~ **a** child if the ~~[father]~~ **parent** is not married to the ~~[mother]~~ **parent who gave birth to the child**. A release executed ~~[by the father]~~ **under this subsection** becomes invalid if:

(a) The ~~[father of the child marries the mother]~~ **parents** of the child **marry each other** before the child is born;

(b) The ~~[mother of]~~ **parent who gave birth to** the child does not execute a release for or consent to adoption of the child within 6 months after the birth of the child; or

(c) No petition for adoption of the child has been filed within 2 years after the birth of the child.

Sec. 5.65. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the child is known to be an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive.

Sec. 5.7. NRS 127.123 is hereby amended to read as follows:

127.123 Notice of the filing of a petition for the adoption of a child must be provided to ~~[the]~~ **all** legal ~~[custodian]~~ **custodians** or ~~[guardian]~~ **guardians** of the child ~~[if that custodian or guardian is a person other than the natural]~~ **who are not a legal** parent of the child.

Sec. 5.8. NRS 127.160 is hereby amended to read as follows:

127.160 Upon the entry of an order of adoption, the child shall become the legal child of the persons adopting the child, and they shall become the child's legal parents with all the rights and duties between them of natural parents and legitimate child. By virtue of such adoption the child shall inherit from his or her adoptive parents or their relatives the same as though the child were the legitimate child of such parents, and in case of the death of the child intestate the adoptive parents and their relatives shall inherit the child's estate as if they had been the child's natural parents and relatives in fact. After a decree of adoption is entered, ~~the natural parents of an adopted child shall be~~ **any parent who has given consent to terminate his or her parental rights is** relieved of all parental responsibilities for ~~such~~ **the adopted** child ~~and~~ ~~they~~ shall not exercise or have any rights over ~~such~~ **the** adopted child or the property of ~~such~~ **the** adopted child. The child ~~shall~~ **does** not owe ~~this or her natural parents or their relatives~~ **a parent whose parental rights have been terminated** any legal duty ~~nor shall the child~~ **and may not** inherit from ~~this or her natural parents~~ **a parent whose parental rights have been terminated** or **his or her** kindred. Notwithstanding any other provisions to the contrary in this section, the adoption of a child ~~by his or her stepparent shall~~ **does** not in any way change the status of the relationship between the child and ~~this or her natural parent~~ **any legal parent** who is ~~the spouse of the petitioning stepparent~~ **a petitioner and whose parental rights have not been terminated.**

Sec. 5.85. NRS 127.165 is hereby amended to read as follows:

127.165 1. ~~The natural parent~~ **A prior parent** of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

- (a) Set aside the consent to the adoption;
- (b) Set aside the relinquishment of the child for adoption; or
- (c) Reversed an order terminating the parental rights of the ~~natural~~ parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adopting ~~parent~~ **parents** is in the child's best interest.

Sec. 5.9. NRS 127.2827 is hereby amended to read as follows:

127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the decree of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to ~~the~~ **all** legal ~~custodian~~ **custodians** or ~~guardian~~ **guardians** of the child **who are required to be provided with such notice** pursuant to NRS 127.123, any interested party in the adoption, including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which

provides child welfare services or a licensed child-placing agency petitions the court to exclude the order of visitation with a sibling from the decree of adoption or amend the order for visitation before including the order in the decree of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on a different date than the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the agency which provides child welfare services and a licensed child-placing agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the decree of adoption, the court may require the agency which provides child welfare services or the child-placing agency to provide the clerk of the court with the contact information of the adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the agency which provides child welfare services or the child-placing agency must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter a decree of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in a decree of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services or a licensed child-placing agency to provide such contact information to the court under seal.

~~Sec. 6. [Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— Notwithstanding any other provision of law, if:~~

~~— 1. A court determines pursuant to section 2 of this act that more than two people have a parent and child relationship with a child;~~

~~— 2. The mother of the child relinquishes or proposes to relinquish the child for adoption; and~~

~~— 3. All other parents have not consented to the adoption of the child or relinquished the child for adoption;~~

~~— a proceeding must be brought pursuant to this chapter to determine whether any such parent and child relationship should be terminated. —~~
(Deleted by amendment.)

Sec. 7. [NRS 128.090 is hereby amended to read as follows:

~~128.090 1. At the time stated in the notice, or at the earliest time thereafter to which the hearing may be postponed, the court shall proceed to hear the petition.~~

~~2. The proceedings are civil in nature and are governed by the Nevada Rules of Civil Procedure. The court shall in all cases require the petitioner to establish the facts by clear and convincing evidence and shall give full and careful consideration to all of the evidence presented, with regard to the rights and claims of the parent of the child and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of the child.~~

~~3. Information contained in a report filed pursuant to NRS 432.097 to 432.130, inclusive, or chapter 432B of NRS may not be excluded from the proceeding by the invoking of any privilege.~~

~~4. In the event of postponement, all persons served, who are not present or represented in court at the time of the postponement, must be notified thereof in the manner provided by the Nevada Rules of Civil Procedure.~~

~~5. Any hearing held pursuant to this section must be held in closed court without admittance of any person other than those necessary to the action or proceeding, unless the court determines that holding such a hearing in open court will not be detrimental to the child.~~

~~6. Except as otherwise provided in subsection 7, any hearing held pursuant to NRS 128.005 to 128.150, inclusive, and section 6 of this act is confidential and must be held in closed court without the admittance of any person other than the petitioner, attorneys, any witnesses, the director of an agency which provides child welfare services or an authorized representative of such person and any other person entitled to notice, except by order of the court.~~

~~7. The files and records of the court in a proceeding to terminate parental rights pursuant to NRS 128.005 to 128.150, inclusive, and section 6 of this act are not open to inspection by any person except:~~

~~(a) The person petitioning for the termination of parental rights and a person who intends to file a response to such a petition; or~~

~~(b) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor. — (Deleted by amendment.)~~

Sec. 8. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law and unless any of the following interpretations is not possible given the context in which a reference is used or a particular statute expressly provides otherwise, if ~~a~~ court determines pursuant to section 2 of this act that ~~more than two people have a parent and child relationship with a child~~ pursuant to a prior court order, any reference to:

1. *The parents of a child, including, without limitation, a reference to two parents of a child or both parents of a child, must be interpreted to include any person whom a court has determined to be a parent of the child.*

2. *A parent of a child, including, without limitation, a reference to either parent of a child, a natural parent of a child or a father or mother of a child, must be interpreted to include any person whom a court has determined to be a parent of the child. ~~and to whom the reference can logically be applied.~~*

Sec. 9. ~~1. Not later than 90 days after the effective date of this act, the Committee shall:~~

~~(a) Review the guidelines established by regulation pursuant to subsection 2 of NRS 425.620 for the support of one or more children for the purpose of determining the amount of required support in cases in which a court has determined that more than two people have a parent and child relationship with a child pursuant to section 2 of this act; and~~

~~(b) Provide to the Administrator any recommendations for revisions to the guidelines.~~

~~2. The Administrator shall review and consider any recommendations of the Committee to revise the guidelines in accordance with the provisions of NRS 425.620 and, after reviewing and considering such recommendations, shall revise or adopt any necessary regulations in accordance with the provisions of chapter 233B of NRS.~~

~~3. As used in this section:~~

~~(a) "Administrator" means the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services, or a representative of the Administrator.~~

~~(b) "Committee" means the Committee to Review Child Support Guidelines created by NRS 425.610. (Deleted by amendment.)~~

Sec. 10. 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. 153.

Bill read second time.

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

Amendment No. 60.

AN ACT relating to public financial administration; clarifying that a local government may use any savings realized under a performance contract to make payments required under the performance contract; making a legislative declaration to encourage using agencies to utilize performance contracts to implement operating cost-savings measures; **authorizing such agencies to request the reinvestment of savings realized under such performance**

contracts during the budgetary process; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes and sets forth the requirements for local governments to enter into performance contracts for the purchase and installation of operating cost-savings measures to reduce costs related to such matters as energy, water and the disposal of waste, and related labor costs. (NRS 332.300-332.440) Existing law authorizes a local government to reinvest any savings realized under a performance contract into operating cost-savings measures. (NRS 332.410) **Section 1** of this bill clarifies that a local government may also use such savings to make any payments required under the performance contract, including finance charges.

Existing law authorizes certain agencies in the Executive Department of the State Government, known as “using agencies,” to enter into performance contracts for the purchase and installation of operating cost-savings measures to reduce costs related to such matters as energy, water and the disposal of waste, and related labor costs. (NRS 333A.010-333A.150) **Section 2** of this bill makes a legislative declaration and states that it is the policy of the State to encourage, to the extent practicable, a using agency to: (1) utilize the provisions related to a performance contract to implement operating cost-savings measures to reduce costs related to energy, water or the disposal of waste, or related labor costs; and (2) continually review whether the using agency could utilize a performance contract to implement operating cost-savings measures to reduce costs related to energy, water or the disposal of waste, or related labor costs. **Section 3 of this bill authorizes such an agency to request the reinvestment of savings realized under such a performance contract as part of the process for the preparation of the proposed budget of the Executive Department.**

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

Section 1. NRS 332.410 is hereby amended to read as follows:

332.410 A local government may ~~reinvest~~ **use** any savings realized ~~under~~ **throughout the term of** a performance contract ~~whenever practical~~ **to:**

1. Make any payments required under the performance contract, including, without limitation, the payment of finance charges; and

2. Reinvest into other operating cost-savings measures provided the local government:

~~1-~~ **(a)** Is satisfying all its other obligations under the performance contract; and

~~2-~~ **(b)** Complies with the requirements of NRS 332.300 to 332.440, inclusive, when reinvesting the savings into other operating cost-savings measures.

Sec. 2. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby declares that it is the policy of this State to encourage, to the extent practicable, a using agency to:

1. Utilize the process set forth in this chapter to implement any operating cost-savings measure to reduce costs related to energy, water or the disposal of waste, or related labor costs; and

2. Continually review whether the using agency could utilize the process set forth in this chapter to implement any operating cost-savings measure to reduce costs related to energy, water or the disposal of waste, or related labor costs.

Sec. 3. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) **If the department, institution or agency has any existing performance contracts that it has entered into pursuant to chapter 333A of NRS, any**

request to reinvest any savings realized under such a contract for the next 2 fiscal years.

(e) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:

(a) The Chief for his or her information in preparing the proposed executive budget.

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

9. As used in this section, “privatization contract” means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 194.

SUMMARY—~~[Makes various changes relating to]~~ **Directs the Legislative Commission to appoint a committee to conduct an interim study on certain actions for summary eviction.** (BDR ~~{3-736}~~) **S-736**

AN ACT relating to property; ~~[eliminating]~~ **directing the Legislative Commission to appoint a committee to conduct an interim study on certain actions for summary eviction;** ~~[under certain circumstances; making various changes relating to actions for summary eviction;]~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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 the rent. ~~[(NRS 40.253, 40.254) Section 17 of this bill eliminates actions for summary eviction in such circumstances, meaning that a landlord who wishes to evict a tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent due by the month or a shorter period who defaults in the payment of the rent, is required to proceed through a formal action for unlawful detainer. Sections 1-8 and 10-14 of this bill make conforming changes related to the elimination of such actions for summary eviction.]~~

~~Existing law provides that certain tenants may dispute the amount of costs claimed by a landlord or asset management company, as applicable, for the inventory, moving and storage of personal property left at the premises. (NRS 40.253, 118A.460, 645H.520) Sections 9 and 15 of this bill make conforming changes related to the elimination of actions for summary eviction pursuant to~~

~~section 17 of this bill by retaining the dispute procedure for circumstances related to formal actions for eviction and certain other situations.~~

~~Existing law requires a landlord to provide a former tenant with a reasonable opportunity to retrieve essential personal effects from a premises for a 5-day period following an eviction. Existing law provides a procedure for the former tenant to dispute the reasonableness of the landlord. (NRS 40.253, 118A.460) Section 9 makes a conforming change related to the elimination of actions for summary eviction pursuant to section 17 of this bill by retaining the dispute procedure for circumstances related to formal actions for eviction.~~

~~Section 16 of this bill provides that the amendatory provisions of this bill do not apply to actions for summary eviction filed under the law as it existed before July 1, 2021.] (NRS 40.253) Existing law also establishes a supplemental remedy of summary eviction for tenants of any dwelling unit, part of a low-income housing program operated by a public housing authority, a mobile home or a recreational vehicle who: (1) possesses the premises after the expiration of the lease term; (2) possesses the premises after the expiration of a notice to surrender; (3) assigns or sublets a leased premises contrary to the terms of the lease; (4) commits or permits waste upon the premises; (5) commits certain acts relating to nuisances; (6) commits certain offenses relating to controlled substances; or (7) fails to perform a condition or covenant of a lease. (NRS 40.254) This bill directs the Legislative Commission to appoint a committee to conduct an interim study of actions for summary eviction pursuant to NRS 40.253 and 40.254. This bill also: (1) establishes the membership of the committee; (2) establishes the subjects that the committee is required to study; and (3) requires the Legislative Commission to report the findings of the interim study to the Legislature.~~

WHEREAS, Housing is the largest single expenditure for most households and is often one of the most significant factors in determining financial security; and

WHEREAS, Unaffordable and unstable housing has harmful effects on low-income households and dramatically reduces household spending on food, transportation, health care and other basic necessities; and

WHEREAS, Eviction and subsequent homelessness is one of the most extreme consequences of housing instability; and

WHEREAS, It is important to determine whether actions for summary eviction pursuant to NRS 40.253 and 40.254 perpetuate the harmful effects of unstable housing; now, therefore,

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

Section 1. ~~[NRS 40.2516 is hereby amended to read as follows:~~

~~40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant~~

continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~[40.254,]~~ **40.252**, inclusive, and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

~~2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS [40.254 or] 40.290 to 40.420, inclusive.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 40.252 is hereby amended to read as follows:~~

~~40.252 For the purposes of NRS 40.250 to 40.252, inclusive :], and NRS 40.254.]~~

~~1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.~~

~~2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.]~~

(Deleted by amendment.)

Sec. 3. ~~[NRS 40.2545 is hereby amended to read as follows:~~

~~40.2545 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.~~

~~2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, the court may order the sealing of an eviction case court file:~~

~~— (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.~~

~~— 3. 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.~~

~~— 4. 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. As used in this section [“eviction”]:~~

~~— (a) “Action for summary eviction” means the action described in NRS 40.2542.~~

~~— (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. (Deleted by amendment.)~~

~~Sec. 4. NRS 40.255 is hereby amended to read as follows:~~

~~40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has~~

been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

~~— (a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;~~

~~— (b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;~~

~~— (c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or~~

~~— (d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.~~

~~— 2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:~~

~~— (a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;~~

~~— (b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and~~

~~— (c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.~~

~~— 3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:~~

~~— (a) Providing the contact information of the new owner to whom rent should be remitted;~~

~~— (b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and~~

~~— (c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction~~

~~proceedings. [, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.]~~

~~4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:~~

~~— (a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and~~

~~— (b) For all other periodic tenancies or tenancies at will, after not less than 60 days.~~

~~5. During the notice period described in subsection 4:~~

~~— (a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and~~

~~— (b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.~~

~~6. The notice described in subsection 4 must contain a statement:~~

~~— (a) Providing the contact information of the new owner to whom rent should be remitted;~~

~~— (b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and~~

~~— (c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings. [, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.]~~

~~7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.~~

~~8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:~~

~~— (a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the~~

new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

~~— (b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:~~

~~— (1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or~~

~~— (2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.~~

~~— 9. This section does not apply to the tenant of a mobile home lot in a mobile home park.~~

~~— 10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.420 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units. (Deleted by amendment.)~~

Sec. 5. [NRS 40.280 is hereby amended to read as follows:

~~— 40.280 1. Except as otherwise provided in NRS [40.253 and] 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:~~

~~— (a) By delivering a copy to the tenant personally.~~

~~— (b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.~~

~~— (c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.~~

~~— 2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:~~

~~— (a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.~~

~~— (b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."~~

~~— (e) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to “Current Occupant.”~~

~~— 3. Service upon a subtenant may be made in the same manner as provided in subsection 1.~~

~~— 4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:~~

~~— (a) [An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;~~

~~— (b)] An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;~~

~~— [(c)] (b) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or~~

~~— [(d)] (c) An order for removal of a commercial tenant is issued pursuant to NRS 40.2542.~~

~~— 5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order or writ filed pursuant to paragraph (a) [,] or (b) [or (c)] of subsection 4 must consist of:~~

~~— (a) Except as otherwise provided in paragraph (b):~~

~~— (1) If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:~~

~~— (I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;~~

~~— (II) Reviewed the date and manner of service by the agent; and~~

~~— (III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.~~

~~— (2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.~~

~~— (3) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.~~

~~— (b) For a short-term tenancy, if service of the notice was not delivered in person:~~

~~— (1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~— (2) The endorsement of a sheriff or constable stating the:~~

~~— (I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~— (II) Time, date and manner of the service; and~~

~~— (III) Fees paid for the service.~~

~~— 6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph [(d)] (e) of subsection 4 must consist of:~~

~~— (a) Except as otherwise provided in paragraphs (b) and (c):~~

~~— (1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.~~

~~— (2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.~~

~~— (b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.~~

~~— (c) For a short term tenancy, if service of the notice was not delivered in person:~~

~~— (1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~— (2) The endorsement of a sheriff or constable stating the:~~

~~— (I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~— (II) Time, date and manner of the service; and~~

~~— (III) Fees paid for the service.~~

~~— 7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:~~

~~— (a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive; and~~

~~— (b) The agent is acting at the direction and under the direct supervision of the attorney.] (Deleted by amendment.)~~

~~Sec. 6. NRS 40.385 is hereby amended to read as follows:
40.385 If an order is entered pursuant to NRS 40.2542:~~

~~1. Either party may appeal [an] *the* order [entered pursuant to NRS 40.253, 40.254 or 40.2542] by filing a notice of appeal within 10 judicial days after the date of entry of the order.~~

~~2. [Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action.] A tenant of a commercial [property] *premises* may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.~~

~~3. A tenant who retains possession of the *commercial* premises that [are] is the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS [40.253, 40.254 or] 40.2542.]~~
(Deleted by amendment.)

Sec. 7. ~~NRS 118.205 is hereby amended to read as follows:~~

~~118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:~~

~~1. Must advise the tenant of the provisions of that section and specify:~~

~~(a) The address or other location of the property;~~

~~(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and~~

~~(c) An address for payment of the rent due and delivery of notice to the landlord;~~

~~2. Must be served pursuant to subsection 1 of NRS 40.280.~~

~~3. May be included in the notice required by [subsection 1 of NRS 40.253 or] subsection 1 of NRS 40.2542.], as applicable.}] **(Deleted by amendment.)**~~

Sec. 8. ~~NRS 118A.390 is hereby amended to read as follows:~~

~~118A.390 1. If the landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises, willfully interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or this chapter or otherwise recovers possession of the dwelling unit in violation of NRS 118A.480, the tenant may recover immediate possession pursuant to subsection 4, proceed under NRS 118A.380 or terminate the rental agreement and, in addition to any other remedy, recover the tenant's actual damages, receive an amount not greater than \$2,500 to be fixed by the court, or both.~~

~~2. In determining the amount, if any, to be awarded under subsection 1, the court shall consider:~~

- ~~(a) Whether the landlord acted in good faith;~~
- ~~(b) The course of conduct between the landlord and the tenant; and~~
- ~~(c) The degree of harm to the tenant caused by the landlord's conduct.~~

~~3. If the rental agreement is terminated pursuant to subsection 1, the landlord shall return all prepaid rent and security recoverable under this chapter.~~

~~4. Except as otherwise provided in subsection 5, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief for the unlawful removal or exclusion of the tenant from the premises, the willful interruption of any essential item or service or the recovery of possession of the dwelling unit in violation of NRS 118A.480.~~

~~5. A verified complaint for expedited relief:~~

~~(a) Must be filed with the court within 5 judicial days after the date of the unlawful act by the landlord, and the verified complaint must be dismissed if it is not timely filed. If the verified complaint for expedited relief is dismissed pursuant to this paragraph, the tenant retains the right to pursue all other available remedies against the landlord.~~

~~(b) May be consolidated with any action for [summary eviction or] unlawful detainer pursuant to chapter 40 of NRS that is already pending between the landlord and tenant.~~

~~6. The court shall conduct a hearing on the verified complaint for expedited relief not later than 3 judicial days after the filing of the verified complaint for expedited relief. Before or at the scheduled hearing, the tenant must provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Upon the hearing, if it is determined that the landlord has violated any of the provisions of subsection 1, the court may:~~

~~(a) Order the landlord to restore to the tenant the premises or essential items or services, or both;~~

~~(b) Award damages pursuant to subsection 1; and~~

~~(c) Enjoin the landlord from violating the provisions of subsection 1 and, if the circumstances so warrant, hold the landlord in contempt of court.~~

~~7. The payment of all costs and official fees must be deferred for any tenant who files a verified complaint for expedited relief. After any hearing and not later than final disposition of the filing or order, the court shall assess the costs and fees against the party that does not prevail, except that the court may reduce them or waive them, as justice may require.} (Deleted by amendment.)~~

Sec. 9. ~~[NRS 118A.460 is hereby amended to read as follows:~~

~~118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:~~

~~— (a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.~~

~~— (b) After the expiration of the 30 day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~— (c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~— 2. [Any] A tenant may dispute [relating to] the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 [may be resolved using the procedure provided in subsection 7 of NRS 40.253.] by:~~

~~— (a) Filing a motion with the court, on a form provided by the clerk of the court; and~~

~~— (b) Paying the appropriate fees relating to the filing and service of the motion.~~

~~— 3. The motion described in subsection 2 must be filed within 20 days after the date on which the tenant:~~

~~— (a) Abandoned the premises; or~~

~~— (b) Vacated or was removed from the premises and a copy of those charges were requested by or provided to the tenant,
→ whichever is later.~~

~~— 4. Upon the filing of the motion described in subsection 2, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing on the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~— (a) Determine the costs, if any, claimed by the landlord and any accumulating daily costs; and~~

~~— (b) Order the release of the property of the tenant upon the payment of the charges determined to be due or, if no charges are determined to be due, order the immediate release of the property of the tenant.~~

~~— 5. During the 5 day period following the eviction or lockout of a tenant, the landlord shall provide the [former] tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. [Any] The tenant may dispute [relating to] the reasonableness of the landlord's actions pursuant to~~

this section [may be resolved using the procedure provided in subsection 9 of NRS 40.253.] ~~by:~~

~~— (a) Filing a motion with the court, on a form provided by the clerk of the court; and~~

~~— (b) Paying the appropriate fees relating to the filing and service of the motion.~~

~~— 6. A hearing must be held within 5 days after the filing of the motion described in subsection 5. The court shall affix the date of the hearing on the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~— (a) Order the landlord to allow the retrieval of the essential personal effects of the tenant at the date and time and for a period necessary for the retrieval, as determined by the court; and~~

~~— (b) Award damages in an amount not greater than \$2,500.~~

~~— 7. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 6, the court shall consider:~~

~~— (a) Whether the landlord acted in good faith;~~

~~— (b) The course of conduct between the landlord and the tenant; and~~

~~— (c) The degree of harm to the tenant caused by the conduct of the landlord.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 118C.220 is hereby amended to read as follows:~~

~~— 118C.220 1. Except as otherwise provided in subsection 2, the justice court has jurisdiction over any civil action or proceeding concerning the exclusion of a tenant from commercial premises, or the summary eviction of a tenant from commercial premises pursuant to NRS 40.2542, in which no party is seeking damages.~~

~~— 2. If a landlord combines an action for summary eviction of a tenant from commercial premises pursuant to NRS 40.2542 with a claim to recover contractual damages, jurisdiction over the claims rests with the court which has jurisdiction over the amount in controversy.~~

~~— 3. The provisions of NRS 40.430 and the doctrines of res judicata and collateral estoppel do not apply to:~~

~~— (a) A claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises [;] pursuant to NRS 40.2542; or~~

~~— (b) An action by a landlord for the summary eviction of a tenant from commercial premises pursuant to NRS 40.2542 which is brought subsequent to a claim by the landlord for contractual damages.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 179.1164 is hereby amended to read as follows:~~

~~— 179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:~~

~~— (a) Any proceeds attributable to the commission or attempted commission of any felony.~~

~~— (b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.~~

~~2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.~~

~~3. [Unless the owner of real property or a mobile home:~~

~~—(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or~~

~~—(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to NRS 40.254,~~

~~the] **The** owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 248.275 is hereby amended to read as follows:~~

~~248.275 1. The sheriff of each county in this State may charge and collect the following fees:~~

~~For serving a summons or complaint, or any other process,~~	
~~—by which an action or proceeding is commenced, except~~	
~~—as a writ of habeas corpus, on every defendant~~	~~\$17~~
~~For traveling and making such service, per mile in going~~	
~~—only, to be computed in all cases the distance actually~~	
~~—traveled, for each mile~~	~~2~~
~~If any two or more papers are required to be served in~~	
~~—the same suit at the same time, where parties live in~~	
~~—the same direction, one mileage only may be~~	
~~—charged.~~	
~~For taking a bond or undertaking in any case in which the~~	
~~—sheriff is authorized to take a bond or undertaking.....~~	~~5~~
~~For a copy of any writ, process or other paper, if demanded~~	
~~—or required by law, for each page~~	~~3~~
~~For serving every rule or order~~	~~15~~
~~For serving one notice required by law before the~~	
~~—commencement of a proceeding for any type of eviction.....~~	~~26~~
~~For serving not fewer than 2 nor more than 10 such notices~~	
~~—to the same location, each notice~~	~~20~~
~~For serving not fewer than 11 nor more than 24 such~~	
~~—notices to the same location, each notice~~	~~17~~

~~For serving 25 or more such notices to the same location, — each notice~~	~~15~~
~~For mileage in serving such a notice, for each mile — necessarily and actually traveled in going only~~	~~2~~
~~But if two or more notices are served at the same — general location during the same period, mileage — may only be charged for the service of one notice.~~	
~~For each service in a summary eviction [.] <i>pursuant to</i> — <i>NRS 40.2542</i>, except service of any notice required by — law before the commencement of the proceeding, and — for serving notice of and executing a writ of restitution~~	~~21~~
~~For serving a subpoena, for each witness summoned~~	~~15~~
~~For traveling, per mile in serving subpoenas, or a venire, in — going only, for each mile~~	~~\$2~~
~~When two or more witnesses or jurors live in the same — direction, traveling fees must be charged only for — the most distant.~~	
~~For serving an attachment on property, or levying an — execution, or executing an order of arrest or order for — the delivery of personal property, together with — traveling fees, as in cases of summons~~	~~15~~
~~For making and posting notices and advertising for sale, on — execution or any judgment or order of sale, not to — include the cost of publication in a newspaper~~	~~15~~
~~For issuing each certificate of sale of property on execution — or order of sale, and for recording the original — certificate with the county recorder, which must be — collected from the party receiving the certificate~~	~~5~~
~~For drawing and executing every sheriff's deed, to be paid — by the grantee, who shall in addition pay for the — acknowledgment thereof~~	~~20~~
~~For serving a writ of possession or restitution, putting any — person into possession entitled thereto~~	~~21~~
~~For traveling in the service of any process, not otherwise — provided in this section, for each mile necessarily — traveled, for going only, for each mile~~	~~2~~
~~For mailing a notice of a writ of execution~~	~~2~~
~~➤ The sheriff may charge and collect \$2 per mile traveled, for going only, on all papers not served, where reasonable effort has been made to effect service, but not to exceed \$20.~~	
~~— 2. The sheriff may also charge and collect:~~	
~~— (a) For commissions for receiving and paying over money on execution or process, where lands or personal property have been levied on, advertised or sold, on the first \$500, 4 percent; on any sum in excess of \$500, and not exceeding \$1,000, 2 percent; on all sums above that amount, 1 percent.~~	

~~— (b) For commissions for receiving and paying over money on executions without levy, or where the lands or goods levied on are not sold, on the first \$3,500, 2 percent, and on all amounts over that sum, one half of 1 percent.~~

~~— (c) For service of any process in a criminal case, or of a writ of habeas corpus, the same mileage as in civil cases, to be allowed, audited and paid as are other claims against the county.~~

~~— (d) For all services in justice courts, the same fees as are allowed in subsection 1 and paragraphs (a), (b) and (c) of this subsection.~~

~~— 3. The sheriff is also entitled to further compensation for his or her trouble and expense in taking possession of property under attachment, execution or other process and of preserving the property, as the court from which the writ or order may issue certifies to be just and reasonable.~~

~~— 4. In service of a subpoena or a venire in criminal cases, the sheriff is entitled to receive mileage for the most distant only, where witnesses and jurors live in the same direction.~~

~~— 5. The fees allowed for the levy of an execution, for advertising and for making and collecting money on an execution or order of sale, must be collected from the defendants, by virtue of the execution or order of sale, in the same manner as the execution is directed to be made.~~

~~— 6. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, all fees collected by a sheriff must be paid into the county treasury of his or her county on or before the fifth working day of the month next succeeding the month in which the fees are collected.~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 258.125 is hereby amended to read as follows:~~

~~— 258.125 1. Constables are entitled to the following fees for their services:~~

For serving a summons or any other process in civil cases	\$17
For summoning a jury before a justice of the peace	7
For taking a bond or undertaking	5
For serving an attachment against the property of a	
— Defendant	15
For serving subpoenas, for each witness	15
For a copy of any writ, process or order or other paper,	
— when demanded or required by law, per folio	3
For drawing and executing every constable's deed, to be	
— paid by the grantee, who must also pay for the	
— acknowledgment thereof	20
For each certificate of sale of real property under execution	5
For levying any writ of execution or writ of garnishment, or	
— executing an order of arrest in civil cases, order for	
— delivery of personal property or any other order in a	
— civil case, except an order of eviction, with traveling	
— fees as for summons	\$15

~~For serving one notice required by law before the commencement of a proceeding for any type of eviction~~	~~26~~
~~For serving not fewer than 2 nor more than 10 such notices to the same location, each notice~~	~~20~~
~~For serving not fewer than 11 nor more than 24 such notices to the same location, each notice~~	~~17~~
~~For serving 25 or more such notices to the same location, each notice~~	~~15~~
~~Except as otherwise provided in subsection 3, for mileage in serving such a notice, for each mile necessarily and actually traveled in going only~~	~~2~~
~~But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.~~	
~~For each service in a summary eviction [.] <i>pursuant to NRS 40.2542</i>, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution~~	~~21~~
~~For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper~~	~~15~~
~~For each warrant lawfully executed, unless a higher amount is established by the board of county commissioners~~	~~48~~
~~For mailing a notice of a writ of execution~~	~~2~~
~~Except as otherwise provided in subsection 3, for mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction [.] pursuant to <i>NRS 40.2542</i>, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only~~	~~2~~
~~But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.~~	
~~Except as otherwise provided in subsection 3, for mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only~~	~~\$2~~
~~But mileage may not exceed \$20 for any unsuccessful effort to serve such process.~~	
~~2. A constable is also entitled to receive:~~	
~~(a) For receiving and taking care of property on execution, attachment or order, and for executing an order of arrest in civil cases, compensation for the constable's trouble and expense, to be allowed by the court which issued the~~	

~~writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.~~

~~—(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first \$3,500, 2 percent thereof, and on all amounts over that sum, 1 percent.~~

~~—(c) For service in criminal cases, the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.~~

~~—(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, \$100.~~

~~—(e) For providing any other service authorized by law for which no fee is established by this chapter, the fee provided for by ordinance by the board of county commissioners.~~

~~—3. For each service for which a constable is otherwise entitled pursuant to subsection 1 to a fee based on the mileage necessarily and actually traveled in performing the service, a board of county commissioners may provide by ordinance for the constable to be entitled, at the option of the person paying the fee, to a flat fee for the travel costs of that service.~~

~~—4. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.~~

~~—5. Except as otherwise provided in subsection 6, constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.~~

~~—6. Every 5 business days, constables in an office established by the board of county commissioners as an enterprise fund shall account for and pay to the county treasurer any fee collected during the preceding period. † (Deleted by amendment.)~~

~~Sec. 14. [NRS 453.305 is hereby amended to read as follows:~~

~~—453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.~~

~~—2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.~~

~~—3. The notices required by this section must:~~

~~—(a) Be written in language which is easily understood;~~

~~— (b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;~~

~~— (c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;~~

~~— (d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and~~

~~— (e) Advise the owner that:~~

~~— (1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;~~

~~— (2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted; and~~

~~— (3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and~~

~~— (4) The provisions of NRS 40.2514 and 40.254 authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.~~

~~— 4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.~~

~~— 5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 645H.520 is hereby amended to read as follows:~~

~~645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:~~

~~— (a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;~~

~~— (b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;~~

~~— (c) Cleaning the interior or exterior of real property in foreclosure;~~

~~— (d) Providing repair or improvements for real property in foreclosure; and~~

~~— (e) Removing trash and debris from real property in foreclosure and the surrounding property.~~

~~— 2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:~~

~~— (a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and~~

storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

~~— (b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.~~

~~— (c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~— 3. [Any] A homeowner or the tenant of the homeowner may dispute [relating to] the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 [may be resolved using the procedure provided in subsection 7 of NRS 40.253.] by:~~

~~— (a) Filing a motion with the court, on a form provided by the clerk of the court; and~~

~~— (b) Paying the appropriate fees relating to the filing and service of the motion.~~

~~— 4. The motion described in subsection 3 must be filed within 20 days after the date on which the homeowner or the tenant of the homeowner, as applicable:~~

~~— (a) Abandoned the premises; or~~

~~— (b) Vacated or was removed from the premises and a copy of those charges were requested by or provided to the homeowner or the tenant of the homeowner,~~

~~↪ whichever is later.~~

~~— 5. Upon the filing of a motion described in subsection 3, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing on the motion and order a copy served upon the asset management company by the sheriff, constable or other process server. At the hearing, the court may:~~

~~— (a) Determine the costs, if any, claimed by the asset management company and any accumulating daily costs; and~~

~~— (b) Order the release of the property of the homeowner or the tenant of the homeowner upon the payment of the charges determined to be due or, if no charges are determined to be due, order the immediate release of the~~

~~property of the homeowner or the tenant of the homeowner.~~ (Deleted by amendment.)

Sec. 16. ~~[The amendatory provisions of this act do not apply to actions for summary eviction pursuant to NRS 40.253 and 40.254 that were filed with a court of competent jurisdiction before July 1, 2021.]~~ (Deleted by amendment.)

Sec. 17. ~~[NRS 40.253 and 40.254 are hereby repealed.]~~ (Deleted by amendment.)

Sec. 17.5. 1. The Legislative Commission shall appoint a committee to conduct an interim study of the summary procedures for eviction described in NRS 40.253 and 40.254.

2. The committee must be composed of six Legislators as follows:

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

(c) One member appointed by the Minority Leader of the Senate; and

(d) One member appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the committee.

4. In conducting the study, the committee shall consult with and solicit input from interested stakeholders, including, without limitation:

(a) Governmental agencies;

(b) Officials of local governments;

(c) Community advocates;

(d) Persons impacted by actions for summary eviction pursuant to NRS 40.253 and 40.254; and

(e) Court administrators.

5. The committee shall study and examine:

(a) The laws and rules of other states relating to evicting tenants of dwellings, apartments, mobile homes or recreational vehicles, including, without limitation:

(1) Any requirements relating to serving notice of actions for eviction;

(2) Any oversight provided by courts in such actions;

(3) The appropriateness of a defendant initiating such an action in court; and

(4) The circumstances which trigger any action for eviction, including, without limitation, those actions relating to no-fault evictions;

(b) The current and future need for housing security in this State, including, without limitation:

(1) The effect of actions for summary eviction pursuant to NRS 40.253 and 40.254 on communities relating to housing security; and

(2) The availability of community resources in this State relating to housing security;

(c) The ability of tenants and landlords to initiate and defend actions for summary eviction pursuant to NRS 40.253 and 40.254;

(d) The deadlines mandated by actions for summary eviction pursuant to NRS 40.253 and 40.254; and

(e) Any other matters that are necessary to fulfill the mission of the committee, as determined by the Chair.

6. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the committee.

7. The Legislative Commission shall submit a report of the results of the study, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 18. This act becomes effective on July 1, 2021.

†

TEXT OF REPEALED SECTIONS

~~40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.~~

~~1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:~~

~~(a) Before the close of business on the seventh judicial day following the day of service; or~~

~~(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.~~

~~As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.~~

~~2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2512. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~— (b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.~~

~~— 3. A notice served pursuant to subsection 1 or 2 must:~~

~~— (a) Identify the court that has jurisdiction over the matter; and~~

~~— (b) Advise the tenant:~~

~~— (1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;~~

~~— (2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and~~

~~— (3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.~~

~~— 4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~— 5. Upon noncompliance with the notice:~~

~~— (a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:~~

~~— (1) The date the tenancy commenced.~~

- ~~— (2) The amount of periodic rent reserved.~~
- ~~— (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.~~
- ~~— (4) The date the rental payments became delinquent.~~
- ~~— (5) The length of time the tenant has remained in possession without paying rent.~~
- ~~— (6) The amount of rent claimed due and delinquent.~~
- ~~— (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.~~
- ~~— (8) A copy of the written notice served on the tenant.~~
- ~~— (9) A copy of the signed written rental agreement, if any.~~
- ~~— (b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~
- ~~— 6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.~~
- ~~— 7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:~~
 - ~~— (a) The tenant has vacated or been removed from the premises; and~~
 - ~~— (b) A copy of those charges has been requested by or provided to the tenant,~~
- ~~— whichever is later.~~

~~8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~—(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and~~

~~—(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.~~

~~9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~—(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and~~

~~—(b) Award damages in an amount not greater than \$2,500.~~

~~10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:~~

~~—(a) Whether the landlord acted in good faith;~~

~~—(b) The course of conduct between the landlord and the tenant; and~~

~~—(c) The degree of harm to the tenant caused by the landlord's conduct.~~

~~11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.~~

~~12. Except as otherwise provided in NRS 118A.315, this section does not apply to:~~

~~—(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.~~

~~—(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.~~

~~13. As used in this section, “close of business” means the close of business of the court that has jurisdiction over the matter.~~

~~40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.~~

~~1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord’s agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:~~

~~(a) Be given to the tenant in accordance with the provisions of NRS 40.280;~~

~~(b) Advise the tenant of the court that has jurisdiction over the matter; and~~

~~(c) Advise the tenant of the tenant’s right to:~~

~~(1) Contest the notice by filing before the court’s close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or~~

~~(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.~~

~~2. The affidavit of the landlord or the landlord’s agent submitted to the justice court or the district court must state or contain:~~

~~(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord’s agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.~~

~~(b) The date when the tenancy or rental agreement allegedly terminated.~~

~~(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.~~

~~(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.~~

~~(e) A statement that the claim for relief was authorized by law.~~

~~3. If the tenant is found guilty of unlawful detainer as a result of the tenant’s violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney’s fees incurred by the landlord or the landlord’s agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.~~

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. 170.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 339.

AN ACT relating to animals; requiring the State Department of Agriculture to create certain written notices relating to impounded animals; requiring county or city jails or detention facilities to post and maintain such notices; authorizing certain employees of animal shelters to enforce certain provisions in existing law; requiring certain notices of a right to request a hearing to be provided upon the lawful issuance of a citation or arrest for certain offenses relating to cruelty to animals; providing for a hearing to make certain determinations relating to an impounded animal; authorizing an animal rescue organization, an animal shelter and certain other persons to sell at auction, humanely destroy or continue to care for certain animals; ~~requiring the State Department of Agriculture to create and maintain certain written notices relating to impounded animals;~~ providing that any evidence derived from testimony during certain hearings is inadmissible during certain subsequent proceedings, except for purposes of impeachment or rebuttal; providing that municipal courts have jurisdiction of hearings related to certain citations or arrests for animal cruelty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person is lawfully arrested and detained, other than for a violation of certain acts which constitute engaging in cruelty to animals, and the county, city or local government impounds any animal owned or possessed by the person, the county, city or local government may under certain circumstances, within 10 days after the arrest: (1) allow another person who is able to provide adequate care and shelter to care temporarily for the animal; or (2) take possession of the animal. Existing law requires the State to create and maintain a written notice which: (1) informs the person or the public that an animal owned or possessed by the person may have been impounded; (2) provides the current contact information of each animal shelter in each county, city or other local government responsible for impounding the animal; (3) is made available in certain languages; (4) is provided to each county or city jail or detention facility; and (5) is posted in a conspicuous place in each county or city jail or detention facility. (NRS 171.1539) Section 1 of this bill requires the State Department of Agriculture to create the written notice. Section 1 requires each county or city jail or detention facility to:

(1) post the written notice in a conspicuous place in the county or city jail or detention facility; and (2) maintain the written notice.

Existing law authorizes any board of county commissioners or governing body of a city to designate certain persons, including animal control officers, to prepare, sign and serve written citations on persons accused of violating a county or city ordinance. (NRS 171.17751) Section 1.3 of this act authorizes an animal control officer employed or officially designated by a board of county commissioners or governing body of a city to prepare, sign and serve written citations on persons to enforce existing law that prohibits: (1) leaving a pet unattended in a parked or standing motor vehicle in certain situations; and (2) cruelty to animals. Section 1.3 provides that such an animal control officer may include an employee of an animal shelter who is officially designated by a board of county commissioners or governing body of a city to enforce such existing laws.

If a person is lawfully arrested for instigating or attending fights between animals or for torturing, overdriving, injuring or abandoning an animal and an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, existing law requires certain notices to be provided to the person, including notice of his or her right to request a hearing to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. Existing law requires a person to request such a hearing within 5 days after receipt of the notice. If the person makes such a request, existing law requires the court to hold such a hearing within 15 judicial days after receiving notice of the request. (NRS 574.203) **Section 3** of this bill requires that a notice of the right to request a hearing also be provided if the person is lawfully issued a citation for such violations and clarifies that the hearing occurs in a court of competent jurisdiction. **Section 2** of this bill similarly makes a conforming change to clarify that the hearing occurs in a court of competent jurisdiction. Furthermore, **section 3** provides that the hearing is to determine by ~~a preponderance of the~~ **clear and convincing** evidence whether the person who is issued a citation or arrested for the violations: (1) is the owner of the impounded animal; **and** (2) ~~committed the applicable violation; and (3) if applicable,~~ is able and fit to provide adequate care and shelter to the animal. **Section 3 additionally provides that any evidence derived from testimony made during a hearing is inadmissible during certain subsequent proceedings, except for the purposes of impeachment or rebuttal. Section 1.7 of this bill provides that a municipal court has jurisdiction over such hearings.**

Existing law provides that, if a person who has received a notice of his or her right to request a hearing does not request a hearing or the owner of the impounded animal has not been identified within 5 days of the arrest, the county, city or other local government shall transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able

to provide adequate care and shelter to the animal. (NRS 574.203) **Section 3** authorizes the animal rescue organization, animal shelter or person to whom the ownership of the animal is transferred to sell the animal at auction, humanely destroy the animal or continue to care for the animal, as the organization, shelter or person sees fit.

~~[Existing law provides that if a person is lawfully arrested and detained in a county, city or other local government, other than for a violation of certain acts which constitute engaging in cruelty to animals, and the county impounds any animal owned or possessed by the person, the county may under certain circumstances, within 10 days after the arrest: (1) allow another person who is able to provide adequate care and shelter to care for the animal temporarily; or (2) take possession of the animal. Existing law requires the State to create and maintain a written notice which: (1) informs the person or the public that an animal owned or possessed by the person may have been impounded; (2) provides the current contact information of an animal shelter in each county, city or other local government responsible for impounding the animal; (3) is made available in certain languages; (4) is provided to each county or city jail or detention facility; and (5) is posted in a conspicuous place in each county or city jail or detention facility. (NRS 171.1539) Section 1 of this bill requires the State Department of Agriculture to create and maintain this written notice.]~~

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

Section 1. NRS 171.1539 is hereby amended to read as follows:

171.1539 1. Except as otherwise provided in NRS 574.201 to 574.204, inclusive, if a person is lawfully arrested and detained and any animal owned or possessed by the person is impounded by the county, city or other local government in which the person is arrested at the time of the arrest or after the arrest, the person may provide the name of any person who is authorized to care for the animal. The county, city or other local government or animal shelter must transfer the animal to such a person if the county, city or other local government determines that the person is able to provide adequate care and shelter to the animal. If within 10 days after the county, city or other local government impounds the animal no such authorized person is able to provide adequate care and shelter to the animal, the county, city or other local government or animal shelter:

(a) May allow another person who is able to provide adequate care and shelter to care for the animal temporarily; or

(b) May take possession of the animal.

2. The State *Department of Agriculture* shall create ~~[and maintain]~~ a written notice which must:

(a) Inform the person or the public that an animal, owned or possessed by a person who has been arrested and detained, may have been impounded;

(b) Include the current contact information of each animal shelter in each county, city or other local government responsible for:

- (1) Impounding an animal; and
- (2) Providing care and shelter to an animal;
- (c) Be available in English, Spanish, Tagalog and Standard Chinese; and
- (d) Be provided to each county or city jail or detention facility. ~~and~~
- ~~(e) Be posted;~~

3. Each county or city jail or detention facility shall:

(a) Post the written notice provided pursuant to subsection 2 in a conspicuous place in ~~each~~ the county or city jail or detention facility. ~~and~~

(b) Maintain the written notice provided pursuant to subsection 2.

4. A person lawfully arrested and detained:

(a) May make a reasonable number of completed telephone calls from a county or city jail or detention facility for the purpose of locating an animal impounded pursuant to this section; and

(b) Shall not be charged for each completed call to an animal shelter listed in the written notice posted pursuant to subsection ~~2.~~ 3.

~~4.~~ 5. If a person is convicted of the crime for which he or she was lawfully arrested, the county, city or other local government or animal shelter may by appropriate legal action recover the reasonable cost of any care and shelter furnished to the animal by the county, city or other local government or animal shelter, including, without limitation, imposing a lien on the animal for the cost of such care and shelter.

~~5.~~ 6. The board of county commissioners of each county, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, may adopt an ordinance which provides for time of not less than 5 days to a person lawfully arrested or detained for the purpose of providing the person a reasonable opportunity to locate another person to take possession of an animal. Such a reasonable opportunity is provided upon assistance from a county, city or other local government or an animal shelter.

~~6.~~ 7. The city council or other governing body of each incorporated city, whether organized under general law or special charter, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, may adopt an ordinance which provides for time of not less than 5 days to a person lawfully arrested or detained for the purpose of providing the person a reasonable opportunity to locate another person to take possession of an animal. Such a reasonable opportunity is provided upon assistance from a county, city or other local government or an animal shelter.

~~7.~~ 8. As used in this section:

(a) “Animal” means any dog, cat, horse, other domesticated animal or undomesticated animal which is maintained as a pet. The term:

(1) Includes any chicken, pig, rabbit or other animal which is maintained as a pet whether or not the animal is domesticated.

(2) Except as otherwise provided in subparagraph 1, does not include any cattle, sheep, goats, swine or poultry.

(b) “Animal shelter” has the meaning ascribed to it in NRS 574.240.

Sec. 1.3. NRS 171.17751 is hereby amended to read as follows:

171.17751 1. Any board of county commissioners or governing body of a city may designate the chief officer of the organized fire department or any employees designated by the chief officer, and certain of its inspectors of solid waste management, building, housing and licensing inspectors, zoning enforcement officers, parking enforcement officers, animal control officers, traffic engineers, marshals and park rangers of units of specialized law enforcement established pursuant to NRS 280.125, and other persons charged with the enforcement of county or city ordinances, to prepare, sign and serve written citations on persons accused of violating a county or city ordinance.

2. The Chief Medical Officer and the health officer of each county, district and city may designate certain employees to prepare, sign and serve written citations on persons accused of violating any law, ordinance or regulation of a board of health that relates to public health.

3. The Administrator of the Housing Division of the Department of Business and Industry may designate certain employees to prepare, sign and serve written citations on persons accused of violating any law or regulation of the Division relating to the provisions of chapters 118B, 461, 461A and 489 of NRS.

4. The State Contractors' Board may designate certain of its employees to prepare, sign and serve written citations on persons pursuant to subsection 2 of NRS 624.115.

5. ~~[Am]~~ **Except as otherwise provided in subsection 6, an** employee designated pursuant to this section:

(a) May exercise the authority to prepare, sign and serve citations only within the field of enforcement in which the employee works;

(b) May, if employed by a city or county, prepare, sign and serve a citation only to enforce an ordinance of the city or county by which the employee is employed; and

(c) Shall comply with the provisions of NRS 171.1773.

6. An animal control officer who is employed by a city or county or officially designated by a board of county commissioners or governing body of a city pursuant to this section may prepare, sign and serve written citations on persons to enforce NRS 202.487 and chapter 574 of NRS. As used in this subsection, "animal control officer" includes, without limitation, an employee of an animal shelter who is officially designated and authorized by a board of county commissioners or governing body of a city to carry out the provisions of this subsection.

Sec. 1.7. 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.

(g) Hearings held pursuant to NRS 574.203.

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

Sec. 2. NRS 574.055 is hereby amended to read as follows:

574.055 Except as otherwise provided in NRS 574.201 to 574.204, inclusive:

1. Any peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, the fact that there is a limited lien on the animal for the cost of shelter and care and notice of the right of the owner to request a hearing ***in a court of competent jurisdiction*** pursuant to NRS 574.203 within 5 days after receipt of the notice. If the owner is not present at the taking and the officer cannot find

the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 3. NRS 574.203 is hereby amended to read as follows:

574.203 1. If a person is lawfully *issued a citation or* arrested for a violation of NRS 574.070 or 574.100 and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the *citation or* arrest, the person must be notified in accordance with the provisions of subsection 2 of NRS 574.055 and be notified of his or her right to request a hearing *in a court of competent jurisdiction* within 5 days after receipt of the notice to determine ~~by a preponderance of the~~ *clear and convincing evidence* ~~if~~

~~(a) If the person is lawfully issued a citation or arrested for a violation of NRS 574.070,~~ whether the person ~~is~~ *is*

~~(1) Is~~ the owner of the animal ~~if~~ and

~~1. (2) Committed a violation of NRS 574.070.~~

~~(b) If the person is lawfully issued a citation or arrested for a violation of NRS 574.100, whether the person is~~

~~(1) Is the owner of the animal;~~

~~(2) Committed a violation of NRS 574.100; and~~

~~(3) Is able and fit to provide adequate care and shelter to the animal.~~

~~1.1~~ The person must request a hearing pursuant to this subsection within 5 days after receipt of the notice pursuant to this subsection.

2. If a person who is lawfully **issued a citation or** arrested ~~and detained~~ for a violation of NRS 574.070 or 574.100 does not request a hearing pursuant to subsection 1, or an owner of the animal has not been identified within 5 days of **the issuance of the citation or** arrest, the county, city or other local government shall transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal. **The animal rescue organization, animal shelter or person to whom the ownership of an animal is transferred pursuant to this subsection may sell the animal at auction, humanely destroy the animal or continue caring for the animal, as the animal rescue organization, animal shelter or person sees fit.**

3. If the court receives a timely request **for a hearing** pursuant to subsection 1, the court shall hold ~~at~~ **the** hearing within 15 judicial days after receipt of the request ~~to~~ **to** ~~If the person who requested the hearing is lawfully issued a citation or arrested for:~~

~~(a) A violation of NRS 574.070, the court shall~~ determine **by a preponderance of the** ~~clear and convincing evidence~~ whether the person is

~~(1) Is the owner of the animal~~ **the** animal ~~and whether the person is~~

~~(2) Committed a violation of NRS 574.070.~~

~~(b) A violation of NRS 574.100, the court shall determine by a preponderance of the evidence whether the person:~~

~~(1) Is the owner of the animal;~~

~~(2) Committed a violation of NRS 574.100; and~~

~~(3) Is able and fit to provide adequate care and shelter to the animal.~~

4. For the purpose of conducting a hearing pursuant to this section, the court may consider:

(a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;

(b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;

(c) Expert testimony as to community standards for the reasonable care of a similar animal;

(d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;

(e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and

(f) Any other evidence which the court determines is relevant.

5. Any evidence derived from any testimony made pursuant to subsection 4 is inadmissible against a person who is lawfully issued a citation or arrested for a violation of NRS 574.070 or 574.100 during any subsequent proceedings on the related criminal charges, except that such evidence may be used for impeachment or rebuttal during the subsequent proceedings on the related criminal charges.

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. 196.

Bill read second time.

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

Amendment No. 286.

AN ACT relating to courts; requiring courthouses to contain lactation rooms for use by members of the public under certain circumstances; **making an appropriation**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public body in this State to provide an employee who is the mother of a child under 1 year of age with a place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk. (NRS 281.755) Existing federal law requires, with certain exceptions, that federal buildings, including, without limitation, federal courthouses, contain a lactation room that is made available for use by members of the public to express breast milk. (40 U.S.C. § 3318) ~~(This bill)~~ **Section 1 of this** bill enacts provisions based on this federal law to require each courthouse to contain a lactation room that may be used by members of the public to express breast milk. ~~(This bill)~~ **Section 1** provides an exception to the requirement if the person who is responsible for the operation of the courthouse determines that: (1) the courthouse does not contain a lactation room for employees; (2) the courthouse does not have a room or other space that could be repurposed or privatized as a lactation room; or (3) new construction would be required to provide the lactation room and the cost of the construction is unfeasible. This bill defines "lactation room" as a hygienic place, other than a bathroom, that: (1) is shielded from view; (2) is free from intrusion; and (3) contains a chair, a working surface and an electrical outlet.

Section 1.5 of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation as grants to

municipal courts and justice courts for the costs of complying with section 1.

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

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

1. Except as otherwise provided in this section, each courthouse must contain a lactation room that members of the public may use to express breast milk.

2. The requirements of subsection 1 do not apply to a courthouse if the person who is responsible for the operation of the courthouse determines that:

(a) The courthouse does not contain a lactation room for employees;

(b) The courthouse does not have:

(1) A room that could be repurposed as a lactation room; or

(2) A space that could be made private at a reasonable cost using portable materials; or

(c) New construction would be required to create the lactation room and the cost of such construction is unfeasible.

3. Nothing in this section shall be construed to authorize a person to enter a courthouse if the person is not authorized to enter the courthouse.

4. As used in this section, "lactation room" means a hygienic place, other than a bathroom, that:

(a) Is shielded from the view of others;

(b) Is free from intrusion by others; and

(c) Contains:

(1) A chair;

(2) A working surface; and

(3) An electrical outlet.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$500,000 for allocation pursuant to subsection 2 for the purpose of awarding grants of money to municipal courts and justice courts for the costs of complying with section 1 of this act.

2. To the extent that money is available from the appropriation made by subsection 1, allocation of the money appropriated by subsection 1 as a grant is contingent upon matching money being provided by the court applying for such a grant from sources other than the appropriation made by subsection 1, including, without limitation, gifts, grants and donations to the court from private and public sources of money. The Interim Finance Committee shall not distribute any money from the appropriation made by subsection 1 until the court submits to the Interim Finance Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

3. Upon acceptance of the money allocated as a grant pursuant to subsection 2, the court that was awarded the grant agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money allocated pursuant to subsection 2 from the date on which the money was received by the court through December 1, 2022;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money allocated pursuant to subsection 2 from the date on which the money was received by the court through June 30, 2023; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the court, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money allocated pursuant to subsection 2.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. **1. This section and section 1.5 of this act become effective on July 1, 2021.**

2. Sections 1 and 2 of this act ~~becomes~~ become effective on January 1, 2022.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

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

Amendment No. 124.

AN ACT relating to veterinary medicine; prohibiting the practice of veterinary medicine except within the context of a veterinarian-client-patient relationship except in certain circumstances; authorizing a veterinarian to

supervise a veterinary technician via veterinary telemedicine under certain circumstances; revising which acts constitute the practice of veterinary medicine; ~~establishing certain licensing requirements for the use of veterinary telemedicine;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the practice of veterinary medicine. (Chapter 638 of NRS) **Section 3** of this bill prohibits, with certain exceptions, the practice of veterinary medicine in this State except within the context of a veterinarian-client-patient relationship. **Section 3** also sets forth: (1) the requirements to establish a veterinarian-client-patient relationship; and (2) certain activities that may be conducted in the absence of such a relationship. **Section 6** of this bill revises the definition of the “practice of veterinary medicine” to include the rendering of advice or recommendation by any means, including, without limitation, veterinary telemedicine. **Section 6** also excludes certain activities conducted by certain persons from that definition.

Section 2 of this bill defines the term “veterinary telemedicine.” **Section 4** of this bill authorizes a veterinarian to supervise a veterinary technician via veterinary telemedicine under certain circumstances. **Section 5** of this bill makes a conforming change to indicate the placement of **section 2** within the Nevada Revised Statutes. ~~[Section 7 of this bill requires a veterinarian in this State who uses veterinary telemedicine to be licensed in this State and in the state in which the animal which is the subject of the veterinary telemedicine is located.]~~

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

Section 1. Chapter 638 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Veterinary telemedicine” means the use of medical information exchanged from one site to another via electronic communications regarding the health status of an animal or a group of animals and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, a person may not practice veterinary medicine in this State except within the context of a veterinarian-client-patient relationship.*

2. *A licensed veterinarian may, in good faith and without the establishment of a veterinarian-client-patient relationship, provide emergency or urgent care to an animal when a client cannot be identified.*

3. *A veterinarian ~~shall be deemed to have~~ has a veterinarian-client-patient relationship concerning an animal if the veterinarian:*

(a) Assumes responsibility for making medical judgments concerning the health of the animal and the need for medical treatment of the animal;

(b) Has knowledge of the present care and health of the animal sufficient to provide at least a general or preliminary diagnosis of the medical condition of the animal, which knowledge must have been acquired by:

- (1) Conducting a physical examination of the animal; or
- (2) Visiting, within a period of time that is appropriate for the medical issue in question, the premises where the animal is kept;

(c) Obtains an agreement with the client to follow the instructions provided by the veterinarian for the care and medical treatment of the animal;

(d) Is readily available for follow-up evaluation or ~~if, pursuant to an arrangement with another veterinarian who previously had been caring for or treating the animal, has agreed to provide;~~ has arranged for:

- (1) Emergency or urgent care ~~if required;~~ coverage; or
- (2) Continuing ~~if reasonable and appropriate;~~ medical care and treatment ~~and has~~ which has been designated by the veterinarian to be provided by another licensed veterinarian who:

(I) Has access to the medical records of the animal; or

(II) Can provide reasonable and appropriate medical care; and

(e) Provides oversight of treatment. ~~if and~~

~~(f) Maintains medical records of the animal.~~

4. A veterinarian-client-patient relationship is not established solely through veterinary telemedicine. ~~After~~ However, once established, ~~through other means,~~ a veterinarian-client-patient relationship may be maintained via veterinary telemedicine between:

- (a) Medically necessary examinations; or
- (b) Visits, within periods of time that are appropriate for the medical issue in question, to the premises where the animal is kept.

5. In the absence of a veterinarian-client-patient relationship:

(a) Except as otherwise provided in paragraph (b), any advice which is provided through electronic means must be general and not specific to a particular animal or its diagnosis or treatment.

(b) Advice and recommendations may be provided via veterinary telemedicine in an emergency, but only until the animal can be examined in person by a licensed veterinarian.

Sec. 4. A supervising veterinarian who has established a veterinarian-client-patient relationship may provide the supervision and control required by this chapter and the regulations adopted pursuant to NRS 638.124 over a veterinary technician who is not located at the same site as the supervising veterinarian via veterinary telemedicine if:

1. The supervising veterinarian and the veterinary technician are both employees of the same veterinary facility; and
2. The veterinary facility is located in Nevada.

Sec. 5. NRS 638.001 is hereby amended to read as follows:

638.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 638.0015 to 638.013, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 6. NRS 638.008 is hereby amended to read as follows:

638.008 **1.** “Practice of veterinary medicine” means:

~~1-1~~ **(a)** To diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions, including, but not limited to:

~~1-a~~ **(1)** The prescription or the administration of any drug, medicine, biologic, apparatus, application, anesthetic or other therapeutic or diagnostic substance or technique;

~~1-b~~ **(2)** The collection of embryos;

~~1-c~~ **(3)** Testing for pregnancy or for correcting sterility or infertility;

~~1-d~~ **(4)** Acupuncture;

~~1-e~~ **(5)** Dentistry;

~~1-f~~ **(6)** Chiropractic procedures;

~~1-g~~ **(7)** Surgery, including cosmetic surgery; or

~~1-h~~ **(8)** Rendering advice or recommendation with regard to any of these ~~by any means, including, without limitation, veterinary telemedicine.~~

~~2-1~~ **(b)** To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in ~~subsection 1.~~

~~3-1~~ **paragraph (a).**

(c) To use any title, words, abbreviation or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in ~~subsection 1.~~ **paragraph (a)**, except if the person is a veterinarian.

2. The term does not include:

(a) The practice of a veterinarian or veterinary technician while he or she lectures, teaches, administers a practical examination or conducts a laboratory demonstration in a facility in connection with ~~the~~ :

(1) A seminar ; or

(2) A course of continuing education for veterinarians or veterinary technicians ~~that~~ that has been approved by the Board;

(b) The practice of a person who is a graduate from a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association while he or she is preparing to take a clinical proficiency examination administered by the American Veterinary Medical Association for the purpose of acquiring an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or its successor organization as described in paragraph (b) of subsection 2 of NRS 638.100; or

(c) Emergency advice or recommendations given by a poison control center until the animal can be examined in person by a licensed veterinarian.

Sec. 7. ~~NRS 638.090 is hereby amended to read as follows:~~

~~638.090 It is unlawful for any person to practice veterinary medicine, surgery, obstetrics or dentistry within the State of Nevada [without] :~~

~~1. Without a license issued pursuant to the provisions of this chapter [.] ;~~
~~and~~

~~2. If the person is practicing veterinary medicine using veterinary telemedicine, without a license issued by the state in which the animal which is the subject of the veterinary telemedicine is physically located.] (Deleted by amendment.)~~

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

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

Amendment No. 241.

AN ACT relating to public accommodations; expanding the definition of “place of public accommodation” to include a business which offers goods or services to the general public in this State through an Internet website, mobile application or other electronic medium ~~_, regardless of whether or, and which is not [the business is] operated from a physical location _,) in this State;~~ exempting certain online forums from the applicability of provisions governing places of public accommodation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that all persons have the right to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation without discrimination or segregation based on race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) A person who withholds, denies or deprives any other person of this right, intimidates, threatens or coerces any other person for the purpose of interfering with this right or punishes any other person for exercising this right is guilty of a misdemeanor and is liable to the person for damages. (NRS 651.080, 651.090) Existing law defines “place of public accommodation” to include certain specified establishments and places and any other establishment or place to which the public is invited or which is intended for public use. (NRS 651.050) **Section 1** of this bill expands the definition of “place of public accommodation” to include any online establishment, which is defined in **section 1** as a business, whether or not conducted for profit, which offers goods or services to the general public in this State through an Internet website, mobile application or other electronic medium ~~_, regardless of~~

~~whether or~~ **and which is** not ~~[the business is]~~ operated from a physical location ~~[]~~ **in this State.**

Existing law exempts from the provisions governing places of public accommodation certain private clubs and other establishments not in fact open to the public. (NRS 651.060) **Section 2** of this bill additionally exempts from such provisions a private online discussion forum, which is defined in **section 2** to mean an online forum with not more than 1,000 members that is operated for the primary purpose of allowing its members to exercise their constitutionally protected right of expressive association and whose operator does not regularly receive certain payments from nonmembers.

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

Section 1. NRS 651.050 is hereby amended to read as follows:

651.050 As used in NRS 651.050 to 651.110, inclusive, unless the context otherwise requires:

1. “Disability” means, with respect to a person:
 - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
 - (b) A record of such an impairment; or
 - (c) Being regarded as having such an impairment.
2. “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.
3. ***“Online establishment” means a business, whether or not conducted for profit, which ~~offers~~ :***
 - (a) Offers goods or services to the general public in this State through an Internet website, mobile application or other electronic medium ~~, regardless of whether or not the business is~~ ; and***
 - (b) Is not operated from a physical location ~~in~~ in this State.***
4. “Place of public accommodation” means:
 - (a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as the proprietor’s residence;
 - (b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;
 - (c) Any gasoline station;
 - (d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;
 - (e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;
 - (f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) ***Any online establishment;***

(o) Any other establishment or place to which the public is invited or which is intended for public use; and

~~[(e)]~~ (p) Any establishment ***that is operated from a physical location and*** physically ~~containing~~ ***contains*** or ***is*** contained within any of the establishments ***that are operated from a physical location*** described in paragraphs (a) to ~~[(n)]~~ (o), inclusive, ***and*** which holds itself out as serving patrons of the described establishment.

~~[(4)]~~ 5. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 2. NRS 651.060 is hereby amended to read as follows:

651.060 1. The provisions of NRS 651.050 to 651.110, inclusive, do not apply to any private club , ***private online discussion forum*** or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

2. ***As used in this section, “private online discussion forum” means an online forum:***

(a) ***Which is operated for the primary purpose of allowing its members to exercise their constitutionally protected right of expressive association;***

(b) ***Which has not more than 1,000 members; and***

(c) ***The operator of which does not regularly receive payment, directly or indirectly, from or on behalf of nonmembers for dues, fees, use of facilities or goods or services for the furtherance of trade or business.***

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 341.

AN ACT relating to animals; prohibiting a person from removing or disabling the claws of a cat by performing certain procedures except if necessary to address the physical medical condition of the cat; prohibiting the removal or disabling of the claws of a cat for cosmetic, aesthetic or convenience reasons; ~~requiring licensed veterinarians to submit certain statements regarding removing or disabling the claws of a cat;~~ imposing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits various actions that result in cruelty to animals. (NRS 574.050-574.200) **Section 1** of this bill prohibits a person from removing or disabling the claws of a cat by performing or causing to be performed certain procedures, including declawing the cat. **Section 1** authorizes the removal or disabling of the claws of a cat if the procedure is necessary to address the physical medical condition of the cat, including addressing an existing or recurring illness, infection, disease, injury or abnormal condition, as determined by a licensed veterinarian. **Section 1** provides that a person shall not remove or disable the claws of a cat for cosmetic or aesthetic reasons or for reasons of convenience in keeping or handling the cat.

~~[Section 1 requires a licensed veterinarian who determines that the removal or disabling of the claws of a cat is necessary to address the physical medical condition of the cat to: (1) prepare and file a written statement with the Nevada State Board of Veterinary Medical Examiners setting forth the purpose for performing the procedure and providing the name and address of the owner or keeper of the cat; and (2) provide a copy of the statement to the owner or keeper of the cat. Section 1 requires the statement to be provided to the Board before performing the procedure or, in the case of an emergency, not later than 5 days after performing the procedure.]~~

Section 1 imposes the following civil penalties on any person who violates **section 1** by unlawfully performing or causing to be performed certain procedures for removing or disabling the claws of a cat: (1) for the first violation, a civil penalty of not more than \$1,000; (2) for the second violation, a civil penalty of not more than \$1,500; and (3) for the third or subsequent violation, a civil penalty of not more than \$2,500. ~~[Section 1 imposes the following civil penalties on any licensed veterinarian for a violation of section 1 related to the written statement required to be filed with the Nevada State Board of Veterinary Medical Examiners: (1) for the first violation, a civil penalty of not more than \$100; (2) for the second violation, a civil penalty of not more than \$150; and (3) for the third or subsequent violation, a civil penalty of not more than \$250.]~~ **Section 1** additionally provides that a licensed veterinarian who violates any provision of **section 1** is subject to disciplinary action by the Nevada State Board of Veterinary Medical Examiners. **Section 5** of this bill makes a conforming change by listing the violation of

section 1 as a ground for disciplinary action. **(NRS 638.140)** If the Board determines that a licensed veterinarian has violated **section 1**, the Board may: (1) refuse to issue a license; (2) refuse to renew a license; (3) revoke a license; (4) suspend a license for a definite period; (5) impose a fine of not more than \$10,000 for each act; (6) place a licensed veterinarian on probation; (7) administer a public reprimand; (8) limit the practice of the licensed veterinarian to specified branches of veterinary medicine; or (9) require the licensed veterinarian to take a competency examination or a mental or physical examination. (NRS 638.147)

Sections 2, 3 and 4 of this bill make conforming changes to indicate the placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not remove or disable the claws of a cat by performing or causing to be performed an onychectomy, partial or complete phalangectomy or tendonectomy procedure, or any other surgical procedure that prevents the normal functioning of the claws of a cat, on a cat within this State, except if necessary to address the physical medical condition of the cat, including, without limitation, addressing an existing or recurring illness, infection, disease, injury or abnormal condition in the claw of the cat that compromises the health of the cat, as determined by a licensed veterinarian. A person shall not remove or disable the claws of a cat for cosmetic or aesthetic reasons or for reasons of convenience in keeping or handling the cat.

~~2. If a licensed veterinarian determines that it is necessary to remove or disable the claws of a cat to address the physical medical condition of the cat, as described in subsection 1, the licensed veterinarian shall, before performing the procedure or not later than 5 days after performing the procedure if the procedure is required in the case of an emergency:~~

~~—(a) Prepare and file a written statement with the Nevada State Board of Veterinary Medical Examiners setting forth the purpose for performing the procedure and providing the name and address of the owner or keeper of the cat; and~~

~~—(b) Provide a copy of the statement to the owner or keeper of the cat.~~

~~3. Any person who violates a provision of subsection 1 shall:~~

~~(a) For the first violation, pay a civil penalty of not more than \$1,000;~~

~~(b) For the second violation, pay a civil penalty of not more than \$1,500; and~~

~~(c) For the third or subsequent violation, pay a civil penalty of not more than \$2,500.~~

↪ Any money collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

~~{4. Any licensed veterinarian who violates a provision of subsection 2 shall~~

~~— (a) For the first violation, pay a civil penalty of not more than \$100;~~

~~— (b) For the second violation, pay a civil penalty of not more than \$150; and~~

~~— (c) For the third or subsequent violation, pay a civil penalty of not more than \$250.~~

~~→ Any money collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.~~

~~—5. 3.~~ 3. In addition to the penalties described in ~~subsections 3 and 4,~~ subsection 2, a licensed veterinarian who fails to comply with the provisions of this section is subject to disciplinary action by the Nevada State Board of Veterinary Medical Examiners pursuant to NRS 638.140.

~~{6. 4.~~ 4. The Attorney General may recover the civil penalty for a violation of subsection 1 ~~for 2,~~ in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

~~{7. 5.~~ 5. As used in this section:

(a) “Cat” means a domestic cat of the species Felis catus or a hybrid of that species. The term includes, without limitation, a Savannah cat, Serengeti cat, Maine coon, Bengal cat or Chausie.

(b) “Licensed veterinarian” has the meaning ascribed to it in NRS 638.007.

(c) “Onychectomy” means any surgical procedure in which a portion of the paw of the cat is amputated to remove the claws of the animal. The term includes, without limitation, procedures commonly referred to as declawing.

(d) “Phalangectomy” means the excision of one or more of the phalanges of the paw of a cat.

(e) “Tendonectomy” means a procedure in which the tendons to the limbs, paws or toes of a cat are cut or modified so that the claws cannot be extended.

Sec. 2. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~{,~~ and section 1 of this act:

1. “Animal” does not include the human race, but includes every other living creature.

2. “First responder” means a person who has successfully completed the national standard course for first responders.

3. “Police animal” means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 3. NRS 574.200 is hereby amended to read as follows:

574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, and section 1 of this act do not:

(a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

(b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

(c) Interfere with the right to kill all animals and fowl used for food.

(d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

Sec. 4. NRS 574.550 is hereby amended to read as follows:

574.550 1. Except as otherwise provided in subsections 2 and 3, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.

2. A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet if:

(a) The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;

(b) The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and

(c) The ordinance, at a minimum:

(1) Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and

(2) Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive ~~††~~, **and section 1 of this act.**

3. The provisions of this section do not:

(a) Apply to any sale or transfer of ownership of any livestock.

(b) Apply to any event where the primary purpose is to sell or auction livestock or agricultural implements.

(c) Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(d) Apply to a person who offers for adoption or transfers ownership of a live animal at a swap meet if:

(1) A fee is not charged or collected for the adoption or transfer of ownership or otherwise in connection with the transaction; and

(2) The animal has had all the required vaccinations which are appropriate based upon the age of the animal.

(e) Exempt a person from complying with:

(1) Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or

(2) Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.

4. As used in this section:

(a) “Livestock” has the meaning ascribed to it in NRS 569.0085.

(b) “Sell” means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.

(c) “Swap meet” means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.

Sec. 5. NRS 638.140 is hereby amended to read as follows:

638.140 The following acts, among others, are grounds for disciplinary action:

1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;

2. An alcohol or other substance use disorder;

3. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;

4. Incompetence;

5. Negligence;

6. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;

7. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;

8. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;

9. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;

10. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;

11. Willful failure to accept service by mail or in person from the Board;

12. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; ~~and~~

13. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian ~~††~~; **and**

14. Violation of a provision of section 1 of this act.

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. 211.

Bill read second time.

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

Amendment No. 313.

AN ACT relating to wildlife; requiring ~~1, with certain exceptions, the Department of Wildlife to submit comments on the potential impacts to wildlife and wildlife habitat of a proposed subdivision of land;~~ a copy of the tentative map of the design of a proposed subdivision of land to be forwarded to the Department of Wildlife for comment; revising the factors that are considered before taking final action on a tentative map; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth an approval process for the subdivision of land that requires a subdivider of land to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for comment ~~and requires the planning commission or governing body to consider such comments when deciding whether to approve the tentative map. (NRS 278.335 278.3485))~~ (NRS 278.335)

~~Section 1.5 of this bill requires 1, with certain exceptions: (1) a) the tentative map to be forwarded to the Department of Wildlife for comment on potential impacts to wildlife and wildlife habitat 1; and (2) the governing body or planning commission to consider such comments when deciding whether to approve the tentative map. Section 1 also authorizes the Department of Wildlife to impose a fee and adopt regulations relating to the Department's review of the tentative map.~~ 1.5 of this bill requires 1, with certain exceptions: (1) a) the tentative map to be forwarded to the Department of Wildlife for comment on potential impacts to wildlife and wildlife habitat 1; and (2) the governing body or planning commission to consider such comments when deciding whether to approve the tentative map. Section 1 also authorizes the Department of Wildlife to impose a fee and adopt regulations relating to the Department's review of the tentative map. unless the governing body has adopted a habitat conservation plan for multiple species that includes a determination of the impact to wildlife and wildlife habitat and the habitat conservation plan was approved by the United States Fish and Wildlife Service.

Existing law requires a governing body or planning commission to consider certain factors before taking final action on a tentative map. (NRS 278.349) Section 2 of this bill indicates the placement of section 1 in the Nevada Revised Statutes. additionally requires the governing body or planning commission to consider the potential impact to wildlife and wildlife habitat before taking final action on a tentative map.

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

Section 1. ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as otherwise provided in subsection 2:~~

~~(a) The planning commission or its designated representative or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the Department of Wildlife.~~

~~(b) The Department of Wildlife shall within 30 days review and comment in writing upon the map regarding the potential impacts to wildlife and wildlife habitat and submit the comments to the planning commission or governing body, as applicable. The Department shall include in its comments, without limitation, a plan for how the subdivider may avoid, minimize or mitigate the potential impacts to wildlife and wildlife habitat.~~

~~(c) The planning commission or governing body, as applicable, shall take any such comments from the Department of Wildlife into consideration before approving the tentative map.~~

~~2. The provisions of subsection 1 do not apply if the planning commission or governing body, as applicable, has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service.~~

~~3. The Department may charge the subdivider a fee of not more than \$5,000 for reviewing a tentative map pursuant to this section. The amount of any such fee must be based, without limitation, on the size of the proposed subdivision and the type of wildlife habitat that will be impacted by the proposed subdivision.~~

~~4. The Department of Wildlife may adopt any regulations necessary to carry out the provisions of this section.~~ (Deleted by amendment.)

Sec. 1.5. NRS 278.335 is hereby amended to read as follows:

278.335 1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, for review to:

(a) The Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources .
[.]

(b) The district board of health acting for the Division of Environmental Protection pursuant to subsection 2 . [; and]

(c) If the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada.

(d) Except as otherwise provided in this paragraph, the Department of Wildlife. This paragraph does not apply if the governing body has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service.

2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections must be exercised by the district board of health.

3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the Division of Environmental Protection which subdivisions met these requirements of law and have been certified by the district board of health.

4. The State is not chargeable with any expense incurred by a district board of health acting pursuant to this section.

5. Each reviewing agency shall, within 15 days after the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

Sec. 2. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

↪ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or

public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive; ~~and section 1 of this act;~~

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; ~~and~~

(k) **The potential impacts to wildlife and wildlife habitat; and**

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless the subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest. Any disapproval or conditional approval must include a statement of the reason for that action.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 220.

Bill read second time.

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

Amendment No. 316.

AN ACT relating to peace officers; requiring each law enforcement agency to adopt a written policy establishing standards of conduct for the use of mobile devices by peace officers employed by the law enforcement agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "law enforcement agency" as any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which has a duty to enforce the law and which employs any peace officer or officers. (NRS 289.010) This bill: (1) requires each law enforcement agency to adopt a written policy establishing standards of conduct for the use of a mobile device issued by the law enforcement agency to any peace officer employed by the agency; and (2) sets forth specific requirements relating to the policy.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt a written policy setting forth standards of conduct for the use of any mobile device issued by the law enforcement agency to any peace officer employed by the agency for use by the peace officer while performing official duties.

2. In addition to including rules for the appropriate use of a mobile device by a peace officer while performing official duties, the written policy adopted by a law enforcement agency pursuant to this section must:

(a) Establish which mobile applications are approved for official use on a mobile device; and

(b) Prohibit the use of any mobile application that is not approved for official use on a mobile device.

3. A law enforcement agency may not approve for official use on a mobile device any mobile application that uses end-to-end encryption or any other means with the intent to avoid the creation, retention or lawful discovery of records or data relating to the communications of a peace officer.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 298.

SUMMARY—Provides for access to ~~feminine hygiene~~ **menstrual** products in certain public schools. (BDR 34-767)

AN ACT relating to education; requiring that the annual report of accountability prepared by the board of trustees of each school district and the governing bodies of certain charter schools include certain information related to ~~feminine hygiene~~ **menstrual** products; requiring the provision of ~~feminine hygiene~~ **menstrual** products in the bathrooms of certain public schools; requiring the board of trustees of each school district and the governing bodies of certain charter schools to develop a plan to address access to ~~feminine hygiene~~ **menstrual** products; requiring the board of trustees of each school district and the governing bodies of certain charter schools to submit a report to the Legislature; **directing the Legislative Commission to appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high schools and high schools**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing bodies of certain charter schools in this State to prepare an annual report of accountability. (NRS 385A.070) **Section 1** of this bill requires the report to include information on access to ~~feminine hygiene~~ **menstrual** products in each middle school, junior high school and high school in the school district and certain charter schools. **Section 3** of this bill requires the board of trustees of each school district and the governing bodies of certain charter schools to ensure that ~~feminine hygiene~~ **menstrual** products are provided at no cost to pupils in the bathrooms of each middle school, junior high school and high school in the school district or charter school operating as such a school. **Section 3** also requires the board of trustees of each school district and the governing bodies of certain charter schools to develop a plan to address access to ~~feminine hygiene~~ **menstrual** products. **Section 3** sets forth various requirements of the plan. Finally, **section 3** requires the board of trustees or governing body to submit a report on the plan to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in each odd-numbered year.

Section 3.3 of this bill requires 25 percent of the middle schools, junior high schools and high schools in each school district and 25 percent of the charter schools with the same sponsor that operate as a middle school, junior high school or high school to provide menstrual products at no cost to pupils in a certain number of restrooms.

Section 3.7 of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the effects of section 3.3 and access to menstrual products in middle schools, junior high schools and high schools in this State.

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

Section 1. Chapter 385A of NRS is hereby amended by adding thereto a new section to read as follows:

The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each middle school, junior high school and high school in the school district and for each charter school that operates as a middle school, junior high school or high school, an evaluation of access to ~~feminine hygiene~~ menstrual products.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada

System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, **and section 1 of this act** as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that operates as a middle school, junior high school or high school shall ensure that ~~feminine hygiene~~ menstrual products are provided at no cost to pupils in the bathrooms of each middle school, junior high school and high school in the school district or charter school.

2. The board of trustees of each school district and the governing body of each charter school that operates as middle school, junior high school or high school shall develop a plan to address the lack of access to ~~feminine hygiene~~ menstrual products due to affordability and to provide equal access to ~~feminine hygiene~~ menstrual products. The board of trustees or governing body shall review the plan each year. The plan must, without limitation:

(a) Evaluate the access to and quality of ~~feminine hygiene~~ menstrual products in the middle schools, junior high schools and high schools in the school district or charter school;

(b) Include a method to evaluate the effectiveness of the plan;

(c) Be evidence-based;

(d) Be solution-oriented;

(e) Outline how the school district or charter school will ensure access to ~~feminine hygiene~~ menstrual products regardless of affordability and destigmatize the need for ~~feminine hygiene~~ menstrual products; and

(f) Outline any curriculum a school in the school district or a charter school may provide regarding access to ~~feminine hygiene~~ menstrual products.

3. The board of trustees of a school district or governing body of a charter school that operates as a middle school, junior high school or high school may apply for any available grants and accept any gifts, grants or donations to implement the provisions of this section.

4. On or before February 1 of each odd-numbered year, the board of trustees of each school district and the governing body of each charter school that operates as a middle school, junior high school or high school shall submit a report on the plan developed pursuant to subsection 2 to the

Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

~~4.1~~ 5. As used in this section, ~~“feminine hygiene”~~ “menstrual products” includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.

Sec. 3.3. On or before January 1, 2022, at least 25 percent of the middle schools, junior high schools and high schools in each school district and 25 percent of the charter schools with the same sponsor that operate as a middle school, junior high school or high school, shall provide:

1. Menstrual products at no cost to pupils in women’s restrooms for the remainder of the 2021-2022 school year and the 2022-2023 school year; and

2. At least one dispenser stocked with menstrual products at no cost to pupils in at least two women’s restrooms in the school, if the school has two or more women’s restrooms.

Sec. 3.7. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high schools and high schools in this State and the effect of the provisions of section 3.3 of this act on such access.

2. The interim committee must be composed of the following members:

(a) One member of the Legislature appointed by the Majority Leader of the Senate;

(b) One member of the Legislature appointed by the Speaker of the Assembly;

(c) One member with knowledge relating to access to menstrual products in middle schools, junior high schools and high schools appointed by the Legislative Commission;

(d) One member appointed by the Department of Education; and

(e) One member appointed by the State Public Charter School Authority.

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. In conducting the study, the interim committee may consult with and solicit input from persons and organizations with expertise in matters relevant to access to menstrual products in middle schools, junior high schools and high schools.

5. The Legislative Commission shall submit a report of the results of the study, including, without limitation, any recommendations for legislation to:

(a) The Legislative Committee on Education; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

6. As used in this section, “menstrual products” includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:16 p.m.

ASSEMBLY IN SESSION

At 9:52 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 249.

Bill read second time.

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

Amendment No. 425.

SUMMARY—Revises provisions relating to ~~land use planning~~ **common-interest communities**. (BDR ~~{22-796}~~ **10-796**)

AN ACT relating to ~~construction; requiring the governing body of a county or city to establish uniform hours by which construction work may begin on certain land;~~ **common-interest communities**; prohibiting, **under certain circumstances**, a common-interest community from restricting the hours ~~by which construction work may begin; in a way that is inconsistent with the permissible hours established by the governing body of the county or city;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[Existing law authorizes the governing body of a county or city to adopt certain zoning regulations. (NRS 278.250) Section 1 of this bill requires a governing body to establish by an ordinance related to zoning reasonable, uniform hours at which construction work in areas zoned for commercial or residential use may begin, which must not be before 5 a.m. on Mondays through Fridays during the months of May through September. Section 2 of~~

this bill makes a conforming change to indicate the placement of section 1 in the Nevada Revised Statutes.

~~Existing law authorizes the governing body of a county or city to adopt ordinances regulating excessive noise. (NRS 244.363, 268.412)~~

~~Sections 5 and 6 of this bill provide that an ordinance regulating excessive noise must be consistent with a zoning ordinance adopted in accordance with the requirements of section 1.]~~

Existing law requires the unit-owners' association of a common-interest community to adopt bylaws and authorizes an association to amend bylaws and adopt rules and regulations concerning the community. (NRS 116.3102) Section 3 of this bill prohibits ~~[an association from regulating or]~~ **the executive board and the governing documents of an association from** restricting the hours in which construction may begin **during the period beginning on May 1 and ending on September 30 to any hours** other than those hours which are authorized by an ordinance adopted by the governing body of a county or city ~~[pursuant to section 1.]~~, **if any.** Section 4 of this bill makes a conforming change to indicate the placement of section 3 in the Nevada Revised Statutes.

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

Section 1. ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as otherwise provided in subsection 2, a governing body shall in an ordinance relating to zoning establish reasonable, uniform hours at which construction work may begin on any land that is zoned for commercial use or residential use, and on any other land located not more than 500 feet from land zoned for commercial use or residential use.~~

~~2. The hours established pursuant to subsection 1 must not begin before 5 a.m. on Monday through Friday during the months of May through September.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 278.010 is hereby amended to read as follows:~~

~~278.010 As used in NRS 278.010 to 278.630, inclusive, and section 1 of this act unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[The]~~

1. If the governing body of a county or city in which a common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the common-interest community during the period beginning on May 1 and ending on September 30 to hours other than those hours in

~~which construction work may begin pursuant to a zoning ordinance adopted by the governing body of the county or city in which the common interest community is located pursuant to section 1 of this act, set forth in the ordinance.~~

2. The provisions of subsection 1 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:

(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or

(b) During the period beginning on October 1 and ending on April 30.

Sec. 4. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, **and section 3 of this act**, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 5. ~~NRS 244.363 is hereby amended to read as follows:~~

~~244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection 7 of NRS 202.450 [.] and subject to the provisions of section 1 of this act, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.] (Deleted by amendment.)~~

Sec. 6. ~~NRS 268.412 is hereby amended to read as follows:~~

~~268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection 7 of NRS 202.450 [.] and subject to the provisions of section 1 of this act, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.] (Deleted by amendment.)~~

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 268.

Bill read second time.

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

Amendment No. 460.

AN ACT relating to peace officers; requiring ~~each~~ **certain** law enforcement ~~agency~~ **agencies** to adopt a written policy regarding the use of force ~~and~~ **and make the written policy available to the public on the Internet website maintained by the law enforcement agency, if any;** prohibiting a peace officer from using deadly force against a person based on the danger that the person poses to himself or herself under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each law enforcement agency to adopt certain policies. (NRS 171.1237, 171.1239, 289.595, 289.680, 289.825, 391.283) **Section 1** of this bill: (1) requires each law enforcement agency **, not including the Department of Wildlife,** to adopt a written policy regarding the use of force ~~and~~ **and make the written policy available to the public on the Internet website maintained by the law enforcement agency, if any;** and (2) establishes certain requirements concerning the written policy. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** within the Nevada Revised Statutes.

Existing law provides that homicide by a public officer is justifiable in protecting against an imminent threat to the life of a person, among other circumstances. (NRS 200.140) **Section 3** of this bill prohibits a peace officer from using deadly force against a person based on the danger that the person poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person. **Section 4** of this bill makes a conforming change to reflect the exception established in **section 3** for when homicide by a public officer is not justifiable.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt a written policy regarding the use of force ~~and~~ and, if feasible, make the written policy available to the public on the Internet website maintained by the law enforcement agency, if any. The written policy adopted by the law enforcement agency must include, without limitation:

- (a) Guidelines for the use of force;**
- (b) Guidelines for the use of deadly force;**
- (c) A requirement that peace officers utilize de-escalation techniques, crisis intervention and other alternatives to force when feasible;**

(d) *A requirement that peace officers utilize de-escalation techniques for responding to persons with mental illness or experiencing a behavioral health crisis;*

(e) *A requirement that the law enforcement agency, when feasible, send a peace officer who has been trained in crisis intervention to respond to an incident involving a person who has made suicidal statements; ~~and~~*

(f) *Factors for evaluating and reviewing all incidents which require the use of force ~~for~~; and*

(g) *The date on which the written policy was adopted by the law enforcement agency.*

2. *As used in this section ~~for~~ “peace” :*

(a) *“Peace officer who has been trained in crisis intervention” means a peace officer who has been issued a certificate of completion of the training program developed and approved by the Commission pursuant to paragraph (i) of subsection 1 of NRS 289.510.*

(b) *“Law enforcement agency” does not include the Department of Wildlife.*

Sec. 2. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.680, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In carrying out his or her duties, a peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.*

2. *As used in this section, “peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 4. NRS 200.140 is hereby amended to read as follows:

200.140 Homicide is justifiable when committed by a public officer, or person acting under the command and in the aid of the public officer, in the following cases:

1. In obedience to the judgment of a competent court.

2. When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.

3. When necessary:

(a) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony;

(b) In attempting, by lawful ways or means, to apprehend or arrest a person;

(c) In lawfully suppressing a riot or preserving the peace; or

(d) ~~Has~~ *Except as otherwise provided in section 3 of this act, in* protecting against an imminent threat to the life of a person.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

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

Amendment No. 173.

AN ACT relating to state property; revising provisions relating to ~~the accounting of certain fees for the use of~~ the buildings and grounds of the former Stewart Indian School; revising provisions related to the Silver State Industries Endowment Fund and the Endowment Fund for the Historic Preservation of the Nevada State Prison; authorizing the sale or consumption of beer and wine at certain events held within the historic structures, buildings and other property of the Nevada State Prison; making various other changes related to the Nevada State Prison; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law: (1) the Nevada Indian Commission is the coordinating agency regarding activities at and uses of the buildings and grounds of the former Stewart Indian School; ~~and~~ (2) the Commission designates the buildings and grounds of the former Stewart Indian School to be managed by the Museum Director for the purpose of establishing and maintaining the Stewart Indian School Cultural Center and Museum; and (3) gifts, grants of money, revenues generated or other property which the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund. (NRS 233A.092, ~~233A.097~~) Existing law requires, with certain exceptions, that the proceeds of a fee for any authorization to use state land must be paid into the State Treasury for credit to the State General Fund. (NRS 322.160) 233A.097, 233A.300) Section 2.5 of this bill requires the Museum Director of the Stewart Indian School Cultural Center and Museum to enter into an agreement with the State Land Registrar or any other state agency that receives an assignment of the buildings and grounds of the former Stewart Indian School to: (1) designate which buildings and grounds of the former Stewart Indian School under the management of the Museum Director are appropriate for special events; and (2) authorize the Museum Director to grant special use permits to hold special events at or on the designated buildings and grounds.

Sections ~~1, 2~~ and ~~5~~ 2.5 of this bill require that ~~the proceeds of~~ any ~~fee charged for authorization to use the~~ money received for special events held at or on the buildings or grounds of the former Stewart Indian School be paid

into the State Treasury for credit to the Nevada Indian Commission's Gift Fund for the purpose of carrying out programs to preserve and maintain the buildings and grounds of the former Stewart Indian School.

Existing law: (1) creates the Silver State Industries Endowment Fund, which is administered by the Silver State Industries Division of the Department of Corrections; (2) prescribes the uses of the money in the Fund; (3) prohibits spending or transferring any amount of the reserved principal of the Fund, which must not exceed \$100,000; and (4) requires the State Treasurer, at the end of each fiscal year, to transfer to the Endowment Fund for the Historic Preservation of the Nevada State Prison a portion of the money remaining in the Silver State Industries Endowment Fund. (NRS 209.194, 381.239) **Section 3** of this bill: (1) revises the allocation of money in the Fund for the maintenance of the modern structures, buildings and other property of the Nevada State Prison and administrative costs; and (2) eliminates the prohibition on spending or transferring the reserved principal of the Fund.

Existing law makes it unlawful, with certain exceptions, to sell alcoholic beverages within one-half mile of any institution under the jurisdiction of the Department of Corrections. (NRS 212.180) **Section 4** of this bill authorizes the sale or consumption of beer and wine at certain events held within the historic structures, buildings and other property of the Nevada State Prison.

Existing law: (1) creates the Endowment Fund for the Historic Preservation of the Nevada State Prison; (2) requires that the money in the Fund be used to operate, maintain and preserve the historic structures, buildings and other property of the Nevada State Prison; and (3) prohibits spending or transferring any amount of the reserved principal of the Fund, which must not exceed \$100,000. (NRS 381.239) **Section 6** of this bill eliminates the prohibition on spending or transferring the reserved principal of the Fund.

Existing law authorizes the Department of Corrections and any other state agency to which an assignment of the historic property of the Nevada State Prison is made to grant a special use permit or enter into an agreement with a nonprofit corporation, pursuant to which the corporation is authorized to conduct tours and engage in other activities relating to that property. (NRS 381.241) **Section 7** of this bill requires that any such permit or agreement provide that any income received by the corporation from grants made to the corporation for certain purposes belong solely to the corporation.

Existing law requires the Board of Museums and History to create a trust fund for the deposit of certain money that becomes available from grants, donations and gifts to be used for further study and development of the historic property of the Nevada State Prison. (NRS 381.243) **Section 9** of this bill eliminates the requirement to create the trust fund. **Section 8** of this bill requires that any money remaining in the trust fund on July 1, 2021, must be deposited in the Endowment Fund for the Historic Preservation of the Nevada State Prison.

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

Section 1. ~~/Chapter 233A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The proceeds of any fee charged for authorization to use the buildings or grounds of the former Stewart Indian School must be paid into the State Treasury for credit to the Nevada Indian Commission's Gift Fund created by NRS 233A.097 and used by the Nevada Indian Commission to carry out programs to preserve and maintain the buildings and grounds of the former Stewart Indian School.*~~ **(Deleted by amendment.)**

Sec. 2. NRS 233A.097 is hereby amended to read as follows:

233A.097 1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money, revenues generated or other property which the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The Commission may establish such accounts in the Fund as are necessary to account properly for gifts, grants and revenues received ~~and fees deposited~~ money received pursuant to ~~section 1 of this act.~~ NRS 233A.300. All such money received by the Commission must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Executive Director of the Commission or his or her designee.

2. Gifts of property other than money may be sold or exchanged when this is deemed by the Commission to be in the best interest of the Commission. The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the Commission. All money received from the sale must be deposited in the State Treasury to the credit of the appropriate gift account in the Nevada Indian Commission's Gift Fund. The money may be spent only for the purposes of the Commission. The property may not be sold or exchanged if to do so would violate the terms of the gift.

Sec. 2.5. NRS 233A.300 is hereby amended to read as follows:

233A.300 1. The buildings and grounds of the former Stewart Indian School that are designated by the Commission are under the management of the Museum Director for the purpose of establishing and maintaining the Stewart Indian School Cultural Center and Museum.

2. The Museum Director shall enter into an agreement with the State Land Registrar or any other state agency that receives an assignment from the State Land Registrar of the buildings and grounds of the former Stewart Indian School. The agreement must, without limitation:

(a) Designate which buildings and grounds of the former Stewart Indian School under the management of the Museum Director pursuant to subsection 1 are appropriate for holding special events; and

(b) Authorize the Museum Director to grant special use permits to hold special events at or on the buildings and grounds of the former Stewart Indian School designated pursuant to paragraph (a).

3. Any money received for any special events held at or on the buildings and grounds of the former Stewart Indian School in accordance with the agreement entered into pursuant to subsection 2 must be:

(a) Paid into the State Treasury for credit to the Nevada Indian Commission's Gift Fund created by NRS 233A.097; and

(b) Used by the Commission to carry out programs to preserve and maintain the operations and cultural integrity of the former Stewart Indian School.

Sec. 3. NRS 209.194 is hereby amended to read as follows:

209.194 1. The Silver State Industries Endowment Fund is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund:

(a) Any money received from any commercial or correctional activities relating to the use of the modern structures, buildings and other property of the Nevada State Prison; and

(b) Any gifts, grants or donations of money the State Treasurer receives from any person who wishes to contribute to the Fund.

↪ The money described in paragraphs (a) and (b) must be accounted for separately.

3. The interest and income earned on the money in the Fund must be credited to the Fund.

4. The Fund must be administered by the Silver State Industries Division of the Department.

5. Except as otherwise provided in subsection 6, the money in the Fund must only be used for the purposes set forth in this subsection. ~~¶The money which represents the reserved principal of the Fund, in an amount not to exceed \$100,000, must not be spent and, except as otherwise provided in subsection 6, only the money which represents the principal in excess of \$100,000 and the interest earned on the principal may be used to carry out the provisions of this section.¶~~ The Silver State Industries Division may use:

(a) In addition to any interest earned on the principal of the Fund, not more than ~~{50}~~ 75 percent of the money received during a fiscal year from any commercial or correctional activities relating to the use of the modern structures, buildings and other property of the Nevada State Prison for the maintenance of the modern structures, buildings and other property of the Nevada State Prison; and

(b) Not more than ~~{10}~~ 5 percent of the ~~interest earned on the principal of the Fund~~ money received during a fiscal year from any commercial or

correctional activities relating to the use of the modern structures, buildings and other property of the Nevada State Prison to pay administrative costs.

6. At the end of each fiscal year, the State Treasurer shall transfer from the Silver State Industries Endowment Fund to the Endowment Fund for the Historic Preservation of the Nevada State Prison created by NRS 381.239 ~~150~~ 25 percent of all the money received during the fiscal year from any commercial or correctional activities relating to the use of the modern structures, buildings and other property of the Nevada State Prison and deposited into and remaining in the Silver State Industries Endowment Fund. The State Treasurer shall not transfer ~~the reserved principal of the Silver State Industries Endowment Fund or~~ any interest earned on the principal.

7. As used in this section, “modern structures, buildings and other property of the Nevada State Prison” means the structures, buildings and other property described in paragraph (a) of subsection 1 of NRS 321.004.

Sec. 4. NRS 212.180 is hereby amended to read as follows:

212.180 ~~111~~

1. *Except as otherwise provided in subsection 2, it* is unlawful for any person, unless the person was licensed to sell alcoholic beverages at that address before July 1, 1983, to sell by wholesale or retail any alcoholic beverage within one-half mile of any institution under the jurisdiction of the Department of Corrections which is designed to house 125 or more offenders within a secure perimeter, and no license may be granted authorizing the sale of any alcoholic beverage within one-half mile of such an institution.

2. *The provisions of subsection 1 do not prohibit the sale or consumption of beer and wine at any event held pursuant to a special use permit or agreement with the Nevada State Prison Preservation Society, or any successor or similar nonprofit corporation, within the historic structures, buildings and other property of the Nevada State Prison so long as the beer and wine is served in temporary containers and beer or wine is not stored at the historic structures, buildings and other property of the Nevada State Prison.*

3. *As used in this section:*

(a) *“Beer” has the meaning ascribed to it in NRS 369.010.*

(b) *“Historic structures, buildings and other property of the Nevada State Prison” means the structures, buildings and other property described in paragraph (b) of subsection 1 of NRS 321.004.*

(c) *“Wine” has the meaning ascribed to in NRS 369.140.*

Sec. 5. ~~NRS 322.160 is hereby amended to read as follows:~~

~~322.160 The proceeds of any fee charged pursuant to NRS 322.100 to 322.130, inclusive, must be accounted for by the State Land Registrar and:~~

~~1. If the fee is for any authorization to use land granted to the State by the Federal Government for educational purposes, the proceeds must be paid into the State Treasury for credit to the State Permanent School Fund.~~

~~2. If the fee is for any authorization to use any other state land, except as otherwise provided in this subsection ~~1~~, or section 1 of this act, the proceeds~~

~~must be paid into the State Treasury for credit to the State General Fund. If the proceeds of the fees charged pursuant to NRS 322.120 to use any other state land exceed \$65,000 in any fiscal year, the amount which is in excess of \$65,000 must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.~~ **(Deleted by amendment.)**

Sec. 6. NRS 381.239 is hereby amended to read as follows:

381.239 1. The Endowment Fund for the Historic Preservation of the Nevada State Prison is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund:

(a) Any money received from any commercial or tourist enterprises relating to the use of the historic structures, buildings and other property of the Nevada State Prison as a historical, cultural, educational and scientific resource, except for any administrative expenses of a nonprofit corporation retained by the corporation pursuant to NRS 381.241.

(b) At the end of each fiscal year, the money required by subsection 6 of NRS 209.194 to be transferred from the Silver State Industries Endowment Fund created by that section. ~~[-, other than the money which represents the reserved principal of the Silver State Industries Endowment Fund.]~~

(c) Any other gifts, grants or donations of money the State Treasurer receives from any person who wishes to contribute to the Fund.

3. The interest and income earned on the money in the Fund must be credited to the Fund.

4. The Fund must be administered by the agency to which the historic structures, buildings and other property of the Nevada State Prison are assigned for administration pursuant to NRS 321.004, in consultation with the Board and the Nevada State Prison Preservation Society or its successor.

5. The money in the Fund must only be used for the purposes of the operation, maintenance and preservation of the historic structures, buildings and other property of the Nevada State Prison as a historical, cultural, educational and scientific resource. ~~[The money which represents the reserved principal of the Fund, in an amount not to exceed \$100,000, must not be spent, and only the money which represents the principal in excess of \$100,000 and the interest earned on the principal may be used to carry out the provisions of this section.]~~ The agency that administers the Fund may use not more than 10 percent of the interest earned on the principal of the Fund to pay administrative costs.

Sec. 7. NRS 381.241 is hereby amended to read as follows:

381.241 1. The Department of Corrections and, as soon as practicable after the date of the assignment, any other state agency that receives an assignment from the State Land Registrar of the historic structures, buildings and other property of the Nevada State Prison pursuant to NRS 321.004 may grant a special use permit to or enter into an agreement with the Nevada State Prison Preservation Society, or any successor or similar nonprofit corporation, authorizing the corporation to conduct tours and engage in other commercial

and tourist activities relating to the historic structures, buildings and other property of the Nevada State Prison.

2. Any permit or agreement granted or entered into pursuant to this section must:

- (a) Be for a term of 2 years;
- (b) Be renewable as provided in the permit or agreement;
- (c) Authorize the corporation to charge and collect reasonable fees or solicit and collect donations for its activities;
- (d) Require the corporation to pay the income from such fees , ~~and donations,~~ less the reasonable administrative expenses incurred by the corporation, to the State Treasurer for deposit in the Endowment Fund for the Historic Preservation of the Nevada State Prison created by NRS 381.239; and
- (e) Provide that any income received by the corporation from membership fees, the sale of merchandise of the corporation , *grants* or donations made to the corporation for purposes other than entry into or tours of the historic structures, buildings and other property at the Nevada State Prison belong solely to the corporation.

Sec. 8. Any money remaining in the trust fund established pursuant to NRS 381.243 on July 1, 2021, must be deposited in the Endowment Fund for the Historic Preservation of the Nevada State Prison created by NRS 381.239.

Sec. 9. NRS 381.243 is hereby repealed.

Sec. 10. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

NRS 381.243 Trust fund for donations, sponsorships, gifts or grants: Establishment; uses; administration.

1. The Board shall establish a dedicated trust fund for the deposit of any money that becomes available from any public or private donation, sponsorship, gift or grant, other than:

- (a) A grant of federal money; or
- (b) Any money described in NRS 381.239.

2. The money in the trust fund established pursuant to this section must be used only for the further study and development of the historic structures, buildings and other property of the Nevada State Prison.

3. The trust fund established pursuant to this section must be administered by the Board in the manner provided by NRS 381.002 to 381.0037, inclusive, for the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, except that the trust fund established pursuant to this section must be administered in consultation with the agency to which the administration of the historic structures, buildings and other property of the Nevada State Prison is assigned pursuant to NRS 321.004 and the Nevada State Prison Preservation Society or its successor.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

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

Amendment No. 187.

ASSEMBLYWOMEN PETERS; **BILBRAY-AXELROD** AND TORRES

AN ACT relating to public restrooms; requiring places of public accommodation, public buildings and facilities owned by a public body, certain areas leased by or on behalf of a public body and certain leased areas within a state park that provide a single-stall restroom to the public to make the single-stall restroom as inclusive and accessible as possible ~~to~~ **to a person of any gender identity or expression**; revising provisions relating to the signage for such single-stall restrooms; requiring certain governmental entities to include in their building codes or, if applicable, adopt by ordinance a requirement that certain buildings and facilities used by the public that contain a single-stall restroom which is available to the public be as inclusive and accessible as possible **to a person of any gender identity or expression** and prohibiting certain signage on such restrooms; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) Existing law provides that a place of public accommodation means any establishment or place to which the public is invited or which is intended for public use, including, without limitation, inns, hotels, motels, restaurants, bars, gasoline stations, theaters, convention centers, bakeries, grocery stores, laundromats, museums, libraries, parks, zoos, nurseries, private schools or universities, day care centers, senior citizen centers, gymnasiums, health spas and bowling alleys. (NRS 651.050) If such a place of public accommodation provides a single-stall restroom to the public, **section 1** of this bill requires the single-stall restroom to be as inclusive and accessible as possible ~~to~~ **to a person of any gender identity or expression**, including, without limitation, by allowing: (1) a parent or guardian of a child to enter the single-stall restroom with the child; (2) a person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and (3) a person of any gender identity or expression to use the single-stall restroom as needed.

Section 1: (1) prohibits the owner or operator of the place of public accommodation from labeling the single-stall restroom with signage that indicates the restroom is for a specific gender; and (2) authorizes the labeling

of the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads “All-Gender Bathroom” or “All-Accessible Bathroom.” **Section 1** provides that a single-stall restroom is a restroom that: (1) is intended for individual use; and (2) contains a single toilet or a single urinal or contains both a toilet and a urinal.

Sections 2, 3 and 15 of this bill make conforming changes relating to the applicability of **section 1** and the placement of **section 1** in the Nevada Revised Statutes. **Section 4** of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is guilty of a misdemeanor. **Section 5** of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is liable to the person whose access is affected for actual damages that are recoverable by a civil action. **Section 6** of this bill authorizes any county or incorporated city of this State to adopt a local ordinance that prohibits an infringement of a person’s rights, privileges or access to such single-stall restrooms. In addition to these changes, **section 1** allows any person who believes he or she has been denied full and equal use of a single-stall restroom because of discrimination or segregation to file a complaint to that effect with the Nevada Equal Rights Commission. (NRS 651.110)

Section 9 of this bill requires each county, city and any other governmental entity that adopts a building code, including school districts in larger counties, to include in its respective building code a requirement that any single-stall restroom made available to the public and contained in a permanent building or facility used by the public and that is constructed on or after October 1, 2021, comply with provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in **section 1**. **Section 9** provides that if a county or city has no building code, the county or city is required to adopt such requirements by ordinance. **Sections 7, 8 and 10** of this bill make conforming changes relating to the applicability of the requirements contained in **section 9** as well as the placement of **section 9** in the Nevada Revised Statutes.

Sections 11 and 12 of this bill also make provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in **section 1** apply to: (1) a public building or facility owned by a public body that provides a single-stall restroom to the public; and (2) an area leased by or on behalf of a public body and used primarily to provide a service to the public and certain leased areas within a state park. **Section 12** provides that a contract for such a leased area that does not satisfy these requirements which is entered into on or after October 1, 2021, is void and unenforceable. **Section 13** of this bill makes a conforming change relating to the placement of **section 12** in the Nevada Revised Statutes. **Section 14** of this bill authorizes a person to report a violation of **section 12** to the Attorney General, who is required to notify the public body responsible for the alleged violation. If the public body fails to

comply with the provisions of **section 12, section 14** requires the Attorney General to take such action as is necessary to ensure compliance.

Section 15.5 of this bill provides that sections 4, 5 and 14, which are the enforcement provisions of this bill, do not become effective until February 1, 2022.

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

Section 1. Chapter 651 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The owner or operator of a place of public accommodation that provides a single-stall restroom to the public shall make the single-stall restroom as*

inclusive and accessible as possible ~~for~~ to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

2. *The owner or operator of a place of public accommodation that provides a single-stall restroom to the public:*

(a) Shall not label the single-stall restroom with gendered signage; and

(b) May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”

3. *As used in this section:*

(a) “Caregiver” has the meaning ascribed to it in NRS 449A.306.

(b) “Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) “Single-stall restroom” means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal.

Sec. 2. NRS 651.060 is hereby amended to read as follows:

651.060 The provisions of NRS 651.050 to 651.110, inclusive, **and section 1 of this act** do not apply to any private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

Sec. 3. NRS 651.065 is hereby amended to read as follows:

651.065 1. Notwithstanding any provision of NRS 651.050 to 651.110, inclusive, **and section 1 of this act**, it is not unlawful and is not a ground for a

civil action for any place of public accommodation to offer differential pricing, discounted pricing or special offers based on sex to promote or market the place of public accommodation.

2. As used in this section, “place of public accommodation” has the meaning ascribed to it in NRS 651.050.

Sec. 4. NRS 651.080 is hereby amended to read as follows:

651.080 1. Any person is guilty of a misdemeanor who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~for~~ *or section 1 of this act*;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~for~~ *or section 1 of this act*; or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~for~~ *or section 1 of this act*.

2. A prosecution for violation of a local ordinance authorized by NRS 651.100 is a bar to any prosecution pursuant to this section.

Sec. 5. NRS 651.090 is hereby amended to read as follows:

651.090 1. Any person who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~for~~ *or section 1 of this act*;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~for~~ *or section 1 of this act*; or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~for~~ *or section 1 of this act*,

➔ is liable to the person whose rights pursuant to NRS 651.070 or 651.075 *or section 1 of this act* are affected for actual damages, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant resides.

2. In an action brought pursuant to this section, the court may:

(a) Grant any equitable relief it considers appropriate, including temporary, preliminary or permanent injunctive relief, against the defendant.

(b) Award costs and reasonable attorney’s fees to the prevailing party.

Sec. 6. NRS 651.100 is hereby amended to read as follows:

651.100 Any county or incorporated city of this state may adopt a local ordinance prohibiting infringement of the rights, ~~for~~ privileges *or access* secured by NRS 651.070 or 651.075 ~~for~~ *or section 1 of this act*, but such an ordinance must not apply to any establishment outside the scope of NRS 651.050 and 651.060 or impose a penalty more severe than that provided by

NRS 651.075 or 651.080. A prosecution pursuant to NRS 651.075 or 651.080 is a bar to any prosecution pursuant to an ordinance authorized by this section.

Sec. 7. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, **and section 9 of this act**, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 8. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, **and section 9 of this act**, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 9. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county, city and any other governmental entity that adopts a building code shall include in its respective building code a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible ~~for~~ to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

↪ The owner or operator of such a permanent building or facility that contains a single-stall restroom which is available to the public shall not label the single-stall restroom with gendered signage, but may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”

2. *If a county or a city has no building code, it shall adopt by ordinance a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible as provided in subsection 1.*

3. *The provisions of this section apply, without limitation, to any school district for which a building code is adopted pursuant to subsection 2 of NRS 393.110.*

4. *As used in this section:*

(a) *“Caregiver” has the meaning ascribed to it in NRS 449A.306.*

(b) *“Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.*

(c) *“Single-stall restroom” means a restroom that:*

(1) *Is intended for individual use; and*

(2) *Contains:*

(I) *A single toilet or a single urinal; or*

(II) *A toilet and a urinal.*

Sec. 10. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 9 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 338.180 is hereby amended to read as follows:

338.180 1. The Legislature of the State of Nevada declares that:

(a) The primary purpose of this section is to provide, subject to the limitations set forth in this section, for the removal and elimination of architectural barriers to persons with a physical handicap in public buildings and facilities designed after July 1, 1973, in order to encourage and facilitate the employment of persons with a physical handicap and to make public buildings accessible to and usable by persons with a physical handicap; and

(b) It is the intent of the Legislature that insofar as possible all buildings and facilities used by the public be accessible to, and functional for, persons with a physical handicap, without loss of function, space or facility where the general public is concerned.

2. All plans and specifications for the construction of public buildings and facilities owned by a public body must, after July 1, 1973, provide facilities and features for persons with a physical handicap so that buildings which are normally used by the public are constructed with entrance ramps, toilet facilities, drinking fountains, doors and public telephones accessible to and usable by persons with a physical handicap. In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by a public body must comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the

Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➔ The requirements of paragraph (a) of this subsection are not satisfied if the plans and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. All public bodies shall, in the design, construction and alteration of public buildings and facilities comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➔ The requirements of paragraph (a) of this subsection are not satisfied if the public body complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. In each public building and facility owned by a public body, each entrance to a corridor which leads to a toilet facility must be marked with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

5. ***A public body that owns a public building or facility which provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible ~~for~~ to a person of any gender identity or expression, including, without limitation, by allowing:***

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

↪ *The public body that owns the public building or facility which provides a single-stall restroom to the public shall not label the single-stall restroom with gendered signage and may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads “All-Gender Bathroom” or “All-Accessible Bathroom.”*

6. The Division shall verify that all public buildings and facilities owned by the State of Nevada conform with the requirements of this section. Each political subdivision shall verify that all public buildings and facilities owned by the political subdivision conform with the requirements of this section.

~~16.1~~ 7. A person may report a violation of this section to the Attorney General.

~~17.1~~ 8. Upon receiving a report pursuant to subsection ~~16.1~~ 7, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such a notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with this section; or

(b) Begin any action necessary to comply with the requirements of this section and notify the Attorney General of the date on which it will be in compliance with those requirements.

~~18.1~~ 9. If the public body responsible for the alleged violation fails to comply with this section, the Attorney General shall take such action as is necessary to ensure compliance with this section, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

10. As used in this section:

(a) “Caregiver” has the meaning ascribed to it in NRS 449A.306.

(b) “Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) “Single-stall restroom” means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal.

Sec. 12. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The owner or operator of an area that is leased by or on behalf of a public body and is used primarily to provide a service to the public and which provides a single-stall restroom to the public, or such a leased area that is part of a complex of leased areas that provides a single-stall restroom to the public within the common area of the complex, must make the single-stall*

restroom as inclusive and accessible as possible ~~to~~ to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

2. The owner or operator of the leased area that provides a single-stall restroom to the public:

(a) Shall not label the single-stall restroom with gendered signage; and

(b) May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”

3. The provisions of this section apply to such a leased area within a state park that provides a single-stall restroom to the public.

4. A contract for such a leased area that does not satisfy the requirements of this section which is entered into on or after October 1, 2021, is void and unenforceable.

5. As used in this section:

(a) “Caregiver” has the meaning ascribed to it in NRS 449A.306.

(b) “Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) “Single-stall restroom” means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal.

Sec. 13. NRS 444.047 is hereby amended to read as follows:

444.047 As used in this section and NRS 444.048 and 444.049 ~~to~~ **and section 12 of this act**, unless the context otherwise requires, “public body” means a governmental body of the State of Nevada, including, without limitation, an agency, department, division or political subdivision of the State of Nevada, or a local governmental body, including, without limitation, a county, city, municipality, township, school district or quasi-municipal corporation.

Sec. 14. NRS 444.049 is hereby amended to read as follows:

444.049 1. A person may report a violation of NRS 444.048 **or section 12 of this act** to the Attorney General of the State of Nevada.

2. Upon receiving a report pursuant to subsection 1, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with NRS 444.048 ~~to~~ **or section 12 of this act**; or

(b) Begin any action necessary to comply with the requirements of NRS 444.048 **or section 12 of this act** and notify the Attorney General of the date on which it will be in compliance with those requirements.

3. If the public body fails to comply with NRS 444.048 ~~or section 12 of this act~~, the Attorney General shall take such action as is necessary to ensure compliance with NRS 444.048 ~~or section 12 of this act~~, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

Sec. 15. NRS 447.135 is hereby amended to read as follows:

447.135 1. Each owner, lessor, lessee or operator of a public accommodation shall mark each entrance to a corridor in the public accommodation which leads to a toilet facility with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to ~~or~~, **except as otherwise provided in section 1 of this act:**

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

2. A person may report a violation of subsection 1 to the Attorney General.

3. Upon receiving a report pursuant to subsection 2, the Attorney General shall notify the owner, lessor, lessee or operator of the public accommodation of the alleged violation. Not later than 30 days after receiving such a notification, the owner, lessor, lessee or operator of the public accommodation shall:

(a) Present evidence to the Attorney General that the public accommodation is in compliance with subsection 1; or

(b) Begin any action necessary to comply with the requirements of subsection 1 and notify the Attorney General of the date on which the public accommodation will be in compliance with those requirements.

4. If the owner, lessor, lessee or operator of the public accommodation fails to comply with subsection 1, the Attorney General shall take such action as is necessary to ensure compliance with subsection 1, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

5. As used in this section, “public accommodation” has the meaning ascribed to it in 42 U.S.C. § 12181.

Sec. 15.5. 1. This section and sections 1, 2, 3, 6 to 13, inclusive, and 15 of this act become effective on October 1, 2021.

2. Sections 4, 5 and 14 of this act become effective on February 1, 2022.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 320.

SUMMARY—~~{Revises provisions relating to crimes.}~~ **Establishes a civil cause of action for the dissemination of personal identifying information or sensitive information under certain circumstances.** (BDR ~~{15-121}~~ **3-121**)

AN ACT relating to ~~{crimes; defining certain terms for the purposes of the crime of doxxing;}~~ **actions concerning persons;** establishing ~~{the crime of doxxing; authorizing a victim of doxxing;}~~ **a civil cause of action** to recover damages, reasonable attorney's fees and costs ~~{in a civil action;}~~ **from a person who disseminates personal identifying information or sensitive information under certain circumstances;** authorizing a court to issue a temporary restraining order or a permanent or temporary injunction under certain circumstances; ~~{providing an additional penalty for doxxing motivated by certain actual or perceived characteristics of the victim; providing penalties;}~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—{Sections 3-9 of this bill establish the crime of doxxing. Sections 4-5 of this bill define the terms “personal identifying information” and “sensitive information” for purposes relating to the crime of doxxing.~~

~~—Section 6 of this}~~ **This bill** ~~{sets forth the elements of the crime of doxxing.}~~ **establishes a civil cause of action against a person who commits certain acts commonly referred to as “doxing.”** Specifically, ~~{section 6 makes it unlawful}~~ **this bill authorizes a person to** ~~{disseminate}~~ **bring a civil action to recover damages, reasonable attorney's fees and costs from another person if the other person disseminates** any personal identifying information or sensitive information of ~~{another}~~ **the** person without the consent of the person, knowing that the person could be identified and: (1) with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which ~~{could result in}~~ **would be reasonably likely to cause** death, bodily injury, ~~{harassment,}~~ stalking, ~~{financial loss}~~ or ~~{a substantial life disruption,}~~ **mental anguish;** or (2) with **the intent to cause harm to the person and with the** knowledge of or reckless disregard for the ~~{possibility}~~ **reasonable likelihood** that disseminating the information could result in death, bodily injury, ~~{harassment,}~~ stalking, ~~{financial loss}~~ or ~~{a substantial life disruption.}~~

mental anguish. Further, **a person is liable for** the dissemination of such information ~~[is punishable]~~ if it: (1) would cause a reasonable person to **feel mental anguish or** fear **the** death, bodily injury, ~~[harassment]~~ **or** stalking ~~[financial loss or a substantial life disruption to]~~ **of** himself or herself or ~~[to]~~ a close relation ~~;~~ ~~[of the person;]~~ or (2) causes **the** death, bodily injury, ~~[harassment]~~ stalking ~~[financial loss]~~ or ~~[a substantial life disruption to]~~ **mental anguish of** the person whose information was disseminated or ~~[to]~~ a close relation of the person. ~~[Under section 6, a person who commits the crime of doxxing is guilty of: (1) a category D felony, if death, bodily injury, harassment, stalking or a financial loss of \$3,000 or more results; (2) a gross misdemeanor, if a financial loss of less than \$3,000 or a substantial life disruption results; and (3) a misdemeanor in all other circumstances.]~~ **This bill exempts from liability under the provisions of this bill the dissemination of such information: (1) for the purpose of reporting conduct reasonably believed to be unlawful; (2) which depicts a law enforcement officer acting under the color of law or a public officer acting in an official capacity; or (3) gathered in the exercise of the constitutionally protected rights of freedom of speech and assembly. This bill also: (1) defines certain terms, including, among other terms, “personal identifying information,” “sensitive information” and “mental anguish” for the purposes of the provisions of this bill;**

~~[Section 7 of this bill: (1) authorizes a victim of doxxing to bring a civil action to recover damages, reasonable attorney’s fees and costs; and] (2) imposes joint and several liability if multiple persons are found liable for the same ~~act of doxxing.~~ Section 8 of this bill] **dissemination of personal identifying information or sensitive information; (3)** authorizes a court to issue a temporary restraining order or a permanent or temporary injunction to prevent the dissemination of any personal identifying information or sensitive information of a person ~~[Section 9 of this bill] ; and (4) excludes certain computer services from liability under the provisions of [sections 3-9]~~ **this bill** for content provided by another person.~~

~~[Existing law imposes an additional penalty for the commission of certain crimes that are motivated by the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the victim. (NRS 193.1675, 207.185) Sections 1 and 10 of this bill expand those provisions to include the crime of doxxing.]~~

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

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 and 2:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a person may bring a civil action against another person if:

(a) The other person disseminates any personal identifying information or sensitive information of the person without the consent of the person, knowing that the person could be identified by such information:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury, stalking or mental anguish; or

(2) With the intent to cause harm to the person and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury, stalking or mental anguish; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to feel mental anguish or fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury, stalking or mental anguish of the person whose information was disseminated or a close relation of the person.

2. If a person is found liable to a person whose information was disseminated pursuant to subsection 1, the person whose information was disseminated may recover damages, reasonable attorney's fees and costs.

3. The provisions of this section do not apply to the dissemination of personal identifying information or sensitive information:

(a) For the purposes of reporting conduct reasonably believed to be unlawful;

(b) Which depicts a law enforcement officer acting under the color of law or a public officer acting in an official capacity; or

(c) Gathered in the exercise of the constitutionally protected rights of freedom of speech and assembly.

4. Each person who is found liable under this section for the same dissemination of personal identifying information or sensitive information is jointly and severally liable for the damages, reasonable attorney's fees and costs awarded by the court.

5. Upon a motion by a party in a civil action brought under this section, a court may issue a temporary restraining order or a permanent or temporary injunction to prevent the dissemination of any personal identifying information or sensitive information of a person.

6. This section must not be construed to impose liability on any interactive computer service for any content provided by another person.

7. As used in this section:

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household or who, within the immediately preceding 6 months, regularly resided in the household.

(b) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

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

(d) “Mental anguish” means protracted severe emotional distress and does not require the physical manifestation of symptoms or a diagnosis by any clinical professional counselor, physician or licensed psychologist.

(e) “Personal identifying information” has the meaning ascribed to it in NRS 205.4617.

(f) “Public officer” has the meaning ascribed to it in NRS 205.4627.

(g) “Sensitive information” means information concerning:

(1) The sexual orientation of a person;

(2) Whether a person is transgender or has undergone a gender transition; or

(3) The human immunodeficiency virus status of a person.

(h) “Stalking” means a violation of NRS 200.575.

Sec. 2. 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. 299.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 236.

AN ACT relating to wildlife; providing for the issuance of a salvage permit to certain persons for the salvage and possession of certain animals hit and killed by a motor vehicle; imposing certain requirements on a holder of a salvage permit; authorizing a peace officer to make certain inspections; prohibiting a person from selling, bartering or exchanging the carcass of such an animal; providing that a peace officer, agency employing a peace officer and the Department of Wildlife are not liable with respect to any use made of the carcass of such an animal; prohibiting the salvaging and taking possession of such animals from ~~the reservation lands of any Indian tribe~~ certain areas in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Section 1 of this bill provides that a salvageable animal which is accidentally killed as a result of a vehicle collision may be salvaged and possessed by the driver of the vehicle that hit the salvageable animal or by another person who did not hit the salvageable animal but found the killed salvageable animal if the driver or person obtains a salvage permit: (1) from a peace officer; (2) at an office of the Department of Wildlife; or (3) through an electronic application established by the Department.~~ authorizes a peace

officer who responds to an accidental vehicle collision in this State between a salvageable animal and the vehicle by which the salvageable animal was killed to issue a salvage permit as soon as practicable to the driver of the vehicle or to another person. Section 1 authorizes a driver or person to whom a salvage permit is issued to salvage and take possession of the salvageable animal. Section 1 defines “salvageable animal” as a big game mammal, ~~fur-bearing mammal,~~ game mammal or upland game bird, ~~and~~ that a peace officer determines is salvageable. Section 1 requires a salvage permit to be available to a driver or person at no cost and further requires certain information be provided to obtain the salvage permit. Section 1 requires the driver or person to: (1) completely remove the carcass of the salvageable animal from the road or road right-of-way; (2) ensure that the meat rendered from the salvageable animal is only used for human consumption; ~~and~~ (3) keep the salvage permit with the carcass until delivered to the Department of Wildlife; and (4) deliver and surrender the salvage permit and the head, hide, antlers, ~~or~~ horns ~~for tusks~~ of the salvageable animal to the Department within 5 business days after the driver or person taking possession of the salvageable animal. If the salvageable animal is accidentally hit and rendered crippled or helpless, section 1 allows ~~certain persons or~~ peace officers to kill the salvageable animal in a humane manner. Section 1 ~~authorizes~~ **requires** a peace officer to inspect the carcass of the salvageable animal and **authorizes the peace officer to inspect** the motor vehicle that accidentally hit the salvageable animal before issuing a salvage permit. ~~and~~ **At the discretion of the Department, section 1 authorizes** a game warden to inspect the carcass and motor vehicle 20 days thereafter. Section 1 authorizes the driver or person to place all or part of the carcass of the salvageable animal in storage or make a gift of the carcass to another person, ~~and~~ **only after the salvage permit and the head, hide, antlers or horns of the salvageable animal has been delivered and surrendered to the Department. Section 1 prohibits any portion of the carcass of a salvageable animal from being sold, bartered or exchanged. Section 2 of this bill makes a conforming change by providing that such a sale, barter or exchange is an unlawful sale, barter or exchange, with certain exceptions. Section 1 provides that a driver or person who salvages and takes possession of the carcass of a salvageable animal does so at his or her own risk and further provides that the peace officer, agency employing the peace officer and the Department are not liable with respect to any use made of the carcass. Section 1 prohibits the salvage and taking possession of a salvageable animal from : (1) a highway in this State that has a speed limit of 70 miles per hour or more; (2) an interstate highway; (3) private property, unless the owner grants permission for such a salvage or taking; (4) the reservation lands of any Indian tribe in this State, ~~and~~ ; (5) certain restricted areas; (6) areas under the possession or control of the Department; (7) a disposal site; or (8) an area that the Department determines to contain diseased or contaminated animals.** Finally, section 1 provides that a person who: (1) intentionally hits and renders crippled or

helpless or kills a salvageable animal shall be punished for a category E felony; and (2) otherwise violates any provision of **section 1** is guilty of a misdemeanor. **Section 3** of this bill makes a conforming change by providing that any person who violates certain provisions of **section 1** is guilty of a misdemeanor.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A peace officer who responds to an accidental vehicle collision in this State between a salvageable animal and a vehicle by which the salvageable animal was accidentally killed as a result of ~~for~~ the vehicle collision ~~in this State~~

~~may be salvaged and possessed if the driver of the vehicle that hit the salvageable animal or another person who did not hit the salvageable animal but found the killed salvageable animal obtains a salvage permit:~~

~~— (a) From a peace officer who is at the scene of the accident;~~

~~— (b) At an office established throughout this State pursuant to NRS 501.341 within 24 hours of the driver or person taking possession of the salvageable animal; or~~

~~— (c) Through an electronic application and issuance process established by the Department within 24 hours of the driver or person taking possession of the salvageable animal;~~ may, pursuant to this section and as soon as practicable, issue a salvage permit to the driver of the vehicle or to another person. A peace officer shall not issue a salvage permit for any animal that has:

(a) Been injured or killed as a result of any action that is not an accidental vehicle collision;

(b) A tracking collar;

(c) A tag indicating that the animal should not be consumed as a result of a chemical restraint or chemical immobilization; or

(d) Obvious signs of disease or contamination.

↪ A salvage permit shall be available at no cost to the driver or person seeking to obtain the salvage permit.

2. A driver or other person who has been issued a salvage permit pursuant to subsection 1 may salvage and take possession of the salvageable animal.

3. The Department shall create salvage permit forms and provide such salvage permit forms to peace officers on request. ~~The salvage permit may only be issued in the name of the driver of the vehicle or the person who found the salvageable animal. The salvage permit is not transferable.~~ The salvage permit form shall require the following information:

(a) The name and address of the driver or ~~person~~ of any person who will be transporting or will be in possession of any portion or part of the salvageable animal, if different than the driver;

(b) A description of the salvageable animal that was killed ~~it~~, including, without limitation, the species and sex of the salvageable animal;

(c) Whether the salvageable animal was rendered crippled or helpless ~~and~~ was humanely killed and the method used to humanely kill the salvageable animal pursuant to subsection ~~4 or~~ 5;

(d) The date of the collision ~~for the finding of~~ with the salvageable animal;

(e) The specific location of the collision ~~for the finding of~~ with the salvageable animal;

(f) A description of the motor vehicle that hit the salvageable animal ; ~~if applicable~~;

(g) The destination or destinations, as applicable, to which the carcass of the salvageable animal will be transported;

(h) The name of the peace officer who issued the permit ; ~~if applicable~~;
and

(i) An acknowledgement that the carcass is being salvaged at the permit holder's own risk and that this State is not liable for any loss or damage arising out of the salvage, possession, use, transport or consumption of the salvageable animal.

~~§ 4.~~ 4. A driver or other person who salvages and takes possession of a salvageable animal pursuant to this section must:

(a) ~~Completely~~ Subject to the provisions of subsection 6, completely remove the carcass of the salvageable animal from the road or road right-of-way by taking the entire carcass, including entrails;

(b) Ensure that any meat rendered from the salvageable animal is utilized for human consumption and is not used for bait or any other purpose; ~~and~~

(c) Keep the salvage permit with the carcass of the listed salvageable animal until the salvage permit is delivered to the Department pursuant to paragraph (d) in the manner set forth by the Department; and

(d) Within 5 business days after taking possession of the carcass of the salvageable animal, deliver a completed copy of the salvage permit for that animal and surrender the head, hide, antlers ~~it~~ or horns , ~~for tusks~~ if applicable, to the Department in the manner set forth by the Department.

~~4. A salvage permit may not be issued for the salvage, possession, transport or use of any salvageable animal that was rendered crippled or helpless as a result of a vehicle collision and then killed in a humane manner, unless the person seeking the salvage permit is:~~

~~(a) The driver of the vehicle that accidentally hit the salvageable animal, thus rendering it crippled or helpless; or~~

~~(b) Another person who did not hit the salvageable animal but found the salvageable animal crippled or helpless.~~

~~Any person who humanely kills a crippled or helpless salvageable animal pursuant to this subsection shall immediately report the killing to a peace officer or the Department.~~

5. ~~§4~~ Except as otherwise provided in this subsection, a peace officer may humanely kill any salvageable animal rendered crippled or helpless by an accidental vehicle collision, and the Department or peace officer may thereafter issue, pursuant to this section, a salvage permit for the carcass. If the peace officer uses a chemical restraint or a chemical immobilization upon the animal, the peace officer shall not issue a salvage permit for the carcass of that animal.

6. When a driver or person salvages and takes possession of a salvageable animal, the driver or person ~~shall~~ :

(a) Shall comply with all applicable rules and regulations governing the highways of this State ~~§4~~ ; and

(b) Shall not attempt to salvage or take possession of a salvageable animal outside of daylight hours unless a peace officer provides sufficient light for such a taking.

7. A peace officer ~~may~~ shall inspect the carcass and may inspect the motor vehicle before issuing the salvage permit, if applicable. The ~~At the discretion of the Department, the carcass and motor vehicle, if applicable,~~ are subject to inspection by a game warden within 20 days after the issuance of a salvage permit. If the carcass has been processed or if the motor vehicle has been repaired, the game warden may inspect the invoices or other documents recording the processing or repair.

8. ~~§4~~ After complying with the provisions of paragraph (d) of subsection 4, a driver or other person who salvages and takes possession of the carcass of a salvageable animal pursuant to this section may place all or part of the carcass in storage or may make a gift of the carcass to another person. No portion of any carcass of a salvageable animal salvaged and possessed pursuant to this section may be sold, bartered or exchanged.

9. A salvage permit carries no representation or implication that any part of the carcass of a salvageable animal is edible. A driver or other person who salvages and takes possession of the carcass of a salvageable animal does so at his or her own risk. The peace officer, agency employing the peace officer and the Department are not liable with respect to any use made of the carcass of a salvageable animal.

10. This section does not authorize the salvage or taking possession of salvageable animals from ~~the~~ :

(a) A highway in this State that has a speed limit of 70 miles per hour or more;

(b) An interstate highway;

(c) Private property, unless the owner grants permission for such a salvage or taking;

(d) The reservation lands of any Indian tribe in this State ~~§4~~ ;

(e) Any areas that are restricted and to which the public does not have permission to enter;

(f) Any area under the possession or control the Department;

(g) A disposal site; or

(h) An area that the Department determines to contain diseased or contaminated animals.

11. A person who:

(a) Intentionally hits and renders crippled or helpless or kills a salvageable animal shall be punished for a category E felony as provided in NRS 193.130; and

(b) Except as otherwise provided in paragraph (a), violates any provision of this section, is guilty of a misdemeanor pursuant to NRS 501.385.

12. As used in this section:

(a) “Disposal site” has the meaning ascribed to it in NRS 444.460.

(b) “Peace officer” means:

(1) A sheriff, deputy sheriff, undersheriff, officer of a metropolitan police department or city police officer;

(2) A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

(3) A game warden;

(4) A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260; or

(5) A member of the police department of the Nevada System of Higher Education.

~~##(b)~~ (c) “Salvage permit” means a permit issued pursuant to this section.

~~##(c)~~ (d) “Salvageable animal” means a big game mammal, ~~fur-bearing mammal,~~ game mammal or upland game bird ~~that is salvageable, as determined by a peace officer pursuant to this section. The term does not include alternative livestock, fur-bearing mammals, migratory game birds or any protected, threatened or sensitive mammals, as described in the regulations of the Board of Wildlife Commissioners.~~

Sec. 2. NRS 501.379 is hereby amended to read as follows:

501.379 1. Except as otherwise provided in this section:

(a) It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or to attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this title or in a regulation of the Commission.

(b) The importation and sale of products made from the meat of game mammals, game birds or game amphibians raised in captivity is not prohibited if the importation is from a licensed commercial breeder or commercial processor.

(c) *It is unlawful for any person to sell, barter or exchange or expose for sale, to barter or exchange or to attempt to sell, barter or exchange any*

portion of a carcass of a salvageable animal in violation of section 1 of this act.

2. The provisions of this section do not apply to alternative livestock and products made therefrom.

3. As used in this section, “salvageable animal” has the meaning ascribed to it in section 1 of this act.

Sec. 3. NRS 501.385 is hereby amended to read as follows:

501.385 Except as otherwise provided by specific statute:

1. Any person who:

(a) Performs an act or attempts to perform an act made unlawful or prohibited by a provision of this title;

(b) Willfully fails to perform an act required of the person by a provision of this title;

(c) Obstructs, hinders, delays or otherwise interferes with any officer, employee or agent of the Department:

(1) In the performance of any duty while enforcing or attempting to enforce any provision of this title or any regulation adopted pursuant thereto; or

(2) While lawfully obtaining or attempting to obtain biological samples of wildlife, hunting, fishing or trapping data, or any other biological data or information relating to wildlife;

(d) Violates any order issued or regulation adopted by the Commission under the provisions of this title; ~~for~~

(e) Having been granted a privilege or been licensed or permitted to do any act under the provisions of this title, exercises the grant, license or permit in a manner other than as specified ~~for~~; or

(f) Except as otherwise provided in paragraph (a) of subsection 11 of section 1 of this act, violates any provision of section 1 of this act,

↪ is guilty of a misdemeanor. An officer, employee or agent of the Department may not obtain or attempt to obtain biological samples of wildlife, hunting, fishing or trapping data, or any other biological data or information relating to wildlife on private property without the consent of the owner of the property.

2. Every person who is guilty of a misdemeanor under this title shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

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. 307.

Bill read second time.

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

Amendment No. 186.

AN ACT relating to employment; requiring the preparation of informative notices by ~~divisions or other units with~~ the Department of Employment, Training and Rehabilitation; requiring the ~~Director of the~~ Department to **provide the notices to the Labor Commissioner; requiring the Labor Commissioner to** require certain employers to post such notices in the workplace; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Employment, Training and Rehabilitation. (NRS 232.900-232.960) Existing law also establishes the duties of the Department, which include working to support employment and economic independence for residents of this State who are disadvantaged, displaced or disabled. (NRS 232.910) **Section 1** of this bill requires the ~~Director of the~~ Department to ~~require each division or other operating unit within the Department that carries out duties~~ **prepare one or more notices** concerning job training or employment programs ~~to prepare a notice setting forth a description of the services provided by the division or unit.~~ **conducted by the Department and to provide each such notice to the Labor Commissioner.** **Section 1** further requires the ~~Director~~ **Labor Commissioner** to: (1) make each such notice available to each employer in private employment in this State; and (2) require each such employer to post and maintain each notice in a conspicuous location at the workplace. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~Director shall require each division or other operating unit within the~~ Department ~~that carries out duties~~ shall prepare one or more notices concerning job training or employment programs ~~for~~ conducted by the
Department, including, without limitation, the Career Enhancement Program and Nevada JobConnect ~~for, if either unit ceases to exist, the division or other unit deemed by the Director to be equivalent, to prepare a notice setting forth a description of the services provided by the division or unit. The Director shall:~~

1. ~~1.~~ and provide each such notice to the Labor Commissioner.

2. The Labor Commissioner shall:

(a) Make each ~~such~~ notice described in subsection 1 available to each employer in private employment in this State; and

~~2.~~ (b) Require each such employer to post and maintain each such notice in a conspicuous location at the place of employment where notices

to employees and applicants for employment are customarily posted and read.

Sec. 2. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.960, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. “Department” means the Department of Employment, Training and Rehabilitation.
2. “Director” means the Director of the Department.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 315.

Bill read second time.

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

Amendment No. 289.

AN ACT relating to public employees; requiring the employer of a police officer, ~~firefighter~~ **or correctional officer** to make available certain information and counseling relating to mental health issues to the police officer, ~~firefighter~~ **or correctional officer** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth various provisions relating to public officers and employees. (Chapter 281 of NRS) This bill requires the employer of a police officer, ~~firefighter~~ **or correctional officer** to make available to the police officer, ~~firefighter~~ **or correctional officer:** (1) during the course of employment, information relating to the awareness, prevention, mitigation and treatment of mental health issues, including, without limitation, post-traumatic stress disorder, depression, anxiety and acute stress; and (2) ~~before~~ **within three months after the retirement of** the police officer, ~~firefighter~~ **or correctional officer**, not more than 2 hours of counseling ~~from~~ **with** a mental health professional to discuss the symptoms, prevention, mitigation and treatment of mental health issues, including, without limitation, post-traumatic stress disorder, depression, anxiety and acute stress.

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

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The employer of a police officer, ~~firefighter~~ or correctional officer must make available to the police officer ~~firefighter~~, firefighter or correctional officer:

(a) During the course of employment, information relating to the awareness, prevention, mitigation and treatment of mental health issues, including, without limitation, post-traumatic stress disorder, depression, anxiety and acute stress.

(b) ~~Before~~ Within 3 months after the retirement of the police officer, ~~for~~ firefighter ~~retires~~ or correctional officer, not more than 2 hours of counseling ~~from~~ with a mental health professional to discuss the symptoms, prevention, mitigation and treatment of mental health issues, including, without limitation, post-traumatic stress disorder, depression, anxiety and acute stress.

2. As used in this section:

(a) “Correctional officer” means a person employed by a public employer who is filling a full-time position and whose primary responsibilities are:

(1) The supervision, custody, security, discipline, safety and transportation of a person convicted of a crime under the laws of this State and sentenced to imprisonment in a state prison or detention in a correctional facility of the State or its political subdivisions;

(2) The security and safety of the staff of a state prison or correctional facility of the State or its political subdivisions; and

(3) The security and safety of a state prison or correctional facility of the State or its political subdivisions.

(b) “Firefighter” has the meaning ascribed to it in NRS 286.042.

~~##~~ (c) “Police officer” has the meaning ascribed to it in NRS 286.061.

(d) “Public employer” has the meaning ascribed to it in NRS 286.070.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time.

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

Amendment No. 290.

AN ACT relating to veterans; requiring the disclosure of certain information concerning certain events and services relating to benefits or entitlements for veterans; creating a cause of action for certain violations of such requirements; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal regulations provide for the regulation of representatives, agents, attorneys and other individuals who represent persons for claims relating to veterans’ benefits. (38 C.F.R. §§ 14.626 et seq.) **Section 2** of this

bill requires any person who advertises or promotes any event or other public gathering or services relating to benefits or entitlements for veterans, with certain exceptions, to disclose certain information, including that: (1) the event or services provided are not associated with the United States Department of Veterans Affairs ~~[,] or the Department of Veterans Services ; for certain organizations for veterans;~~ and (2) the veteran may qualify for benefits other than those discussed or advertised. **Section 3** of this bill requires a person who provides services to obtain benefits or entitlements for veterans , other than an attorney or agent who is accredited to provide certain assistance to veterans, to provide a written disclosure before entering into an agreement with a client for the provision of those services. **Section 3** requires the Department of Veterans Services to prescribe the form for the written disclosure. **Section 4** of this bill authorizes the Attorney General to collect a civil penalty of not more than ~~[\$1,000]~~ \$10,000 for each violation of **section 2 or 3**.

Existing law authorizes any person who is a victim of consumer fraud to bring a civil action. (NRS 41.600) **Section 5** of this bill provides that a violation of **section 2 or 3** constitutes consumer fraud, and **sections 4 and 5** authorize a victim of such a violation to bring a civil action.

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

Section 1. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. ~~1. Any~~ Except as otherwise provided in subsection 4, any person who advertises or promotes any event or other public gathering relating to benefits or entitlements for veterans shall, at the beginning of the event or other public gathering, make an oral announcement and provide to each attendee a written disclosure. The oral announcement and written disclosure must be in the following form:

This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs ~~or~~ the Nevada Department of Veterans Services . ~~for any congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States. Products or services that may be discussed at this event are not necessarily endorsed by those organizations.~~ You may qualify for benefits other than or in addition to the benefits discussed at this event.

2. ~~Any~~ Except as otherwise provided in subsection 4, any person who advertises or promotes services to represent or assist veterans in matters relating to benefits or entitlements for veterans, shall provide a disclosure on all materials used to advertise or promote those services in the following form:

No compensation may be received by any person advising or assisting another person with a matter relating to veterans' benefits except as authorized under Title 38 of the United States Code. Veterans' benefit services are offered at no cost by federally chartered veteran service organizations and accredited veteran service officers. ~~The services being offered are not provided by or affiliated with the United States Department of Veterans Affairs or any other governmental agency or recognized veterans services organization. You may qualify for benefits other than or in addition to benefits obtained by the services offered.~~

3. Any written disclosure made pursuant to this section must be conspicuous ~~and~~, appear in 10-point font or larger and appear in the same type face ~~and font as~~ as the largest use of the term "veteran" or any similar term that appears in the advertising or promotional material containing the written disclosure.

4. The requirements of this section do not apply to:

(a) Any congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States or any affiliate of such an organization;

(b) Any person who has obtained written permission from the United States Department of Veterans Affairs, the Department of Veterans Services or any other organization described in paragraph (a) to use the name, symbol or insignia of the agency or organization to promote any event or other public gathering relating to benefits or entitlements for veterans;

(c) An event or other public gathering that is part of a course or program of continuing education for an attorney; ~~for~~

(d) The owner or personnel of any medium in which an advertisement appears or through which an advertisement is disseminated ~~for~~;

(e) An entity that is recognized as exempt under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3) or 26 U.S.C. § 501(c)(19); or

(f) An attorney or agent who is accredited by the United States Department of Veterans Affairs to assist veterans with filing claims for benefits and related matters.

5. As used in this section, "advertise" means to use any written or printed communication, directory listing or a radio, television, computer network or similar airwave or electronic transmission to solicit or promote services relating to benefits or entitlements for veterans. The terms do not include any printing or writing used on a building, uniform or badge for identification purposes or used in a memorandum or other communication in the ordinary course of business that does not solicit or promote services relating to benefits or entitlements for veterans.

Sec. 3. 1. ~~Any~~ Except as otherwise provided in subsection 3, any person who provides services to obtain veterans' benefits in exchange for compensation shall provide written disclosure in the form prescribed

pursuant to subsection 2 and obtain the signature from a client or prospective client before entering into an agreement for such services.

2. The Department shall prescribe the form for such written disclosure. The form must include, without limitation:

- (a) A signature line;*
- (b) An attestation that the client has read and understands the written disclosure;*
- (c) The contact information for the Department; and*
- (d) A statement that services for veterans' benefits are offered at no cost by service organizations that are federally chartered and veterans services officers.*

3. The requirements of this section do not apply to an attorney or agent who is accredited by the United States Department of Veterans Affairs to assist veterans with filing claims for benefits and related matters.

4. As used in this section, "services to obtain veterans' benefits" means services that a veteran or an agent of a veteran uses to obtain federal, state or other benefits or entitlements for veterans.

Sec. 4. *1. The Attorney General may recover a civil penalty of not more than ~~\$1,000~~ \$10,000 for each violation of section 2 or 3 of this act. The Attorney General shall deposit any civil penalty recovered pursuant to this section in the Gift Account for Veterans created by NRS 417.115.*

2. A person aggrieved by a violation of section 2 or 3 of this act may bring an action for consumer fraud pursuant to NRS 41.600.

Sec. 5. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

- (a) An unlawful act as defined in NRS 119.330;
- (b) An unlawful act as defined in NRS 205.2747;
- (c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
- (d) An act prohibited by NRS 482.351; ~~to~~
- (e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~to~~; *or*

(f) A violation of section 2 or 3 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

- (a) Any damages that the claimant has sustained;
- (b) Any equitable relief that the court deems appropriate; and
- (c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 5, 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.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 318.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 145.

AN ACT relating to estates; revising provisions relating to certain declaratory relief; exempting certain fiduciaries from the requirement to provide a residential disclosure form in certain circumstances; revising provisions relating to electronic wills; establishing and revising various provisions governing the administration of estates; revising provisions concerning the distribution of small estates; revising provisions relating to the compensation of attorneys for personal representatives; revising the definition of the term “independent attorney”; revising provisions relating to the nomination of a guardian; authorizing a trustee to reimburse a settlor for the payment of tax on trust income or principal; revising various provisions concerning trusts and the administration of trusts; requiring that public administrators or similar persons be given certain information relating to a decedent and access to the safe deposit box of a decedent in certain circumstances; authorizing certain entities to charge a reasonable fee for providing certain information to public administrators or similar persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain persons to obtain declaratory relief under a deed, written contract or testamentary instrument or with respect to the administration of a trust or certain estates for certain purposes. (NRS 30.040, 30.060) **Sections 1 and 2** of this bill authorize a principal or person granted authority to act for a principal under a power of attorney to obtain declaratory relief under the power of attorney.

Existing law generally requires a seller of residential property to provide a disclosure form to the purchaser of the property, but provides that such a requirement does not apply in certain circumstances. (NRS 113.130) **Section 3** of this bill exempts from such a requirement certain fiduciaries who take temporary possession or control of or title to residential property solely to facilitate the sale of the property on behalf of a person who is deceased or incapacitated.

Sections 4-14 of this bill revise various provisions governing electronic wills. **Section 9** of this bill revises provisions governing the revocation of an electronic will. **Section 11** of this bill revises provisions relating to a qualified custodian of an electronic will ceasing to serve in that capacity and the appointment of a successor qualified custodian. **Section 13** of this bill revises

provisions concerning the destruction of the electronic record of an electronic will. **Section 14** of this bill establishes provisions relating to the conversion of: (1) an electronic will into a certified paper original of the electronic will; and (2) an electronic revocation of a will into a certification of revocation.

Existing law authorizes the administration of an estate to be granted to one or more qualified persons not otherwise entitled to serve as an administrator if a qualified person who is entitled to serve as an administrator files a written request with the court. (NRS 139.050) **Section 15** of this bill requires the requester to provide his or her current address and telephone number in the written request and provides that failure to provide such information voids the written request. Existing law requires a petition for letters of administration to include certain information. (NRS 139.090) **Section 16** of this bill additionally requires such a petition to include the names and addresses of the proposed appointed administrators and any associated coadministrator. **Existing law also requires notice of the hearing on the petition to be given to the heirs of the decedent and the Director of the Department of Health and Human Services. (NRS 139.100) Section 16.5 of this bill additionally provides that if the petitioner is not the surviving spouse or certain kindred or nominated by the surviving spouse or such kindred, notice must be given to the public administrator of the county or a similar person.**

Section 18 of this bill establishes the circumstances in which a person is required to accept or not accept certified letters of administration or letters testamentary and provides that a person who unlawfully refuses to accept such certified letters is subject to a court order requiring acceptance of the certified letters and liability for reasonable attorney's fees and costs incurred in an action or proceeding confirming the validity or mandating the acceptance of the certified letters. **Section 18** authorizes a person, after accepting certified letters of administration or letters testamentary, to subsequently request newly certified letters after a certain period for the purpose of validating the continued authority of the personal representative.

Section 19 of this bill authorizes a person holding property of a decedent to request the presentation of only certain items as a prerequisite to transferring such property in accordance with a court order providing to whom such property is to be transferred. **Section 19** requires the person to accept and comply with such a court order not later than 10 ~~(business)~~ days after the presentation of all requested items unless certain circumstances exist ~~(and)~~ **or, if the person does not request the presentation of any items, not later than 10 days after being presented with such a court order.** **Section 19** provides that a person who unlawfully refuses to accept and comply with such a court order is subject to a court order requiring acceptance of the order, liability for reasonable attorney's fees and costs incurred in an action or proceeding confirming the validity of the court order and any damages resulting from the delay.

Existing law establishes provisions concerning the effect of the absence or disability of a personal representative on acts taken by one or more other

personal representatives when more than one personal representative has been appointed. (NRS 143.010) **Section 20** of this bill provides that if there are two personal representatives, one of whom has a conflict of interest, the acts of the other personal representative alone are valid, and if there are more than two personal representatives, the acts of a majority of the personal representatives are sufficient.

Existing law establishes provisions concerning the continuation of the operation of a decedent's business by a personal representative. (NRS 143.050, 143.520) **Sections 21 and 26** of this bill make various changes to such provisions.

Existing law authorizes a court to require a person to post a bond when obtaining an ex parte order that restrains a personal representative from performing certain actions, exercising any powers or discharging any duties of the office, or any other order to secure proper performance of the duties of the office. (NRS 143.165) **Section 22** of this bill provides that a public administrator or similar person must not be required to post a bond for obtaining any such order.

Existing law requires the notice of a hearing on a petition filed by a personal representative for full or limited authority to administer an estate to be given to certain persons in certain circumstances. (NRS 143.345) Existing law generally requires the court to grant the authority requested unless an interested person timely objects and shows good cause why the authority should not be granted. (NRS 143.350) **Section 24** of this bill requires notice to be given to the public administrator of the county or a similar person in certain circumstances, and **section 25** of this bill provides that a person who receives notice is an interested person for purposes of having the ability to object to the granting of authority. **Section 25 also authorizes, instead of requires, the court to grant the requested authority.**

Existing law generally authorizes a personal representative who has been granted full authority to administer an estate to sell property of the estate for such a price and upon such terms and conditions as he or she determines. (NRS 143.380) Section 25.5 of this bill provides that if the personal representative determines that the sale of real property of the estate will be less than 90 percent of the appraised value: (1) all interested persons must consent in writing to the sale; and (2) the sale must be confirmed by the court.

Existing law authorizes a decedent's estate to be set aside without administration if the value of the estate does not exceed \$100,000. (NRS 146.070) **Section 27** of this bill additionally authorizes all or part of a decedent's estate to be set aside without administration if the decedent's will directs that such portion be distributed to the trustee of a nontestamentary trust established by the decedent and in existence at the decedent's death, and provides that the portion of the estate that is set aside is generally subject to creditors of the estate.

Existing law entitles an attorney for a personal representative to reasonable compensation for his or her services, paid from a decedent's estate, and sets forth the calculation for determining the allowable compensation in certain circumstances. (NRS 150.060) **Section 28** of this bill requires a court to allow the compensation of the attorney in the amount calculated.

Existing law provides that the transfer of property for less than fair market value is generally presumed to be void if the transfer is made to certain transferees, including the person who drafted the transfer instrument, and establishes the circumstances in which such a presumption does not apply, including if a transfer instrument is reviewed by an independent attorney who takes certain actions. (NRS 155.097, 155.0975) **Section 29** of this bill revises the definition of the term "independent attorney" to include the drafting attorney representing the transferor in preparation of the transfer instrument if the drafting attorney is not otherwise disqualified from being an independent attorney.

Existing law authorizes any person requesting to nominate another person to be appointed as his or her guardian to complete a form requesting to nominate a guardian. (NRS 159.0753) Existing law also authorizes the nomination of a guardian of the estate in a power of attorney and a guardian of the person in a power of attorney for health care in certain circumstances. (NRS 162A.250, 162A.800) **Section 30** of this bill revises provisions concerning a form requesting to nominate a guardian to reference the nomination of a guardian in any such power of attorney.

Section 31 of this bill allows a governing trust instrument to authorize a trustee to reimburse a settlor for all or a portion of tax on trust income or principal that is to be paid by the settlor and authorizes the trustee to pay the settlor directly or pay the appropriate taxing authority on behalf of the settlor. **Section 31** also provides that the ~~authority~~ **power** of a trustee to make such a payment or ~~in determination by~~ the **decision of a** trustee to exercise such ~~authority~~ **power** in favor of the settlor ~~does not make~~ **must not cause** the settlor **to be treated as** a beneficiary for the purposes of Nevada law.

Existing law authorizes a trust to be created by a declaration by the owner of property that he or she or another person holds the property as trustee. (NRS 163.002) **Section 32** of this bill provides that a declaration by the owner of property that he or she or another person holds all the property of the declarant in trust is sufficient to create a trust over all the property of the declarant that is reliably identified as belonging to the declarant at the time of his or her death.

Existing law provides that: (1) a trust is irrevocable unless a right to amend or revoke the trust is expressly reserved by the settlor or granted to one or more other persons under the terms of the trust instrument; and (2) the power of appointment or power to add or remove beneficiaries, appoint, remove or replace the trustee or make administrative amendments does not make a trust revocable. (NRS 163.004) **Section 33** of this bill instead provides that a trust is irrevocable unless a right to revoke the trust is expressly reserved by the

settlor under the terms of the trust instrument, and that any authority, power or right granted to any person other than the settlor under the terms of the trust instrument or by law, including the power or right to amend the trust, does not render or make a trust revocable. **Section 47** of this bill provides that such provisions apply to any trust created or amended before, on or after October 1, 2021.

Section 34 of this bill establishes the circumstances in which the custodian of an electronic trust may convert the electronic trust into a certified paper original of the electronic trust and the method by which an electronic trust may be converted into a certified paper original. **Section 34** also authorizes the custodian to destroy the electronic record of the electronic trust after converting the electronic trust into a certified paper original if the custodian first takes certain actions.

Existing law generally authorizes a trustee to combine two or more trusts into a single trust or divide a trust into two or more separate trusts in certain circumstances after giving notice to certain persons. (NRS 163.025) **Section 35** of this bill provides that if the terms of the trust instrument do not expressly authorize such a combination or division of trusts, the combination or division is required to be made by court order or after giving such notice.

Existing law provides that a trust instrument may grant certain powers to an investment trust adviser. (NRS 163.5557) **Section 37** of this bill provides that the power to value non-publicly traded investments held in trust that are subject to the investment management authority of the investment trust adviser may also be granted to an investor.

Existing law prohibits a creditor of a settlor from seeking to satisfy a claim against the settlor from the assets of a trust in certain circumstances unless the creditor can prove that trust property transferred by the settlor was transferred fraudulently or was otherwise wrongful as to the creditor. (NRS 163.5559) **Section 38** of this bill establishes additional circumstances that generally prohibit a creditor from seeking to satisfy a claim against the settlor from the assets of the trust and provides that such a prohibition does not preclude a creditor from seeking to satisfy a claim against the settlor of a spendthrift trust if the creditor can prove by clear and convincing evidence that trust property transferred by the settlor was fraudulent as to the creditor or violates a legal obligation owed to the creditor under a contract or valid court order.

Section 39 of this bill provides that a trustee may act at the direction or with the consent of another party pursuant to the terms of a trust instrument to appoint property of one trust to another trust and revises other provisions relating to the appointment of such property. **Section 39 also revises the definition of the term “second trust” for the purposes of the appointment of such property.**

Existing law authorizes a trustee to provide notice to certain persons after a revocable trust becomes irrevocable and generally prohibits any person who is provided notice from bringing an action to contest the validity of the trust more than 120 days after notice is served. (NRS 164.021) **Section 40** of this bill

provides that such a prohibition exists regardless of whether a petition for the assumption of jurisdiction of a trust by a court is served upon the person after such notice is provided.

Existing law authorizes a trustee of a nontestamentary trust to provide notice to creditors after the death of the settlor, establishes forms for a claim against the settlor or the trust and requires a creditor to file a claim with the trustee within a certain period or the claim is barred. (NRS 164.025) **Section 41** of this bill establishes a form for a claim against the settlor and the trust and provides that a claim filed with the trustee is presumed to be timely filed if it meets certain requirements. **Section 41** also establishes provisions concerning the discovery of the existence of an additional creditor after the initial notice to creditors is provided.

Existing law provides that if a trust has an unrepresented minor or incapacitated beneficiary, the custodial parent or guardian of the estate of the minor or incapacitated beneficiary is authorized to provide representation in any judicial proceeding or nonjudicial matter pertaining to the trust. (NRS 164.038) **Section 42** of this bill instead provides that any custodial parent or the guardian of the estate can provide such representation.

Section 44 of this bill requires a lender, trustee or assignee of an encumbrance against real property to provide to the Director of the Department of Health and Human Services or a public administrator or similar person a statement containing the identifying number and account balance of any encumbrance against real property on which the name of a decedent appears and authorizes a reasonable fee to be charged for providing such a statement to a public administrator or similar person. **Section 45** of this bill requires a financial institution to provide a public administrator or similar person with access to a safe deposit box of a decedent for the purpose of inspecting and removing any will or instructions for disposition of the remains of the decedent. **Section 46** of this bill requires county health officers to include the residential addresses of all deceased persons in a written list filed with a public administrator or similar person.

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

Section 1. NRS 30.040 is hereby amended to read as follows:

30.040 1. Any person interested under a deed, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

2. A maker or legal representative of a maker of a will, trust or other writings constituting a testamentary instrument may have determined any question of construction or validity arising under the instrument and obtain a declaration of rights, status or other legal relations thereunder. Any action for

declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

3. *A principal or a person granted authority to act for a principal under power of attorney, whether denominated an agent, attorney-in-fact or otherwise, may have determined any question of construction or validity arising under the instrument and obtain a declaration of rights, status or other legal relations thereunder. Any action for declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.*

Sec. 2. NRS 30.060 is hereby amended to read as follows:

30.060 1. Any person interested as or through an executor, administrator, trustee, guardian, ~~or~~ other fiduciary, ***including, without limitation, a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact or otherwise,*** creditor, devisee, legatee, heir, next of kin or cestui que trust, in the administration of a trust ~~or~~ ~~or~~ the estate of a decedent, an infant, lunatic or insolvent, ***or in the actions taken pursuant to a power of attorney,*** may have a declaration of rights or legal relations in respect thereto:

(a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others;

(b) To direct ~~{the executors, administrators or trustees}~~ ***an executor, administrator, trustee or person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact or otherwise,*** to do or abstain from doing any particular act in ~~their~~ ***his or her*** fiduciary capacity; or

(c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills, trusts and other writings.

2. Any action for declaratory relief under this section may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

Sec. 3. NRS 113.130 is hereby amended to read as follows:

113.130 1. Except as otherwise provided in subsection 2:

(a) At least 10 days before residential property is conveyed to a purchaser:

(1) The seller shall complete a disclosure form regarding the residential property; and

(2) The seller or the seller's agent shall serve the purchaser or the purchaser's agent with the completed disclosure form.

(b) If, after service of the completed disclosure form but before conveyance of the property to the purchaser, a seller or the seller's agent 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 than was indicated on the form, the seller or the seller's agent shall inform the purchaser or the purchaser's agent of that fact, in writing, as soon as practicable after the discovery of that fact but in no

event later than the conveyance of the property to the purchaser. If the seller does not agree to repair or replace the defect, the purchaser may:

- (1) Rescind the agreement to purchase the property; or
- (2) Close escrow and accept the property with the defect as revealed by the seller or the seller's agent without further recourse.

2. Subsection 1 does not apply to a sale or intended sale of residential property:

- (a) By foreclosure pursuant to chapter 107 of NRS.
- (b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.
- (c) Which is the first sale of a residence that was constructed by a licensed contractor.
- (d) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who relocates to another county, state or country before title to the property is transferred to a purchaser.

(e) By a fiduciary under title 12 or 13 of NRS, including, without limitation, a personal representative, guardian, trustee or person acting under a power of attorney, who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who is deceased or incapacitated.

3. A purchaser of residential property may not waive any of the requirements of subsection 1. A seller of residential property may not require a purchaser to waive any of the requirements of subsection 1 as a condition of sale or for any other purpose.

4. If a sale or intended sale of residential property is exempted from the requirements of subsection 1 pursuant to paragraph (a) of subsection 2, the trustee and the beneficiary of the deed of trust shall, not later than at the time of the conveyance of the property to the purchaser of the residential property, or upon the request of the purchaser of the residential property, provide:

(a) Written notice to the purchaser of any defects in the property of which the trustee or beneficiary, respectively, is aware; and

(b) If any defects are repaired or replaced or attempted to be repaired or replaced, the contact information of any asset management company who provided asset management services for the property. The asset management company shall provide a service report to the purchaser upon request.

5. As used in this section:

(a) "Seller" includes, without limitation, a client as defined in NRS 645H.060.

(b) "Service report" has the meaning ascribed to it in NRS 645H.150.

Sec. 4. Chapter 132 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of this title, being "in the presence" of a testator, settlor, principal or witness includes, without limitation, being in the same

location at the same time or appearing in the same location at the same time by means of audio-video communication.

2. *As used in this section, “audio-video communication” has the meaning ascribed to it in paragraph (b) of subsection 3 of NRS 133.088.*

Sec. 5. NRS 132.117 is hereby amended to read as follows:

132.117 “Electronic record” ~~{means a record created, generated, sent, communicated, received or stored by electronic means.}~~ ***has the meaning ascribed to it in NRS 719.090.***

Sec. 6. NRS 132.118 is hereby amended to read as follows:

132.118 “Electronic signature” ~~{means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.}~~ ***has the meaning ascribed to it in NRS 719.100.***

Sec. 7. NRS 132.119 is hereby amended to read as follows:

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

Sec. 8. NRS 133.086 is hereby amended to read as follows:

133.086 1. An electronic will is self-proving if:

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

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

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

2. A declaration or affidavit of an attesting witness made pursuant to NRS 133.050 and an affidavit of a person made pursuant to NRS 133.340 must be accepted by a court as if made before the court.

Sec. 9. NRS 133.120 is hereby amended to read as follows:

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

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

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

(c) An electronic will, executed as prescribed in this chapter ~~{;}~~ ***or***

(d) An electronic revocation that meets the electronic requirements set forth in paragraphs (a) and (b) of subsection 1 of NRS 133.085.

2. An electronic will may ~~{only}~~ be revoked by:

(a) ~~{Another}~~ ***A subsequent*** will, codicil, electronic will or other writing, executed as prescribed in this chapter ~~{, or}~~ ***, that revokes all or part of the electronic will expressly or by inconsistency;***

(b) ~~{Cancelling, rendering unreadable}~~ ***If the electronic will has been converted to a certified paper original, burning, tearing, cancelling or obliterating the {will} certified paper original, with the intention of revoking {it,} the electronic will, by {***

~~——(1) The~~ ***the*** testator, or ~~{a}~~ ***by some*** person in the presence and at the direction of the testator; or

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

(c) ***An electronic revocation that meets the electronic requirements set forth in paragraphs (a) and (b) of subsection 1 of NRS 133.085.***

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

Sec. 10. NRS 133.300 is hereby amended to read as follows:

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

2. ~~{Except as otherwise provided in paragraph (a) of subsection 1 of NRS 133.310, a}~~ ***A*** qualified custodian may not cease serving in such a capacity until ~~{a successor qualified custodian executes the written statement required by subsection 1.}~~ ***the requirements of NRS 133.310 have been met.***

Sec. 11. NRS 133.310 is hereby amended to read as follows:

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

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

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

~~——(2)} The ***conversion of an electronic will into a*** certified paper original ~~{of, and all records concerning, the electronic will.}~~ ***in accordance with NRS 133.340;***~~

(b) ~~{If designating}~~ ***The conversion of an electronic revocation into a certification of revocation of the electronic will in accordance with subsection 7 of NRS 133.340; or***

(c) ***The appointment of a successor qualified custodian {***

~~——(1) Providing}~~ ***in accordance with subsection 2.***

2. ***A successor qualified custodian may be appointed as follows:***

(a) ***The successor qualified custodian is designated by:***

(1) The testator; or

(2) Except as otherwise provided in subsection 4, the qualified custodian, by providing the testator 30 days' written notice that the qualified custodian has decided to cease serving in such a capacity {to:

~~——(1) The testator; and~~

~~_____ (II) The designated~~ **and designating the** successor qualified custodian
~~}; and~~

~~_____ (2) Providing~~ ;

(b) The qualified custodian provides to the successor qualified custodian the electronic record of the electronic will and an affidavit which states:

~~{(I)}~~ **(1)** That the qualified custodian ceasing to act in such a capacity is eligible to act as a qualified custodian in this State and is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity by another qualified custodian pursuant to this ~~paragraph;~~

~~_____ (II)}~~ **subsection;**

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

~~{(III)}~~ **(3)** That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic will and has not been altered since the time it was created; and

~~{(IV)}~~ **(4)** The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic will ~~};~~

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

(c) The successor qualified custodian ~~};~~ **executes a written statement pursuant to subsection 1 of NRS 133.300.**

3. ~~{Subject to the provisions of NRS 133.300, if the testator designates a successor} If the~~ qualified custodian ~~{in a writing executed with the same formalities required for the execution} has custody of the testator's electronic revocation of {an} the~~ electronic will, ~~{at} the~~ qualified custodian shall ~~{cease serving in such a capacity and} provide to the {designated} successor qualified custodian {;} the electronic record of the electronic revocation and an affidavit stating:~~

(a) {The} That an electronic record ~~}; and~~ **was created at the time the testator revoked the will;**

(b) {The affidavit described in subparagraph (2) of paragraph (b) of subsection 1.} That the electronic record has been in the custody of one or more qualified custodians since the execution of the electronic revocation and has not been altered since the time it was created; and

(c) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic revocation.

4. ~~{If} Before the expiration of the 30 days after the qualified custodian gives notice designating a successor qualified custodian pursuant to subparagraph (2) of paragraph (a) of subsection 2, if the testator designates a different successor qualified custodian , {is an entity, an affidavit of a duly authorized officer or agent of such entity constitutes the affidavit of} the~~

successor qualified custodian ~~†~~ ***whom the testator designates must be the appointed successor qualified custodian.***

Sec. 12. NRS 133.320 is hereby amended to read as follows:

133.320 A qualified custodian of an electronic will:

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

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

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

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

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

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

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

5. *For the purposes of this title, if a qualified custodian or other person is required to provide written notice to a testator, notice shall be deemed to be provided if the qualified custodian or other person delivers written notice to the last known address of the testator.*

6. *Except as otherwise provided by law, the requirements governing an electronic will also govern an electronic codicil and electronic revocation of a will.*

Sec. 13. NRS 133.330 is hereby amended to read as follows:

133.330 1. With regard to an electronic record of an electronic will, a qualified custodian ~~†~~

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

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

~~{(2)}~~ (b) After the death of the testator, the nominated personal representative of the testator or any interested person . ~~}; and~~

~~—(b) May;~~

2. *A qualified custodian may*, in the absolute discretion of the qualified custodian, destroy the electronic record *of an electronic will* at any ~~time~~:

~~—(1) Five or more years~~ *of the following times*:

(a) *One year* after ~~the admission~~ *notice of entry of an order admitting* any will ~~of the testator~~ to probate;

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

~~—(3) Five or more years after~~

(b) *After* ceasing to serve as the qualified custodian of the electronic record of the electronic will *upon the appointment of a successor qualified custodian* pursuant to NRS 133.310;

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

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

~~—2. At~~

(c) *If the electronic will has been converted to a certified paper original in accordance with NRS 133.340 and the qualified custodian complies with subsection 4, after 30 days' written notice to the testator;*

(d) *If a certification of revocation has been created in accordance with subsection 7 of NRS 133.340 and the qualified custodian complies with subsection 4, after 30 days' written notice to the testator;*

(e) *Pursuant to* the direction of a testator in a writing executed with the same formalities required for the execution of *a will or* an electronic will ~~};~~ ;
or

(f) *Upon court order authorizing the destruction of the electronic will.*

3. *Subject to the provisions of subsection 4, if a certification of revocation has been created pursuant to subsection 7 of NRS 133.340, a qualified custodian* ~~{shall cancel, render unreadable or obliterate}~~ *may, in the absolute discretion of the qualified custodian, destroy* the electronic record ~~};~~ *of an electronic revocation at any of the following times*:

(a) *One year* after *notice of entry of an order admitting any will to probate*;

(b) *If the requirements of subsection 3 of NRS 133.310 are met, after ceasing to serve as the qualified custodian of the electronic will upon the appointment of a successor qualified custodian pursuant to NRS 133.310;*

(c) *Pursuant to the direction of a testator in a writing executed with the same formalities required for the execution of a will or an electronic will;*

(d) *After 30 days' written notice to the testator; or*

(e) *Upon court order authorizing the destruction of the electronic record of the electronic will.*

4. *Before destroying an electronic will or an electronic revocation, the qualified custodian shall make reasonable efforts to provide to the testator the electronic record of the electronic will and electronic revocation.*

Sec. 14. NRS 133.340 is hereby amended to read as follows:

133.340 1. ~~Upon the creation of~~ *A qualified custodian may cause an electronic will to be converted into a certified paper original of ~~an~~ the electronic will ~~if~~ under the following circumstances:*

(a) ~~if~~ *At the direction of the testator; or*

(b) *Except as otherwise provided in subsection 9, with 30 days' written notice to the testator that the qualified custodian intends to convert the electronic will ~~has always been in the custody of a qualified custodian, the qualified custodian shall state in an~~ into a certified paper original.*

2. *An electronic will may be converted into a certified paper original by creating a tangible document that contains the following:*

(a) *The text of the electronic will; and*

(b) *An affidavit ~~if~~*

~~—(1) That the~~ *satisfying the requirements of subsections 3, 4 and 5, as applicable.*

3. *A qualified custodian ~~is eligible to act as a~~ converting an electronic will into a certified paper original shall state all of the following in an affidavit:*

(a) *That the qualified custodian ~~in this State;~~*

~~—(2) is not a person described in subsection 1 of NRS 133.320;~~

(b) *That the qualified custodian is the qualified custodian designated by the testator in the electronic will or was designated to act in such a capacity pursuant to ~~paragraph (b) of~~ subsection ~~if~~ 2 or 4 of NRS 133.310;*

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

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

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

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

~~if~~ (g) *That the records described in subsection 3 of NRS 133.320 are in the custody of the qualified custodian.*

~~if~~ 4. *In addition to the statements required pursuant to subsection 3, a qualified custodian converting a self-proving electronic will to a certified paper original shall state all of the following in the affidavit:*

(a) *That the declaration or affidavits of the attesting witnesses satisfying the requirements of NRS 133.050 were created at the time the testator executed the electronic will and were incorporated as part of, attached to or logically associated with the electronic will as required pursuant to NRS 133.086;*

(b) *That the declarations or affidavits of the attesting witnesses have been in the possession of a qualified custodian since the execution of the electronic will and have not been altered since the time they were created;*

(c) The identity of all qualified custodians who have had possession of the declarations or affidavits of the attesting witnesses since their creation; and

(d) That the certified paper original contains a true, correct and complete tangible manifestation of the original declarations or affidavits of the attesting witnesses.

5. If the electronic will has not always been under the custody of a qualified custodian, the person who discovered the electronic will ~~and the person who reduced it~~ **may cause** the electronic will to ~~the~~ **be converted into** a certified paper original ~~shall each state in an affidavit~~ **by creating a tangible document that contains** the following ~~information~~ **:**

(a) The text of the electronic will; and

(b) An affidavit that states, to the best of their knowledge:

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

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

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

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

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

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

~~12-1~~ 6. For purposes of making an affidavit pursuant to ~~paragraph (a) of~~ subsection ~~1-1~~ **3, 4 or 5**, the qualified custodian may rely conclusively on any affidavits delivered by a predecessor qualified custodian.

7. *If a testator has revoked a will through an electronic record, the qualified custodian may convert the electronic revocation into a certification of revocation by creating:*

(a) A certified paper original of the electronic will; and

(b) A tangible document that contains the following:

(1) The text of the electronic revocation; and

(2) An affidavit stating:

(I) That an electronic record was created at the time the testator revoked the will;

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

(III) The identity of all qualified custodians who have had custody of the electronic record since the execution of the electronic revocation;

(IV) That the certified paper original is a true, correct and complete tangible manifestation of the electronic revocation; and

(V) That the records described in subsection 3 of NRS 133.320 pertaining to the electronic revocation are presently in the custody of the qualified custodian.

8. *A certified paper original of an electronic will satisfying the requirements of subsection 2 or 5, as applicable, may be offered for and admitted into probate in the same manner as if it were an original will. A certified paper original of an electronic will is presumed to be valid and, absent any objection, must be admitted to probate expeditiously without requiring further proof of validity.*

9. *Before the expiration of the 30 days after the qualified custodian gives notice to the testator of the qualified custodian's intent to convert the electronic will into a certified paper original pursuant to paragraph (b) of subsection 1, if the testator objects to the conversion and designates a successor qualified custodian in accordance with NRS 133.310, the qualified custodian shall not convert the electronic will into a certified paper original and shall instead comply with paragraph (b) of subsection 2 of NRS 133.310.*

Sec. 15. NRS 139.050 is hereby amended to read as follows:

139.050 Administration may be granted upon petition to one or more qualified persons, although not otherwise entitled to serve, at the written request of the person entitled, filed in the court. *The qualified person making the written request must provide his or her current address and phone number in the written request. Failure to provide such information voids the written request.*

Sec. 16. NRS 139.090 is hereby amended to read as follows:

139.090 1. A petition for letters of administration must be in writing, signed by the petitioner or the attorney for the petitioner and filed with the clerk of the court, and must state:

(a) The jurisdictional facts;

(b) The names and addresses of the heirs of the decedent and their relationship to the decedent, so far as known to the petitioner, and the age of any who is a minor;

(c) The character and estimated value of the property of the estate; ~~and~~

(d) *The names and personal addresses of the proposed appointed administrators and the name and personal address of any associated coadministrator under paragraph (a) of subsection 2 of NRS 139.040 or, if the coadministrator is an attorney who is licensed in this State or a banking corporation authorized to do business in this State, the business address of the coadministrator; and*

(e) Whether the person to be appointed as administrator has been convicted of a felony.

2. No defect of form or in the statement of jurisdictional facts actually existing voids an order appointing an administrator or any of the subsequent proceedings.

Sec. 16.5. NRS 139.100 is hereby amended to read as follows:

139.100 The clerk shall set the petition for hearing, and notice must be given to the heirs of the decedent, ~~and to~~ the Director of the Department of Health and Human Services as provided in NRS 155.020 ~~and~~ and, if the petitioner is not the surviving spouse or any kindred specified in NRS

139.040 or nominated by the surviving spouse or any such kindred, the public administrator of the county or a person employed or contracted with pursuant to NRS 253.125, as applicable. The notice must state the filing of the petition, the object and the time for hearing.

Sec. 17. Chapter 143 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. 1. *Except as otherwise provided in subsection 2:*

(a) *A person shall either accept letters of administration or letters testamentary that have been certified within 60 days after presentation of the certified letters of administration or letters testamentary for acceptance, or request a translation or an opinion of counsel, not later than 10 ~~business~~ days after such presentation;*

(b) *If a person requests a translation or an opinion of counsel, the person shall accept the certified letters of administration or letters testamentary not later than 5 ~~business~~ days after receipt of the translation or opinion of counsel; and*

(c) *A person may not require an additional or different form of certified letters of administration or letters testamentary for authority granted in the letters presented.*

2. *A person is not required to accept certified letters of administration or letters testamentary if:*

(a) *The person is not otherwise required to engage in a transaction with the personal representative in the same circumstances;*

(b) *Engaging in a transaction with the personal representative in the same circumstances would be inconsistent with federal law;*

(c) *The person has actual knowledge of the termination of the personal representative's authority before the exercise of authority; or*

(d) *A request for a translation or an opinion of counsel is refused.*

3. *A person who refuses to accept certified letters of administration or letters testamentary in violation of this section is subject to:*

(a) *A court order mandating acceptance of the certified letters of administration or letters testamentary; and*

(b) *Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the certified letters of administration or letters testamentary or mandates acceptance of the certified letters of administration or letters testamentary.*

4. *After accepting certified letters of administration or letters testamentary, a person may request newly certified letters of administration or letters testamentary any time after the 6-month period following the date of the previous acceptance of certified letters of administration or letters testamentary for the purpose of validating the continued authority of the personal representative.*

Sec. 19. 1. *A person holding property that is attributable to a decedent may only request the presentation of the following items before transferring*

such property in accordance with a court order providing to whom such property is to be transferred:

- (a) A certified copy of the court order providing to whom such property is to be transferred;*
- (b) A certified copy of letters of administration or letters testamentary;*
- (c) The identification and contact information of the personal representative;*
- (d) Tax information, if necessary; and*
- (e) Documents evidencing the death of the decedent.*

2. Except as otherwise provided in subsection 3, if a person holding property that is attributable to a decedent ~~requests~~ :

(a) Requests the presentation of any of the items set forth in subsection 1, the person must accept and comply with the court order providing to whom such property is to be transferred not later than 10 ~~business~~ days after the presentation of all items requested pursuant to subsection 1.

(b) Does not request the presentation of any of the items set forth in subsection 1, the person must accept and comply with the court order providing to whom such property is to be transferred not later than 10 days after being presented with the court order.

3. A person holding property that is attributable to a decedent is not required to transfer such property if:

- (a) The certification of the court order, letters of administration or letters testamentary presented is older than 180 days;*
- (b) The court order is inconsistent with federal law; or*
- (c) The person has actual knowledge that the person presenting the court order is not a personal representative of the estate of the decedent.*

4. The lack of legal or actual notice of the court proceeding resulting in the issuance of the court order providing to whom property is to be transferred is not a defense to not complying with the order unless an actual dispute exists over title to the property.

5. A person who timely complies with a court order in accordance with this section shall be held harmless.

6. A person who refuses to accept and comply with a court order in violation of this section is subject to:

- (a) A court order requiring acceptance of the order; and*
- (b) Liability for reasonable attorney's fees and costs incurred in an action or proceeding confirming the validity of the court order, and any damages resulting from the delay beginning on the day of the presentation of all items requested pursuant to subsection 1.*

Sec. 20. NRS 143.010 is hereby amended to read as follows:

143.010 If there are two personal representatives, the acts of one alone are valid if the other is absent from the state, or for any cause is laboring under any legal disability ~~or~~ **or conflict of interest**, and if there are more than two, the acts of a majority are sufficient.

Sec. 21. NRS 143.050 is hereby amended to read as follows:

143.050 1. Except as otherwise provided in **subsection 2**, NRS 143.520 ~~or the decedent's will~~, after notice given as provided in NRS 155.010 or in such other manner as the court directs ~~the court may authorize~~ :

(a) Subject to the partnership agreement and the applicable provisions of chapter 87, 87A or 88 of NRS, the personal representative ~~to~~ may continue the operation of the decedent's business to such an extent and subject to such restrictions as may seem to the court to be for the best interest of the estate and any interested persons. **as a general partner in any partnership in which the decedent was a general partner at the time of death;**

(b) Subject to the operating agreement and the applicable provisions of chapter 86 of NRS, the personal representative may continue as a manager or managing member in any limited-liability company in which the decedent was a manager or managing member at the time of death;

(c) The personal representative may continue operation of any of the following:

(1) An unincorporated business or joint venture in which the decedent was engaged at the time of death; or

(2) An unincorporated business or joint venture which was wholly or partly owned by the decedent at the time of death; and

(d) The personal representative may continue to exercise any shareholder, partnership or membership rights owned by the decedent at the time of death to which the personal representative has succeeded during the administration of the estate.

2. ~~The provisions of~~ **the court may, upon its own motion or upon the petition of an interested person, restrict the actions of the personal representative set forth in subsection 1** ~~do not apply to passive investments or the exercise of any shareholder or membership rights to which the personal representative has succeeded.~~ **as the court determines to be in the best interest of the estate and any interested persons.**

3. Unless specifically authorized by the will or by the court, the personal representative may not receive any separate compensation for continuing the operation of the decedent's business pursuant to this section.

Sec. 22. NRS 143.165 is hereby amended to read as follows:

143.165 1. ~~On~~ **Except as otherwise provided in subsection 6, on** petition or ex parte application of an interested person, the court, with or without bond, may enter an ex parte order restraining a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office to be effective until further order of the court. Notwithstanding any other provision of law, if it appears to the court that the personal representative otherwise may take action that would jeopardize unreasonably the interest of the petitioner, of some other interested person or the estate, the court may enter the ex parte

order. A person with whom the personal representative may transact business may be made a party to the ex parte order.

2. Any ex parte orders entered pursuant to subsection 1 must be set for hearing within 10 days after entry of the ex parte order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interest of the estate.

3. Notice of entry of the ex parte order entered pursuant to subsection 1 must be given by the petitioner or applicant to the personal representative and the attorney of record of the personal representative, if any, to any other party named as a party in the ex parte order and as otherwise directed by the court.

4. The court may impose a fine on an interested person who obtains an ex parte order pursuant to this section without probable cause.

5. The court may, at any time, terminate an ex parte order entered pursuant to subsection 1 on its own motion or upon petition of the personal representative if it no longer appears to the court that the personal representative otherwise may take action that would jeopardize unreasonably the interest of the petitioner, of some other interested person or the estate.

6. *A public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable, must not be required to post a bond for obtaining any order pursuant to this section.*

Sec. 23. NRS 143.305 is hereby amended to read as follows:

143.305 As used in NRS 143.300 to 143.815, inclusive, ***and section 19 of this act***, unless the context otherwise requires, the words and terms defined in NRS 143.310, 143.315 and 143.320 have the meanings ascribed to them in those sections.

Sec. 24. NRS 143.345 is hereby amended to read as follows:

143.345 1. If the authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive, ***and section 19 of this act*** is requested in a petition for appointment of the personal representative, notice of the hearing on the petition must be given for the period and in the manner applicable to the petition for appointment.

2. Where proceedings for the administration of the estate are pending at the time a petition is filed pursuant to NRS 143.340, notice of the hearing on the petition must be given for the period and in the manner provided in NRS 155.010 to all the following persons:

- (a) Each person specified in NRS 155.010;
- (b) Each known heir whose interest in the estate would be affected by the petition;
- (c) Each known devisee whose interest in the estate would be affected by the petition; ~~and~~
- (d) Each person named as personal representative in the will of the decedent ~~†~~; ***and***

(e) The public administrator of the county or a person employed or contracted with pursuant to NRS 253.125, as applicable, if the decedent died

intestate and the petitioner is not the surviving spouse or kindred under NRS 139.040, regardless of any nomination by an heir.

3. The notice of hearing of the petition for authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive, **and section 19 of this act**, whether included in the petition for appointment or in a separate petition, must include a statement in substantially the following form:

The petition requests authority to administer the estate under the Independent Administration of Estates Act. This will avoid the need to obtain court approval for many actions taken in connection with the estate. However, before taking certain actions, the personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action. Independent administration authority will be granted unless good cause is shown why it should not be.

Sec. 25. NRS 143.350 is hereby amended to read as follows:

143.350 1. Except as otherwise provided in subsection 2, unless an interested person, **including, without limitation, a person who receives notice under NRS 143.345**, objects in writing at or before the hearing to the granting of authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive, **and section 19 of this act** and the court determines that the interested person has shown good cause why the authority to administer the estate under those provisions should not be granted, the court ~~shall~~ **may** grant the requested authority.

2. If the interested person has shown good cause why only limited authority should be granted, the court ~~shall~~ **may** grant limited authority.

Sec. 25.5. NRS 143.380 is hereby amended to read as follows:

143.380 1. ~~Subject~~ **Except as otherwise provided in subsection 4, and subject** to the limitations and requirements of NRS 143.370, when the personal representative exercises the authority to sell property of the estate after being granted full authority pursuant to NRS 143.300 to 143.815, inclusive, the personal representative may sell the property at public auction or private sale, and with or without notice, for cash or on credit, for such price and upon such terms and conditions as the personal representative may determine.

2. The requirements applicable to court confirmation of sales of real property referenced in subsection 1 include, without limitation:

- (a) Publication of the notice of sale;
- (b) Court approval of agents' and brokers' commissions;
- (c) The sale being not less than 90 percent of appraised value of the real property;
- (d) An examination by the court into the necessity for the sale of the real property, including, without limitation, any advantage to the estate and benefit to interested persons; and
- (e) The efforts of the personal representative to obtain the highest and best price for the property reasonably attainable.

3. The requirements applicable to court confirmation of sales of real property and sales of personal property do not apply to a sale pursuant to this section.

4. If the personal representative determines that the sale of real property pursuant to this section will be less than 90 percent of the appraised value of the real property:

(a) All interested persons must consent in writing to the sale before the personal representative may proceed with the sale; and

(b) The sale must be confirmed by the court pursuant to NRS 148.060.

Sec. 26. NRS 143.520 is hereby amended to read as follows:

143.520 1. Subject to the partnership agreement, ~~and~~ the applicable provisions of chapter 87, **87A or 88** of NRS ~~and~~ **and the decedent's will**, the personal representative who has limited authority or full authority has the power to continue as a general partner in any partnership in which the decedent was a general partner at the time of death.

2. ***Subject to the operating agreement, the applicable provisions of chapter 86 of NRS and the decedent's will, the personal representative who has limited authority or full authority has the power to continue as a manager or managing member in any limited-liability company in which the decedent was a manager or managing member at the time of death.***

3. The personal representative who has limited authority or full authority has the power to continue operation of any of the following:

(a) An unincorporated business or joint venture in which the decedent was engaged at the time of ~~the decedent's~~ death.

(b) An unincorporated business or joint venture which was wholly or partly owned by the decedent at the time of ~~the decedent's~~ death.

~~3-4~~ 4. ***The personal representative who has limited authority or full authority has the power to continue to exercise any shareholder, partnership or membership rights owned by the decedent at the time of death to which the personal representative has succeeded during the administration of the estate.***

5. Except as otherwise provided in subsection ~~4-1~~ 6, the personal representative may exercise the powers described in subsections 1 ~~and 2~~ to 4, **inclusive**, without giving notice of the proposed action pursuant to NRS 143.700 to 143.760, inclusive.

~~4-1~~ 6. The personal representative shall give notice of a proposed action pursuant to NRS 143.700 to 143.760, inclusive, if the personal representative continues as a general partner under subsection 1 ~~or~~ **or a manager or managing member under subsection 2** or continues the operation of any unincorporated business or joint venture under subsection ~~2-1~~ 3, for a period of more than 6 months after the date on which letters are first issued to a personal representative.

Sec. 27. NRS 146.070 is hereby amended to read as follows:

146.070 1. ***All or part of the estate of a decedent may be set aside without administration by the order of the court as follows:***

(a) If the value of a decedent's estate does not exceed \$100,000, the estate may be set aside without administration by the order of the court ~~§~~; *or*

(b) *If a decedent's will directs that all or part of the decedent's estate is to be distributed to the trustee of a nontestamentary trust established by the decedent and in existence at the decedent's death, the portion of the estate subject to such direction may be set aside without administration. Any portion of a decedent's estate set aside to the nontestamentary trust pursuant to this paragraph is subject to creditors of the estate unless the petitioner provides proof to the court that the trustee has published or mailed the requisite notice to such creditors on behalf of the nontestamentary trust and settlor pursuant to NRS 164.025.*

2. Except as otherwise provided in subsection 3, the whole estate *set aside pursuant to paragraph (a) of subsection 1* must be assigned and set apart in the following order:

(a) To the payment of the petitioner's attorney's fees and costs incurred relative to the proceeding under this section;

(b) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any;

(c) To the payment of other creditors, if any; and

(d) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession in accordance with chapter 134 of NRS.

3. If *the value of the estate does not exceed \$100,000 and* the decedent is survived by a spouse or one or more minor children, the court must set aside the estate for the benefit of the surviving spouse or the minor child or minor children of the decedent, subject to any reduction made pursuant to subsection 4 or 5. The court may allocate the entire estate to the surviving spouse, the entire amount to the minor child or minor children, or may divide the estate among the surviving spouse and minor child or minor children.

4. As to any amount set aside to or for the benefit of the surviving spouse or minor child or minor children of the decedent pursuant to subsection 3, the court must set aside the estate without the payment of creditors except as the court finds necessary to prevent a manifest injustice.

5. To prevent an injustice to creditors when there are nonprobate transfers that already benefit the surviving spouse or minor child or minor children of the decedent, the court has the discretion to reduce the amount set aside under subsection 3 to the extent that the value of the estate, when combined with the value of nonprobate transfers, as defined in NRS 111.721, from the decedent to or for the benefit of the surviving spouse or minor child or minor children of the decedent exceeds \$100,000.

6. In exercising the discretion granted in this section, the court shall consider the needs and resources of the surviving spouse and minor child or minor children, including any assets received by or for the benefit of the

surviving spouse or minor child or minor children from the decedent by nonprobate transfers.

7. For the purpose of this section, a nonprobate transfer from the decedent to one or more trusts or custodial accounts for the benefit of the surviving spouse or minor child or minor children shall be considered a transfer for the benefit of such spouse or minor child or minor children.

8. Proceedings taken under this section must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

- (a) A specific description of all property in the decedent's estate;
- (b) A list of all known liens and encumbrances against estate property at the date of the decedent's death, with a description of any that the petitioner believes may be unenforceable;
- (c) An estimate of the value of the property, together with an explanation of how the estimated value was determined;
- (d) A statement of the debts of the decedent so far as known to the petitioner;
- (e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner; and
- (f) If the decedent left a will, a statement concerning all evidence known to the petitioner that tends to prove that the will is valid.

9. If the petition seeks to have the estate set aside for the benefit of the decedent's surviving spouse or minor child or minor children without payment to creditors, the petition must also contain:

- (a) A specific description and estimated value of property passing by one or more nonprobate transfers from the decedent to the surviving spouse or minor child or minor children; or
- (b) An allegation that the estimated value of the property sought to be set aside, combined with the value of all nonprobate transfers from the decedent to the surviving spouse or minor child or minor children who are seeking to receive property pursuant to this section, is less than \$100,000.

10. When property is distributed pursuant to an order granted under this section, the court may allocate the property on a pro rata basis or a non-pro rata basis.

11. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

12. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding \$2,500 in value.

13. At the hearing on a petition under this section, the court may require such additional evidence as the court deems necessary to make the findings required under subsection 14.

14. The order granting the petition shall include:

- (a) The court's finding as to the validity of any will presented;
- (b) The court's finding as to the value of the estate and, if relevant for the purposes of subsection 5, the value of any property subject to nonprobate transfers;
- (c) The court's determination of any property set aside under subsection 2;
- (d) The court's determination of any property set aside under subsection 3, including, without limitation, the court's determination as to any reduction made pursuant to subsection 4 or 5; and
- (e) The name of each distributee and the property to be distributed to the distributee.

15. As to the distribution of the share of a minor child set aside pursuant to this section, the court may direct the manner in which the money may be used for the benefit of the minor child as is deemed in the court's discretion to be in the best interests of the minor child, and the distribution of the minor child's share shall be made as permitted for the minor child's share under the terms of the decedent's will or to one or more of the following:

- (a) A parent of such minor child, with or without the filing of any bond;
- (b) A custodian under chapter 167 of NRS; or
- (c) A court-appointed guardian of the estate, with or without bond.

16. For the purposes of this section, the value of property must be the fair market value of that property, reduced by the value of all enforceable liens and encumbrances. Property values and the values of liens and encumbrances must be determined as of the date of the decedent's death.

Sec. 28. NRS 150.060 is hereby amended to read as follows:

150.060 1. An attorney for a personal representative is entitled to reasonable compensation for the attorney's services, to be paid out of the decedent's estate.

2. An attorney for a personal representative may be compensated based on:

- (a) The applicable hourly rate of the attorney;
- (b) The value of the estate accounted for by the personal representative;
- (c) An agreement as set forth in subsection 4 of NRS 150.061; or
- (d) Any other method preapproved by the court pursuant to a request in the initial petition for the appointment of the personal representative.

3. If the attorney is requesting compensation based on the hourly rate of the attorney, he or she may include, as part of that compensation for ordinary services, a charge for legal services or paralegal services performed by a person under the direction and supervision of the attorney.

4. If the attorney is requesting compensation based on the value of the estate accounted for by the personal representative, the ~~allowable~~ **court shall**

allow compensation of the attorney for ordinary services ~~[must be determined]~~ as follows:

- (a) For the first \$100,000, at the rate of 4 percent;
- (b) For the next \$100,000, at the rate of 3 percent;
- (c) For the next \$800,000, at the rate of 2 percent;
- (d) For the next \$9,000,000, at the rate of 1 percent;
- (e) For the next \$15,000,000, at the rate of 0.5 percent; and
- (f) For all amounts above \$25,000,000, a reasonable amount to be determined by the court.

5. Before an attorney may receive compensation based on the value of the estate accounted for by the personal representative, the personal representative must sign a written agreement as required by subsection 8. The agreement must be prepared by the attorney and must include detailed information, concerning, without limitation:

- (a) The schedule of fees to be charged by the attorney;
- (b) The manner in which compensation for extraordinary services may be charged by the attorney; and
- (c) The fact that the court is required to approve the compensation of the attorney pursuant to subsection 8 before the personal representative pays any such compensation to the attorney.

6. For the purposes of determining the compensation of an attorney pursuant to subsection 4, the value of the estate accounted for by the personal representative:

- (a) Is the total amount of the appraisal of property in the inventory, plus:
 - (1) The gains over the appraisal value on sales; and
 - (2) The receipts, less losses from the appraisal value on sales; and
- (b) Does not include encumbrances or other obligations on the property of the estate.

7. In addition to the compensation for ordinary services of an attorney set forth in this section, an attorney may also be entitled to receive compensation for extraordinary services as set forth in NRS 150.061.

8. The compensation of the attorney must be fixed by written agreement between the personal representative and the attorney, and is subject to approval by the court, after petition, notice and hearing as provided in this section. If the personal representative and the attorney fail to reach agreement, or if the attorney is also the personal representative, the amount must be determined and allowed by the court. The petition requesting approval of the compensation of the attorney must contain specific and detailed information supporting the entitlement to compensation, including:

- (a) If the attorney is requesting compensation based upon the value of the estate accounted for by the personal representative, the attorney must provide the manner of calculating the compensation in the petition; and
- (b) If the attorney is requesting compensation based on an hourly basis, or is requesting compensation for extraordinary services, the attorney must provide the following information to the court:

- (1) Reference to time and hours;
- (2) The nature and extent of services rendered;
- (3) Claimed ordinary and extraordinary services;
- (4) The complexity of the work required; and
- (5) Other information considered to be relevant to a determination of entitlement.

9. The clerk shall set the petition for hearing, and the petitioner shall give notice of the petition to the personal representative if he or she is not the petitioner and to all known heirs in an intestacy proceeding and devisees in a will proceeding. The notice must be given for the period and in the manner provided in NRS 155.010. If a complete copy of the petition is not attached to the notice, the notice must include a statement of the amount of the fee which the court will be requested to approve or allow.

10. On similar petition, notice and hearing, the court may make an allowance to an attorney for services rendered up to a certain time during the proceedings. If the attorney is requesting compensation based upon the value of the estate as accounted for by the personal representative, the court may apportion the compensation as it deems appropriate given the amount of work remaining to close the estate.

11. An heir or devisee may file objections to a petition filed pursuant to this section, and the objections must be considered at the hearing.

12. Except as otherwise provided in this subsection, an attorney for minor, absent, unborn, incapacitated or nonresident heirs is entitled to compensation primarily out of the estate of the distributee so represented by the attorney in those cases and to such extent as may be determined by the court. If the court finds that all or any part of the services performed by the attorney for the minor, absent, unborn, incapacitated or nonresident heirs was of value to the decedent's entire estate as such and not of value only to those heirs, the court shall order that all or part of the attorney's fee be paid to the attorney out of the money of the decedent's entire estate as a general administrative expense of the estate. The amount of these fees must be determined in the same manner as the other attorney's fees provided for in this section.

Sec. 29. NRS 155.094 is hereby amended to read as follows:

155.094 **1.** "Independent attorney" means an attorney, other than an attorney who:

- ~~1-1~~ **(a)** Is a transferee described in subsection 2 of NRS 155.097; or
- ~~1-2~~ **(b)** Served as an attorney for a person who is described in subsection 2 of NRS 155.097 at the time of the execution of the transfer instrument.

2. The term includes, without limitation, the drafting attorney representing the transferor in preparation of the transfer instrument if the drafting attorney is not a person described in paragraph (a) or (b) of subsection 1.

Sec. 30. NRS 159.0753 is hereby amended to read as follows:

159.0753 **1.** Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so ~~by~~ :

- (a) *If nominating a guardian of the estate, pursuant to NRS 162A.250;*
- (b) *If nominating a guardian of the person, pursuant to NRS 162A.800;*

or

(c) **By** completing a form requesting to nominate a guardian in accordance with this section.

2. A form requesting to nominate a guardian ***pursuant to this section*** must be:

- (a) Signed by the person requesting to nominate a guardian;
- (b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form; and
- (c) Notarized.

3. A request to nominate a guardian ***pursuant to this section*** may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN

I, ... (insert your name), residing at (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as my guardian should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.

4. I request that my (insert relation), ... (insert name), serve as my appointed guardian.

5. If (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my (insert relation), ... (insert name), serve as my appointed guardian.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on (date)

.....

(Signature)

(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE
AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.

.....
(Signature of first witness)

.....
(Print name)

.....
(Date)

.....
(Signature of second witness)

.....
(Print name)

.....
(Date)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada }

}

County of }

On this day of, in the year, before me, ... (insert name of notary public), personally appeared (insert name of principal), ... (insert name of first witness) and (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument.

.....
(Signature of notarial officer)

(Seal, if any)

4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.

5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 31. Chapter 163 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A governing trust instrument may authorize the trustee, in the sole discretion of the trustee or at the direction or with the consent of a directing trust adviser, to reimburse a settlor for all or a portion of tax on trust income or principal that is payable by the settlor under the law imposing such tax.

In the sole discretion of the trustee, the trustee may pay such amount to the settlor directly or to an appropriate taxing authority on behalf of the settlor.

2. *A trustee or directing trust adviser is not liable to any person ~~as a result of determining whether~~ in exercising such discretion to reimburse or not reimburse a settlor for ~~all or a portion of~~ tax payable by the settlor on trust income or principal ~~that is payable by the settlor~~ pursuant to subsection 1.*

3. *The ~~authority~~ power of a trustee to make a payment to or for the benefit of a settlor ~~for a determination by the trustee to exercise such authority in favor of the settlor~~ in accordance with subsection 1 ~~does not make~~ or the decision of a trustee to exercise such power in favor of the settlor must not cause the settlor to be treated as a beneficiary for purposes of the laws of this State. As used in this subsection, “beneficiary” has the meaning ascribed to it in NRS 163.4147.*

Sec. 32. NRS 163.002 is hereby amended to read as follows:

163.002 1. Except as otherwise provided by specific statute ~~it~~ **or any regulatory or contractual restrictions**, a trust may be created by any of the following methods:

(a) A declaration by the owner of property that he or she or another person holds the property as trustee. In the absence of a contrary declaration by the owner of the property or of a transfer of the property to a third party and regardless of formal title to the property:

(1) Property declared to be trust property, together with all income therefrom and the reinvestment thereof, must remain trust property; and

(2) If the property declared to be trust property includes an account, contract, certificate, note, judgment, business interest, contents of a safe deposit box or other property interest that is subject to additions or contributions, all subsequent additions and contributions to the property are also trust property.

(b) A transfer of property by the owner during his or her lifetime to another person as trustee.

(c) A testamentary transfer of property by the owner to another person as trustee.

(d) An exercise of a power of appointment in trust.

(e) An enforceable promise to create a trust.

2. A declaration pursuant to paragraph (a) of subsection 1 may, **but is not required, to** include a schedule or list of trust assets that is signed by the owner of the property or that is incorporated by reference into a document that is signed by the owner of the property.

3. *A declaration by the owner of property pursuant to paragraph (a) of subsection 1 that he or she or another person holds all the property of the declarant in trust is sufficient to create a trust over all the property of the declarant that is reliably identified through the use of extrinsic evidence as belonging to the declarant at the time of his or her death.*

Sec. 33. NRS 163.004 is hereby amended to read as follows:

163.004 1. Except as otherwise provided by law, the terms of a trust instrument may expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation:

- (a) The right to be informed of the beneficiary's interest for a period of time;
- (b) The grounds for the removal of a fiduciary;
- (c) The circumstances, if any, in which the fiduciary must diversify investments;
- (d) A fiduciary's powers, duties, standards of care, rights of indemnification and liability to persons whose interests arise from the trust instrument; and
- (e) The provisions of general applicability to trusts and trust administration.

2. A trust is irrevocable except to the extent that ~~it is granted to one or more other persons~~ ~~or~~ a right to revoke the trust is expressly reserved by the settlor ~~for is granted to one or more other persons~~ under the terms of the trust instrument. ~~Notwithstanding the provisions of this subsection, the following powers do~~ ***Any authority, power or right granted to any person other than the settlor under the terms of the trust instrument or by law, including, without limitation, the power or right to amend the trust, does not render or*** make a trust revocable. ~~†~~

- ~~—(a) Power of appointment;~~
- ~~—(b) Power to add or remove beneficiaries;~~
- ~~—(c) Power to appoint, remove or replace the trustee; or~~
- ~~—(d) Power to make administrative amendments.†~~

3. Nothing in this section shall be construed to:

- (a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or gross negligence; or
- (b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary's willful misconduct or gross negligence.

4. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

Sec. 34. NRS 163.0095 is hereby amended to read as follows:

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

- (a) Is created and maintained in an electronic record in such a manner that any alteration thereto is detectable;
- (b) Contains the electronic signature of the settlor and the date and time thereof;
- (c) Includes, without limitation, an authentication method which is attached to or logically associated with the trust instrument to identify the settlor or is electronically notarized in accordance with all applicable provisions of law;
- (d) Is subject to the provisions of chapter 719 of NRS; and
- (e) Meets the requirements set forth in this chapter for a valid trust.

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

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

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

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

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

5. *The custodian of an electronic trust may convert the electronic trust into a certified paper original of the electronic trust under the following circumstances:*

(a) At the direction of the settlor or the trustee; or

(b) Except as otherwise provided in subsection 8, with 30 days' written notice, delivered to the last known address of the settlor or trustee, that the custodian intends to convert the electronic trust into a certified paper original.

6. *An electronic trust may be converted into a certified paper original by creating a tangible document that contains the following:*

(a) The text of the electronic trust; and

(b) An affidavit of the custodian or an employee of the custodian stating:

(1) That the electronic record was created at the time the settlor executed the electronic trust;

(2) The identities of all custodians who have had custody of the electronic record since the execution of the electronic trust;

(3) That the certified paper original is a true, correct and complete tangible manifestation of the electronic trust; and

(4) That the electronic record of the electronic trust is presently in the custody of the custodian.

7. *The custodian of an electronic trust may destroy the electronic record of the electronic trust after converting the electronic trust into a certified paper original if the custodian:*

(a) Provides 30 days' written notice, delivered to the last known address of the settlor or trustee, that the custodian intends to destroy the record and the settlor or trustee does not object within the 30-day period; and

(b) Makes a reasonable effort to provide the electronic record to the settlor or trustee before destroying the electronic record.

8. *Before the expiration of the 30 days after the custodian gives notice to the settlor or trustee pursuant to paragraph (b) of subsection 5, if the settlor*

or trustee objects to the conversion of the electronic trust into a certified paper original and agrees to take custody of the electronic trust, the custodian shall not convert the electronic trust into a certified paper original and shall deliver the electronic record of the electronic trust to the settlor or trustee or to such other person as the settlor or trustee may direct.

9. As used in this section:

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

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

(c) ***“Certified paper original” means a tangible document that contains the text of an electronic trust.***

(d) “Public key” has the meaning ascribed to it in NRS 720.110.

Sec. 35. NRS 163.025 is hereby amended to read as follows:

163.025 1. Except as otherwise provided by the terms of the trust instrument, a trustee may combine two or more trusts into a single trust or divide a trust into two or more separate trusts if the combination or division does not:

(a) Impair the rights of any beneficiary;

(b) Substantially affect the accomplishment of the purposes of the trust or trusts; or

(c) Violate the rule against perpetuities applicable to the trust or trusts.

2. ~~2. If the terms of the trust instrument do not expressly authorize~~ ***the combination or division of trusts, then the*** combination or division of trusts must be made ~~only~~ ***by court order or*** after giving notice of the proposed action and following the procedure set forth in NRS 164.725. The notice of the proposed action must include a summary of the anticipated tax consequences, if any, of the proposed combination or division.

Sec. 36. NRS 163.553 is hereby amended to read as follows:

163.553 As used in NRS 163.553 to 163.556, inclusive, ***and section 31 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 163.5533 to 163.5547, inclusive, have the meanings ascribed to them in those sections.

Sec. 37. NRS 163.5557 is hereby amended to read as follows:

163.5557 1. An instrument may provide for the appointment of a person to act as an investment trust adviser or a distribution trust adviser with regard to investment decisions or discretionary distributions.

2. An investment trust adviser may exercise the powers provided to the investment trust adviser in the instrument in the best interests of the trust. The powers exercised by an investment trust adviser are at the sole discretion of the investment trust adviser and are binding on all other persons. The powers

granted to an investment trust adviser may include, without limitation, the power to:

(a) Direct the trustee with respect to the retention, purchase, sale or encumbrance of trust property and the investment and reinvestment of principal and income of the trust.

(b) Vote proxies for securities held in trust.

(c) Select one or more investment advisers, managers or counselors, including the trustee, and delegate to such persons any of the powers of the investment trust adviser.

(d) Value non-publicly traded investments held in trust that are subject to the investment management authority of the investment trust adviser.

3. A distribution trust adviser may exercise the powers provided to the distribution trust adviser in the instrument in the best interests of the trust. The powers exercised by a distribution trust adviser are at the sole discretion of the distribution trust adviser and are binding on all other persons. Except as otherwise provided in the instrument, the distribution trust adviser shall direct the trustee with regard to all discretionary distributions to a beneficiary.

Sec. 38. NRS 163.5559 is hereby amended to read as follows:

163.5559 1. Except as otherwise provided in subsection 2, a creditor of a settlor may not seek to satisfy a claim against the settlor from the assets of a trust ~~if the settlor's sole interest in the trust is~~ ***because of*** the existence of ~~it~~ :

(a) A discretionary power granted to a person other than the settlor by the terms of the trust or by operation of law or to reimburse the settlor for any tax on trust income or principal which is payable by the settlor under the law imposing such tax ~~it~~ ;

(b) A power allowing the settlor to reacquire the trust corpus by substituting other property of an equivalent value; or

(c) A power allowing the settlor to borrow trust corpus or income, directly or indirectly, without adequate interest or without adequate security.

2. The provisions of subsection 1 do not ~~apply to~~ ***preclude a creditor from seeking to satisfy a claim against the settlor of a spendthrift trust from trust property transferred by the settlor to the extent it the creditor can prove by clear and convincing evidence that the transfer was fraudulent as to that creditor pursuant to chapter 112 of NRS or it was otherwise wrongful as to*** ~~violates a legal obligation owed to that creditor under a contract or a valid court order that is legally enforceable by~~ that creditor.

3. For purposes of this section, a beneficiary of a trust shall be deemed to not be a settlor of a trust because of a lapse, waiver or release of the beneficiary's right to withdraw part or all of the trust property if the value of the property which could have been withdrawn by exercising the right of withdrawal in any calendar year does not, at the time of the lapse, waiver or release, exceed the greater of the amount provided in 26 U.S.C. § 2041(b)(2), 26 U.S.C. § 2503(b) or 26 U.S.C. § 2514(e), as amended, or any successor provision.

Sec. 39. NRS 163.556 is hereby amended to read as follows:

163.556 1. Except as otherwise provided in this section, unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust, ***whether acting in the trustee's own discretion or at the direction or with the consent of another party pursuant to the terms of the trust instrument***, may exercise such discretion or authority by appointing the property subject to such discretion or authority in favor of a second trust as provided in this section.

2. The second trust to which a trustee appoints property of the original trust may only have as beneficiaries one or more of the beneficiaries of the original trust:

(a) To or for whom a distribution of income or principal may be made from the original trust;

(b) To or for whom a distribution of income or principal may be made in the future from the original trust at a time or upon the happening of an event specified under the original trust; or

(c) Both paragraphs (a) and (b).

➔ For purposes of this subsection, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.

3. A trustee may not appoint property of the original trust to a second trust if:

(a) Appointing the property will reduce any income interest of any income beneficiary of the original trust if the original trust is:

(1) A trust for which a marital deduction has been taken for federal or state income, gift or estate tax purposes;

(2) A trust for which a charitable deduction has been taken for federal or state income, gift or estate tax purposes; or

(3) A grantor-retained annuity trust or unitrust under 26 C.F.R. § 25.2702-3(b) and (c).

➔ As used in this paragraph, "unitrust" has the meaning ascribed to it in NRS 164.700.

(b) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the time of the proposed appointment, unless after the exercise of such appointment, the beneficiary of the original trust's power of withdrawal is unchanged with respect to the trust property.

~~(c) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.~~

~~(d)~~ A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. § 2503(b), by reason of the application of section 2503(c) of the Internal Revenue Code, 26 U.S.C. § 2503(c), unless the second trust provides that the

beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.

4. A trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard; or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

5. Notwithstanding the provisions of subsection 1, a trustee who may be removed by the beneficiary or beneficiaries of the original trust and replaced with a trustee that is related to or subordinate, as described in section 672 of the Internal Revenue Code, 26 U.S.C. § 672(c), to a beneficiary, may not exercise the authority to appoint property of the original trust to a second trust to the extent that the exercise of the authority by such trustee would have the effect of increasing the distributions that can be made from the second trust to such beneficiary or group of beneficiaries that held the power to remove the trustee of the original trust and replace such trustee with a related or subordinate person, unless the distributions that may be made from the second trust to such beneficiary or group of beneficiaries described in paragraph (a) of subsection 4 are limited by an ascertainable standard.

6. The provisions of subsections 4 and 5 do not prohibit a trustee who is not a beneficiary of the original trust or who may not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary from exercising the authority to appoint property of the original trust to a second trust pursuant to the provisions of subsection 1.

7. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice of a proposed action or a petition for a court's approval must include the trustee's

opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

8. The trust instrument of the second trust may:

(a) Grant a general or limited power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the original trust.

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

9. The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

10. The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

11. The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law ~~or~~ ***under the terms of the original trust.***

12. The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

13. The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

14. A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

15. A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

16. The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also exercise the powers granted pursuant to this section with respect to the second trust.

17. ~~This~~ ***Except as otherwise provided under the terms of the trust, the power of a trustee to appoint property to another trust is in addition to any other powers conferred by the terms of the trust or under the laws of this State. This section does not expand, restrict, eliminate or otherwise alter any power that, with respect to a trust, a person holds in a nonfiduciary capacity.***

18. ***The power of a trustee to appoint property to another trust is an administrative act under this section and, therefore, regardless of whether a trust applies the laws of this State for construction or validity issues, this section applies to a trust that is governed by, situated in or administered under the laws of this State, whether the trust is initially governed by, situated in or***

administered under the laws of this State pursuant to the terms of the trust instrument or whether the governing law, situs or administration of the trust is moved to this State from another state or foreign jurisdiction.

~~18.1~~ **19.** The power to appoint *property* to a second trust pursuant to this section may be exercised to appoint *property* to a second trust that is a special needs trust, pooled trust or third-party trust.

~~19.1~~ **20.** As used in this section:

(a) “Ascertainable standard” means a standard relating to a person’s health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

(b) “Pooled trust” means a trust described in 42 U.S.C. § 1396p(d)(4)(C) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(c) “Second trust” means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the original trust. The second trust may be a trust created under ~~16~~

~~— (1) The~~ the original trust instrument, as modified after an appointment of property made pursuant to this section, ~~16.1~~ or ~~1~~

~~— (2) A~~ a different trust instrument. **If the second trust is created under the original trust instrument, as modified after an appointment of property made pursuant to this section, and is therefore the modified original trust, a trustee may exercise the power to appoint the trust property from the original trust to the second trust without an actual distribution of the property subject to the appointment.**

(d) “Special needs trust” means a trust under 42 U.S.C. § 1396p(d)(4)(A) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(e) “Third-party trust” means a trust that is:

(1) Established by a third party with the assets of the third party to provide for the supplemental needs of a person who is eligible for needs-based public assistance at or after the time of the creation of the trust; and

(2) Exempt from the provisions of any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid.

Sec. 40. NRS 164.021 is hereby amended to read as follows:

164.021 1. When a revocable trust becomes irrevocable because of the death of a settlor or by the express terms of the trust, the trustee may, after the

trust becomes irrevocable, provide notice to any beneficiary of the irrevocable trust, any heir of the settlor or to any other interested person.

2. The notice provided by the trustee must contain:

(a) The identity of the settlor of the trust and the date of execution of the trust instrument;

(b) The name, mailing address and telephone number of any trustee of the trust;

(c) Any provision of the trust instrument which pertains to the beneficiary or notice that the heir or interested person is not a beneficiary under the trust;

(d) Any information required to be included in the notice expressly provided by the trust instrument; and

(e) A statement set forth in a separate paragraph, in 12-point boldface type or an equivalent type which states: “You may not bring an action to contest the trust more than 120 days from the date this notice is ~~served upon~~ **provided to** you.”

3. The trustee shall ~~serve the~~ **cause** notice pursuant to **this section to be provided in accordance with** the provisions of NRS 155.010.

4. No person upon whom notice is ~~served~~ **provided** pursuant to this section may bring an action to contest the validity of the trust more than 120 days from the date the notice **pursuant to this section is provided, regardless of whether a petition under NRS 164.010 is subsequently** served upon the person ~~+~~ **after the notice is provided**, unless the person proves that he or she ~~did~~ **was not** ~~receive actual~~ **provided** notice ~~+~~ **in accordance with this section.**

Sec. 41. NRS 164.025 is hereby amended to read as follows:

164.025 1. ~~The~~ **Regardless of the filing of a petition under NRS 164.010, the** trustee of a nontestamentary trust may after the death of the settlor of the trust 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 or readily ascertainable creditors.

2. The notice must be in substantially the following form:

(a) For a claim against the settlor:

NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the trust., the settlor of that trust died on A creditor having a claim against the settlor must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated

.....
Trustee

.....
Address

(b) For a claim against the trust:

NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the trust., the settlor of that trust died on A creditor having a claim against the trust estate must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated

.....

Trustee

.....

Address

(c) *For a claim against the settlor and the trust:*

NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the trust., the settlor of that trust died on A creditor having a claim against the settlor and against the trust estate must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated.....

.....

Trustee

.....

Address

3. ~~{A}~~ ***Except as otherwise provided in subsection 4, a*** person having a claim, due or to become due, against a settlor or the trust, as applicable, must file the claim with the trustee within 90 days after the mailing, for those required to be mailed, or 90 days after publication of the first notice to creditors. ***A claim filed within the applicable period is presumed timely filed if it contains on the first page of the claim a title stating it is a “Claim Pursuant to NRS 164.025” in a minimum 12-point bold type and it is mailed to the trustee at the address set forth in the notice with a return receipt or the creditor obtains written confirmation of receipt signed by the trustee or trustee’s counsel.*** Any claim against a settlor or the trust estate, as applicable, ***that is not timely filed {within that time}*** is forever barred. After the expiration of the time to file a claim as provided in this ~~{section}~~ ***subsection or, if applicable, subsection 4,*** the trustee may distribute the assets of the trust to its beneficiaries without personal liability for any claim which has not been timely filed with the trustee. ***A claim not complying with the requirements of this subsection is rebuttably presumed to be untimely.***

4. *Notwithstanding the provisions of subsection 3, if the existence of an additional creditor who was not known or readily ascertainable at the time of the first publication of the notice to creditors is discovered by the trustee before the last day that creditors who were provided such notice may file a claim with the trustee pursuant to subsection 3, the trustee ~~may~~ shall immediately mail a copy of the notice to the additional creditor, who must file a claim with the trustee in accordance with the provisions of subsection 3 within the applicable time period set forth in subsection 3 or 30 days from the date the trustee mailed such subsequent notice to the creditor, whichever is later.*

5. If the trustee knows or has reason to believe that the settlor received public assistance during the lifetime of the settlor, the trustee shall, whether or not the trustee gives notice to other creditors, give notice within 30 days after the death 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 is not given, the trust estate and any assets transferred to a beneficiary remain subject to the right of the Department to recover public assistance received.

~~5-1~~ 6. If a claim is rejected by the trustee, in whole or in part, the trustee must, within 10 days after the rejection, notify the claimant of the rejection by written notice forwarded by registered or certified mail to the mailing address of the claimant. The claimant must bring suit in the proper court against the trustee within 60 days after the notice is given, whether the claim is due or not, or the claim is barred forever and the trustee may distribute the assets of the trust to its beneficiaries without personal liability to any creditor whose claim is barred forever.

~~6-1~~ 7. As used in this section, “nontestamentary trust” has the meaning ascribed to it in NRS 163.0016.

Sec. 42. NRS 164.038 is hereby amended to read as follows:

164.038 1. Unless otherwise represented by counsel, a minor, incapacitated person, unborn person or person whose identity or location is unknown and not reasonably ascertainable may be represented by another person who has a substantially similar interest with respect to the question or dispute.

2. A person may only be represented by another person pursuant to subsection 1 if there is no material conflict of interest between the person and the representative with respect to the question or dispute for which the person is being represented. If a person is represented pursuant to subsection 1, the results of that representation in the question or dispute will be binding on the person.

3. A presumptive remainder beneficiary may represent and bind a beneficiary with a contingent remainder for the same purpose, in the same circumstance and to the same extent as an ascertainable beneficiary may bind a minor, incapacitated person, unborn person or person who cannot be ascertained.

4. A powerholder may represent and bind a person who is a permissible appointee or taker in default of appointment.

5. If a trust has a minor or incapacitated beneficiary who may not be represented by another person pursuant to this section, ~~the~~ **a** custodial parent or **the** guardian of the estate of the minor or incapacitated beneficiary may represent the minor or incapacitated beneficiary in any judicial proceeding or nonjudicial matter pertaining to the trust. A minor or incapacitated beneficiary may only be represented by a parent or guardian if there is no material conflict of interest between the minor or incapacitated beneficiary and the parent or guardian with respect to the question or dispute. If a minor or incapacitated beneficiary is represented pursuant to this subsection, the results of that representation will be binding on the minor or incapacitated beneficiary. The representation of a minor or incapacitated beneficiary pursuant to this subsection is binding on an unborn person or a person who cannot be ascertained if:

(a) The unborn person or a person who cannot be ascertained has an interest substantially similar to the minor or incapacitated person; and

(b) There is no material conflict of interest between the unborn person or a person who cannot be ascertained and the minor or incapacitated person with respect to the question or dispute.

6. As used in this section:

(a) “Permissible appointee” has the meaning ascribed to it in NRS 162B.065.

(b) “Powerholder” has the meaning ascribed to it in NRS 162B.080.

(c) “Presumptive remainder beneficiary” means:

(1) A beneficiary who would receive income or principal of the trust if the trust were to terminate as of that date, regardless of the exercise of a power of appointment; or

(2) A beneficiary who, if the trust does not provide for termination, would receive or be eligible to receive distributions of income or principal of the trust if all beneficiaries of the trust who were receiving or eligible to receive distributions were deceased.

(d) “Taker in default of appointment” has the meaning ascribed to it in NRS 162B.095.

Sec. 43. Chapter 239A of NRS is hereby amended by adding thereto the provisions set forth as sections 44 and 45 of this act.

Sec. 44. *Upon presentation of a death certificate, affidavit of death or other proof of death, a lender, trustee or assignee of an encumbrance against real property shall provide the Director of the Department of Health and Human Services or a public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable, with a statement which sets forth the identifying number and account balance of any encumbrance against real property on which the name of the deceased person appears. A lender, trustee or assignee may charge a reasonable fee, not to exceed \$2, to provide a public administrator or a person employed or*

contracted with pursuant to NRS 253.125, as applicable, with a statement pursuant to the provisions of this section.

Sec. 45. *Upon presentation of a death certificate, affidavit of death or other proof of death, a financial institution shall provide a public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable, with access to a safe deposit box rented in the sole name of the decedent, or jointly owned with a predeceased person for whom proof of death has been provided, for the purpose of the inspection and removal of any will or instructions for disposition of the remains of the decedent. The estate of the decedent is responsible for any costs and expenses incurred by drilling or forcing open a safe deposit box.*

Sec. 46. NRS 440.250 is hereby amended to read as follows:

440.250 1. Not later than the fifth day of each month, deputy county health officers shall file with the county health officer all original birth and death certificates executed by them.

2. Within 5 days after receipt of the original death certificates, the county health officer shall file with the public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable, a written list of the names, ~~and~~ social security numbers **and residential addresses** of all deceased persons and the names of their next of kin as those names appear on the certificates.

Sec. 47. 1. The amendatory provisions of section 4 of this act apply to any power of attorney, will or other estate planning document that is executed on or after January 1, 2020.

2. The amendatory provisions of section 33 of this act apply to any trust created or amended before, on or after October 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

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

Amendment No. 276.

AN ACT relating to elections; establishing procedures for the use of mail ballots in every election; establishing various requirements relating to mail ballots; revising the requirements for signature verification of mail ballots; revising the deadline to submit a request for the establishment of a polling place within an Indian reservation or Indian colony for an election; revising the personal data that may be requested if a voter's signature is challenged at the polls; requiring the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to obtain certain information relating to the statewide voter registration list; authorizing a county clerk, city clerk or

registrar of voters and deputies thereof charged with powers and duties relating to elections to request certain personal information be maintained in a confidential manner; repealing provisions related to absent ballots, mailing ballots and affected elections; **providing a penalty**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered voter to request an absent ballot to vote at an election and sets forth various requirements and procedures to be used for voting and processing absent ballots. (NRS 293.3088-293.340, 293C.304-293C.340) Existing law also provides that a county or city clerk may designate certain election precincts as mailing precincts or absent ballot mailing precincts and all registered voters who live in such an election precinct are mailed a mailing ballot and may vote by mailing ballot. (NRS 293.343-293.355, 293C.342-293C.352) Existing law further provides that for elections that are affected by certain emergencies or disasters, the county and city clerks are required to mail each registered voter a mail ballot and sets forth requirements and procedures to be used for mail ballots. (NRS 293.8801-293.8887) **Section 91** of this bill repeals the existing provisions for absent ballots, mailing ballots and mail ballots. **Sections ~~12-17~~ 2, 3-17 and 51-63** of this bill: (1) require the county and city clerks to send each active registered voter **and each person who registers to vote or updates his or her voter registration information not later than 14 days before an election** a mail ballot for all elections; and (2) reenact, with certain changes, various requirements relating to the preparation and distribution of mail ballots and procedures for voting, returning, verifying and counting mail ballots. **Sections 18-24, 30-33, 35-45, 47-49, 66-69, 72, 73, 76-79 and 81-86** of this bill make conforming changes to revise references to absent ballots, mailing ballots and mail ballots for affected elections.

Sections 3 and 51 of this bill provide that a voter may elect not to receive a mail ballot by submitting a written notice to the county or city clerk ~~if~~ **which must be received by the county or city clerk, as applicable, not later than 60 days before the day of the election.**

Sections 2.2 and 2.4 of this bill **require the county clerk to establish a minimum number of polling places for primary elections and general elections in the county for early voting by personal appearance and polling places for voting on the day of the election based on the population of the county.**

Existing law provides that an absent ballot or mail ballot that is mailed to the county or city clerk must be postmarked on or before the day of the election and received by 5 p.m. on the seventh day following the election. (NRS 293.317, 293.8861, 293C.319) **Sections 8 and 56** of this bill revise this deadline to instead require a mail ballot that is mailed to the county or city clerk to be received by 5 p.m. on the fourth day following an election. **Sections 8 and 56 also require the county and city clerk to establish ballot drop boxes at every polling location in the county or city, as applicable. Section**

45 of this bill makes it a category E felony for a person other than a county clerk or city clerk to establish a ballot drop box.

Existing law establishes a process for county and city clerks to verify signatures on absent ballots, mailing ballots and mail ballots. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) **Sections 11 and 59** of this bill authorize the county and city clerks to review the signature of a voter manually or by electronic means and establish requirements for an electronic device to verify the signature of a voter.

Sections 16 and 64 of this bill require each county clerk and city clerk and all members of their staff whose duties include administering an election to complete a class on forensic signature verification that is approved by the Secretary of State at least once each year. **Sections 17 and 65** of this bill provide that if a county or city clerk uses an electronic device to verify signatures on mail ballots, the clerk must: (1) conduct a test of the accuracy of every electronic device before the election; (2) perform daily audits of the electronic device during the processing of ballots for the election; and (3) prepare an audit report. **Sections 34 and 80** of this bill require the audit reports to be deposited in the vaults of the county or city with other election materials.

Existing law allows a voter who has failed to affix his or her signature on an absent, mailing or mail ballot or for whom there is a reasonable question of fact as to whether the signature used for the absent, mailing or mail ballot matches the signature of the voter to provide a signature or confirmation not later than 5 p.m. on the seventh day following an election or the ninth day following an affected election. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) **Sections 11 and 59** revise this deadline to require a voter to provide a signature or confirmation by the sixth day following an election. **Sections 11 and 59 also establish methods by which the county or city clerk may verify the identity of a voter for whom there is a reasonable question of fact as to whether the signature used on his or her mailing ballot matches the voter's signature.**

Existing law requires certain persons who register to vote to show certain proof of identity and residency the first time voting in an election for federal office in this State. A person who registers to vote at the Department of Motor Vehicles using the process commonly known as the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency. (NRS 293.2725, 293.5742) **Section 25** of this bill makes a technical change to clarify that a person who registers to vote at the Department of Motor Vehicles using the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency.

Existing law authorizes an Indian tribe to submit a request for the establishment of a polling place within the boundaries of an Indian reservation

or Indian colony, which must be submitted by the first Friday in January for a primary election and the first Friday in July for a general election. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) **Sections 26, 28, 70 and 74** of this bill revise the deadline for the request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for early voting and the day of a primary election or general election to ~~April~~ **March** 1 for a primary election and ~~September~~ **August** 1 for a general election. **Sections 26 and 70 also authorize an Indian tribe to submit a request for the establishment of a ballot drop box within the boundaries of an Indian reservation or Indian colony by the same deadlines.**

Existing law provides that if the signature of a voter who appears to vote in person at the polls does not match the voter's signature on file, the voter must be identified by answering questions covering the personal data reported on an application to register to vote or providing other personal data. (NRS 293.285, 293.3585, 293C.275, 293C.3585) **Sections 27, 29, ~~74~~ 71 and 75** of this bill provide that the questions covering the personal data of a voter ~~does not~~ **may** include the voter's date of birth.

Existing law authorizes a person to register to vote through the Thursday preceding the day of the election by submitting an application to register to vote by computer using the system established by the Secretary of State before the person appears at a polling place to vote in person using a provisional ballot. (NRS 293.560, 293.5837, 293C.527) Sections 42.5, 43 and 80.5 of this bill extends this deadline to allow a person to register to vote using this method through the day of the election.

Existing law requires the Secretary of State to establish and maintain the statewide voter registration list. (NRS 293.675) **Section 44** of this bill requires the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the statewide voter registration list with the records from the State Registrar of Vital Statistics concerning the death of residents of the State to maintain the statewide voter registration list.

Existing law authorizes certain persons to obtain a court order to require a county assessor, county recorder, county clerk, city clerk or Secretary of State to maintain the personal information of the person contained in their records in a confidential manner. (NRS 247.530, 247.540, 250.130, 250.140, 293.908) **Sections 46, 87 and 88** of this bill authorize a county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division to request a court order to require a county assessor, county recorder, county clerk, city clerk or the Secretary of State maintain the personal information of the person contained in their records in a confidential manner.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) **Section 89**

of this bill authorizes a county clerk, city clerk, registrar of voters charged with powers and duties related to elections and any deputy in the elections division of the county or city to also request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *“Mail ballot” means a mail ballot distributed to an active registered voter pursuant to the provisions of sections 3 to 15, inclusive, of this act and sections 51 to 65, inclusive, of this act.*

Sec. 2.2. *For a primary election or general election, the county clerk must establish:*

1. In a county whose population is 700,000 or more, at least 25 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.

2. 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.

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

Sec. 2.4. *1. For a primary election or general election, the county clerk must establish:*

(a) In a county whose population is 700,000 or more, at least 100 polling places where a person can vote in person on the day of the election.

(b) In a county whose population is 100,000 or more but less than 700,000, at least 25 polling places where a person can vote in person on the day of the election.

(c) In a county whose population is less than 100,000, at least 1 permanent polling place where a person can vote in person on the day of the election.

2. For the purposes of subsection 1, a polling place where a person can vote on the day of the election may include a vote center.

Sec. 3. *1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail 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 county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk ~~for~~ which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:
(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph ~~[(b)]~~ (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) 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.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

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

Sec. 4. 1. Except as otherwise provided in subsection 2, section 3 of this act and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) ~~An identification envelope, if applicable, and~~

~~—(e)—~~ Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. *The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.*

4. *Before sending a mail ballot to an active registered voter, the county clerk shall record:*

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

Sec. 5. 1. *Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the county clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.*

2. *The provisions of subsection 1 do not apply to a person who:*

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote 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.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The county clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the ~~third~~ sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 6. 1. Except as otherwise provided in section 7 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

(b) Deposit the mail ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; and

(d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to section 3 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 7. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 3 to 15, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail

ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must ~~fr~~

~~(a) Indicate~~ indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter. ~~fr and~~

~~(b) Submit a written statement with the mail ballot that includes the name, address and signature of the person.~~

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must ~~submit a written statement with the mail ballot that includes the~~ include on the return envelope his or her name, address and signature. ~~of the person who provided the assistance.~~

Sec. 8. 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the county clerk, or any ballot drop box established in the county pursuant to this section; or

(b) Mailed to the county clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

3. Each county clerk must establish a ballot drop box at every polling place in the county, including, without limitation, a polling place for early voting. A county clerk may establish ~~at least one~~ a ballot drop box at any other location in the county ~~for a ballot drop box~~ where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the county clerk or a polling place in the county; and

(b) Made available for use during the hours when the office of the county clerk, or the polling place, is open for business or voting, as applicable.

Sec. 9. 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter,

a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county, pursuant to section 8 of this act.

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 10. 1. The county clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of sections 3 to 15, inclusive, of this act.

Sec. 11. 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the county clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the mail ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the county clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the county clerk shall use the following procedure:

(a) The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.

(b) If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name ~~for~~, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot, or for whom there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, in order to:

- (a) Contact the voter;
- (b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and
- (c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

- (a) Answering questions from the county clerk covering the personal data which is reported on the application to register to vote;
- (b) Providing the county clerk, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the county clerk with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

- (a) Mail;
- (b) Telephone, if a telephone number for the voter is available in the records of the clerk; and
- (c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.

Sec. 12. 1. The county clerk shall appoint a mail ballot central counting board for the election.

2. The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the county for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as such an election board officer.

3. The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.

4. The mail ballot central counting board is under the direction of the clerk.

Sec. 13. 1. The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. If two or more mail ballots are found folded together to present the appearance of a single ballot, ~~they must be laid aside. If a majority of the inspectors are of the opinion that the mail ballots folded together were voted~~

~~by one person, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.~~

Sec. 14. Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:

1. The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;

2. ~~If the board determines that the voter is entitled to cast a mail ballot, the return envelope must be opened, the numbers on the mail ballot and return envelope compared, the number strip or stub detached from the mail ballot and, if the numbers are the same, the mail ballot must be counted;~~

~~3. An election board officer shall indicate in the roster ~~["Voted"]~~ "Received" by the name of the voter; and~~

3. If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;

4. An election board officer shall indicate "Voted" by the name of the voter; and

5. When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.

Sec. 15. 1. The voting results of the mail ballot vote in each precinct must be certified and submitted to the county clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter's ballot.

2. The clerk shall develop a procedure to ensure that each mail ballot is kept secret.

3. No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.

Sec. 16. At least once each year, each county clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.

Sec. 17. If a county clerk uses an electronic device in an election to verify signatures on mail ballots:

1. The county clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 11 of this act.

2. The county clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified each day. The county clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The county clerk must prepare a report of each daily audit.

Sec. 18. 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]~~ **293.016** to 293.121, inclusive, *and section 2 of this act*, have the meanings ascribed to them in those sections.

Sec. 19. NRS 293.093 is hereby amended to read as follows:

293.093 “Regular votes” means the votes cast by registered voters, except votes cast by:

1. ~~[An absent]~~ **A mail** ballot;

2. A provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive;

or

3. A provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 20. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in March of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to ~~[293.213]~~ **293.210**, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, “electronic file” includes, without limitation, an electronic data file of a geographic information system.

Sec. 21. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to ~~293.243,~~ **293.227**, inclusive, and ~~293.384,~~ **section 12 of this act**. The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the ~~absent~~ **mail** ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the ~~absent~~ **mail** ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➡ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 22. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, ~~absent~~ **mail** ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 23. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots, including, without limitation, for ~~absent~~ **mail** ballots, ~~and ballots voted in a mailing precinct,~~ the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 24. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) ~~Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;~~

~~—(b)—~~ Is entitled to vote ~~for an absent ballot~~ **otherwise than in person** pursuant to federal law ~~or NRS 293.316~~ or chapter 293D of NRS;

~~—(c)—~~ (b) Is disabled;

~~—(d)—~~ (c) Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;

~~—(e)—~~ Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;

~~—(f)—~~ Requests an absent ballot in person at the office of the county clerk; or

~~—(g)—~~ (d) Is sent a mail ballot pursuant to the provisions of ~~NRS 293.8847~~ **section 4 of this act** and includes a copy of the information required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~NRS 293.8851~~ **section 5 of this act**.

Sec. 25. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081, 293.3083 and 293.5772 to 293.5887, inclusive, and in federal law, a person who registers to vote by mail or computer, ~~for registers to vote pursuant to NRS 293.5742,~~ or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

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

↪ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5742, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 26. 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 ~~for a polling place~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary election or general election ~~for~~ of:

(a) A polling place;

(b) A ballot drop box; or

(c) Both a polling place and a ballot drop box.

2. A request for the establishment of a polling place , a ballot drop box or both a polling place and a ballot drop box within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election:

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

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

(2) If the request is for a general election, ~~the first Friday in July~~ September August 1 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 ~~or~~ or ballot drop box. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place ~~or~~ or ballot drop box, as applicable.

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 or ballot box, as applicable within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the county clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election or general election, the county clerk must continue to establish one or more polling places or ballot drop boxes 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 or general election unless otherwise requested by the Indian tribe.

Sec. 27. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive:

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293.277; and

(4) Verify that the registered voter has not already voted in that county in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. For the purposes of subsection 2, the personal data of a voter ~~does not~~ may include his or her date of birth.

Sec. 28. 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~~ **April** **March 1** of the year in which the general election is to be held.

(2) If the request is for a general election, ~~the first Friday in July~~ **September** **August 1** 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. 29. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting or a signature card.
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted in that county in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. The roster for early voting or a signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

9. *For the purposes of subsection 2, the personal data of a voter ~~does not~~ may include his or her date of birth.*

Sec. 30. NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, ~~293.325,~~ 293B.330 and 293B.335. The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

Sec. 31. NRS 293.363 is hereby amended to read as follows:

293.363 ~~Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 32. NRS 293.365 is hereby amended to read as follows:

293.365 Except as otherwise provided ~~for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, in section 13 of this act,~~ no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 33. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the 10th day following the election. ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.~~

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and
(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and
(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,
➡ and transmit them to the Secretary of State on or before the 10th day following the election. ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.~~

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof,

and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 34. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *reports prepared pursuant to section 17 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 35. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the 10th day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, ~~for, if applicable, on or before the 13th day after an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,~~ the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 36. NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, ~~293.325,~~ 293B.330 and 293B.335 must:

- (a) Be constructed of metal or any other rigid material; and
- (b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 37. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

- (a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and
- (b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ **received a mail** ballot for the election and has not returned the **mail** ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

- (a) In a county whose population is 47,500 or more, on at least 3 successive days.
- (b) In a county whose population is less than 47,500, at least twice in successive issues of the newspaper.

Sec. 38. NRS 293.4688 is hereby amended to read as follows:

293.4688 1. The Secretary of State shall ensure that:

- (a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is accessible on a mobile device; and
- (b) A person may use a mobile device to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, an application to preregister or register to vote ~~for a request for an absent ballot~~ and a request for a military-overseas ballot.

2. As used in this section:

- (a) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.
- (b) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

Sec. 39. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296 ~~1, 293.313, 293.316~~ and ~~293.3165~~ **section 3 of this act.**

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

- (a) Related to elections; and
- (b) Made available by the county clerk to the public in printed form.

Sec. 40. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

- (a) Preregister or register to vote; and
- (b) Vote by ~~absent~~ **mail** ballot,

↪ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to preregister or register to vote or to change the address of the person's current preregistration or registration, as applicable. The form must include:

- (a) A section that contains the confidential address of the person; and
- (b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

- (a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and
- (b) File the portion of the form that contains the confidential address.

4. ~~Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.~~

~~5.~~ Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for preregistration or registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection,

↪ unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 41. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector:

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) Who presents evidence of the discharge from the Armed Forces or separation from employment described in paragraph (b) to the county clerk; and

(d) Is not registered to vote at the close of registration for that election,

↪ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless the elector is otherwise entitled to vote ~~in absentia~~ **a mail** ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 42. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk,

presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and ~~an absent~~ **a mail** ballot ~~for a ballot voted by a voter who resides in a mailing precinct~~ is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 42.5. 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 or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary 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 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 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~~ day of the primary 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 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 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. 43. NRS 293.5837 is hereby amended to read as follows:

293.5837 1. ~~Through the Thursday preceding the day of the election,~~ an ~~an~~ an elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 before the elector appears at a polling place described in subsection 2 to vote in person.

2. If an elector submits an application to register to vote pursuant to this section, ~~it~~ less than 14 days before the election, the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 ~~1, 293.88341~~ or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 44. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~7.1~~ 8, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~8.1~~ 9, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

7. ***The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.***

8. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~18-1~~ 9. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 45. NRS 293.730 is hereby amended to read as follows:

293.730 1. Except for an election board officer in the course of the election board officer's official duties, a person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Accept from any voter a ballot prepared by or on behalf of the voter, other than ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than one at which the person is entitled to vote.

(e) Show his or her ballot to another person, after voting, so as to reveal any of his or her votes on the ballot, other than on his or her ~~absent ballot, mailing~~

~~ballot,~~ mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(f) Inside a polling place, ask another person for his or her name, address or political affiliation or for whom he or she intends to vote.

(g) Send, transmit, distribute or deliver a ballot to a voter, other than ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot when permitted pursuant to this title.

(h) Except when permitted by the voter, alter, change, deface, damage or destroy ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

2. A voter shall not:

(a) Accept a ballot from another person, other than an election board officer in the course of the election board officer's official duties or a person who sends, transmits, distributes or delivers ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot to the voter when permitted pursuant to this title.

(b) Deliver to an election board officer in the course of the election board officer's official duties any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one that he or she voted, other than any such mark that is permitted to be placed on ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

3. **A person other than a county or city clerk shall not set up a ballot drop box that purports to be an official ballot drop box for mail ballots.**

4. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 46. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

- (1) Interacts with the public; and
- (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possess specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

(j) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.*

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j), inclusive.

~~+(k)+~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j) inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 47. 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,~~ **without limitation,** overvotes or, in a 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; or
- (2) A general election,

↪ the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ **mail ballots**, 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, 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. 48. NRS 293B.360 is hereby amended to read as follows:

293B.360 1. To facilitate the processing and computation of votes cast at any election conducted under a mechanical voting system, the county clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) ~~An absent~~ **A mail** ballot ~~mailing precinct~~ inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as the county clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the county clerk may determine the number of members to constitute any board. The county clerk shall make any appointments from among competent persons who are registered voters in this State. The members of each board must represent all political parties as equally as possible. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he or she is appointed.

3. If the county clerk creates a ballot duplicating board, the county clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the county clerk.

Sec. 49. NRS 293B.380 is hereby amended to read as follows:

293B.380 1. The ballot processing and packaging board must be composed of persons who are qualified in the use of the data processing equipment to be operated for the voting count.

2. The board shall:

(a) Allow members of the general public to observe the counting area where the computers are located during the period when ballots are being processed if those members do not interfere with the processing of the ballots.

(b) Receive ballots and maintain groupings of them by precinct.

(c) Before each counting of the ballots or computer run begins, validate the testing material with the counting program.

(d) Maintain a log showing the sequence in which the ballots of each precinct are processed, as a measure to ensure that the ballots of all precincts are processed.

(e) After each counting of the ballots, again verify the testing material with the counting program to substantiate that there has been no substitution or irregularity.

(f) Record an explanation of any irregularity that occurs in the processing.

(g) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,

↪ ensure that a list is compiled indicating the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ **mail ballots**, which each candidate accumulated in each precinct.

(h) Collect all returns, programs, testing materials, ballots and other items used in the election at the computer center and package and deliver the items to the county clerk for sealing and storage.

Sec. 50. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 65, inclusive, of this act.

Sec. 51. 1. *Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.*

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk ~~for~~ which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to

receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) 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.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

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

Sec. 52. 1. Except as otherwise provided in subsection 2, section 51 of this act and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) ~~An identification envelope, if applicable, and~~
- ~~(e) Instructions.~~

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the city clerk finds appropriate.

Sec. 53. 1. Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the city clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote 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.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The city clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the ~~third~~ sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 54. 1. Except as otherwise provided in section 55 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

- (a) Mark and fold the mail ballot;
- (b) Deposit the mail ballot in the return envelope and seal the return envelope;
- (c) Affix his or her signature on the return envelope in the space provided for the signature; and
- (d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to section 51 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 55. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 51 to 65, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must ~~for~~

~~—(a) Indicate~~ indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter. ~~for and~~

~~—(b) Submit a written statement with the mail ballot that includes the name, address and signature of the person.~~

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person ~~for the voter~~ must ~~submit a written statement with the mail ballot that includes the~~ include on the return envelope his or her name, address and signature. ~~for the person who provided the assistance.~~

Sec. 56. 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the city clerk, or any ballot drop box established in the city, pursuant to this section; or

(b) Mailed to the city clerk, and:

(1) *Postmarked on or before the day of the election; and*

(2) *Received by the clerk not later than 5 p.m. on the fourth day following the election.*

2. *If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.*

3. *Each city clerk must establish ~~at least one~~ a ballot drop box at every polling place in the city, including, without limitation, a polling place for early voting. A city clerk may establish a drop box at any other location in the city ~~for a ballot drop box~~ where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.*

4. *A ballot drop box must be:*

(a) *Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and*

(b) *Capable of securely receiving and holding the mail ballots and being locked.*

5. *A ballot drop box must be:*

(a) *Placed in an accessible and convenient location at the office of the city clerk, or a polling place in the city; and*

(b) *Made available for use during the hours when the office of the city clerk, or the polling place, is open for business or voting, as applicable.*

Sec. 57. 1. *Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the city clerk, or any ballot drop box established in the city pursuant to section 56 of this act.*

2. *Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:*

(a) *Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;*

(b) *Deny a voter the right to return the voter's mail ballot; or*

(c) *If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:*

(1) *Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or*

(2) *Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.*

3. *A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 58. 1. *The city clerk shall establish procedures for the processing and counting of mail ballots.*

2. *The procedures established pursuant to subsection 1:*

(a) *May authorize mail ballots to be processed and counted by computer or other electronic means; and*

(b) *Must not conflict with the provisions of sections 51 to 65, inclusive, of this act.*

Sec. 59. 1. *Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the city clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.*

2. *To check the signature used for a mail ballot by electronic means:*

(a) *The electronic device must take a digital image of the signature used for the mail ballot and electronically compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the city clerk.*

(b) *If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.*

3. *To check the signature used for a mail ballot manually, the city clerk shall use the following procedure:*

(a) *The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.*

(b) *If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.*

4. *For purposes of subsection 3:*

(a) *There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.*

(b) *There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:*

(1) *The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name ~~for~~, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple,*

significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot, or for whom there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and

(c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

(a) Answering questions from the city clerk covering the personal data which is reported on the application to register to vote;

(b) Providing the city clerk, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the city clerk with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

(a) Mail;

(b) Telephone, if a telephone number for the voter is available in the records of the clerk; and

(c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.

Sec. 60. 1. The city clerk shall appoint a mail ballot central counting board for the election.

2. The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the city for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as such an election board officer.

3. The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.

4. The mail ballot central counting board is under the direction of the clerk.

Sec. 61. 1. The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. If two or more mail ballots are found folded together to present the appearance of a single ballot, ~~they must be laid aside. If a majority of the inspectors are of the opinion that the mail ballots folded together were voted by one person,~~ the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 62. Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:

1. The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;

2. ~~If the board determines that the voter is entitled to cast a mail ballot, the return envelope must be opened, the numbers on the mail ballot and return envelope compared, the number strip or stub detached from the mail ballot and, if the numbers are the same, the mail ballot must be counted;~~

~~3. An election board officer shall indicate in the roster ["Voted"] "Received" by the name of the voter; and~~

3. If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;

4. An election board officer shall indicate “Voted” by the name of the voter; and

5. When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.

Sec. 63. 1. *The voting results of the mail ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter’s ballot.*

2. *The clerk shall develop a procedure to ensure that each mail ballot is kept secret.*

3. *No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.*

Sec. 64. *At least once each year, each city clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.*

Sec. 65. *If a city clerk uses an electronic device in an election to verify signatures on mail ballots:*

1. *The city clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 59 of this act.*

2. *The city clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified each day. The city clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The city clerk must prepare a report of each daily audit.*

Sec. 66. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293.5817 ~~+~~ and sections 51 to 65, inclusive, of this act, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. ~~Except as otherwise provided in NRS 293C.112, the~~ **The** governing body of the city ~~shall~~ **may** provide for ~~the~~

~~(a) Absent **Mail** ballots to be voted in a city election pursuant to NRS 293C.304 to 293C.340, inclusive, except for the provisions of NRS 293C.327 and 293C.328 unless the governing body of the city provides for the applicability of those provisions pursuant to paragraph (b); **sections 51 to 65, inclusive, of this act; and**~~

~~(b) The **the** conduct of ~~the~~~~

~~(1) Early **early** voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive~~

~~(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327 and 293C.328; or~~

~~(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).~~

Sec. 67. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail **in accordance with the provisions of sections 51 to 65, inclusive, of this act**, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, ~~293C.304 to 293C.340, inclusive,~~ and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

~~3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.~~

Sec. 68. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227 to ~~293C.245,~~ **293C.228**, inclusive, and ~~293C.382,~~ **section 60 of this act**. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board ~~for~~ **and** the ~~absent~~ **mail** ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board ~~for~~ and the ~~absent~~ mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➡ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 69. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) ~~Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;~~

~~—(b) Is entitled to vote [an absent ballot] otherwise than in person pursuant to federal law, [NRS 293C.317] or chapter 293D of NRS;~~

~~[(e)] (b)~~ Is disabled;

~~[(d)] (c)~~ Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;

~~[(e)] Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;~~

~~—(f) Requests an absent ballot in person at the office of the city clerk;~~ or

~~[(g)] (d)~~ Is sent a mail ballot pursuant to the provisions of ~~[NRS 293.8847]~~ **section 52 of this act** and includes a copy of the information required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~[NRS 293.8851]~~ **section 53 of this act.**

Sec. 70. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment ~~[of a polling place]~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election ~~of~~ **of:**

(a) A polling place;

(b) A ballot drop box; or

(c) Both a polling place and a ballot drop box.

2. A request for the establishment of a polling place **, a ballot drop box or both a polling place and a ballot drop box** within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election:

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

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

(2) If the request is for a general city election, ~~the first Friday in July~~ **August 1** of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place ~~or ballot drop box~~ **or ballot drop box**. Any proposed location for a polling place **or ballot drop box** must satisfy the criteria the city clerk uses for the establishment of any other polling place **or ballot drop box, as applicable**.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place **or ballot drop box** within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the city clerk establishes one or more polling places **or ballot drop boxes** within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the city clerk must continue to establish one or more polling places **or ballot drop boxes** 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 city election or general city election unless otherwise requested by the Indian tribe.

Sec. 71. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272:

(a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293C.270; and

(4) Verify that the registered voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. For the purposes of subsection 2, the personal data of a voter ~~does not~~ may include his or her date of birth.

Sec. 72. NRS 293C.302 is hereby amended to read as follows:

293C.302 1. If a court of competent jurisdiction orders a city to extend the deadline for voting beyond the statutory period in an election, the city clerk shall, as soon as practicable after receiving notice of the decision of the court:

(a) Cause notice of the extended period to be published in a newspaper of general circulation in the city or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city; and

(b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ **received a mail** ballot for the election and has not returned the **mail** ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a city whose population is 25,000 or more, on at least 3 successive days.

(b) In a city whose population is less than 25,000, at least twice in successive issues of the newspaper.

Sec. 73. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk in a city ~~providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110~~ shall establish at least one permanent polling place for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 74. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

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

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

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

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

(2) If the request is for a general city election, ~~the first Friday in July~~ **September** **August 1** of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

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

5. If the city 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 city 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 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

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. 75. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. The roster for early voting or signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

9. *For the purposes of subsection 2, the personal data of a voter ~~does not~~ may include his or her date of birth.*

Sec. 76. NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, ~~293C.325,~~ 293C.630 and 293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

Sec. 77. NRS 293C.362 is hereby amended to read as follows:

293C.362 ~~Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 78. NRS 293C.365 is hereby amended to read as follows:

293C.365 ~~Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;~~ **in section 61 of this act**, a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 79. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the 10th day following

the election . ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.~~

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

- (a) Note separately any clerical errors discovered; and
- (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

- (1) Certify the abstract;
- (2) Make a copy of the certified abstract;
- (3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;
- (4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State on or before the 10th day following the election ; ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;~~ and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 80. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *reports prepared pursuant to section 65 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city or, if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk are not subject to the inspection of any person, except in cases of a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

6. As used in this section, “vaults of the city clerk” means any place of secure storage designated by the city clerk.

Sec. 80.5. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

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

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city 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~~ **day of** the primary city election or general city 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 city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city 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 city election or general city election set forth in subsection 1, no person may register to vote for the election.

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

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

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

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

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

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

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 81. NRS 293C.640 is hereby amended to read as follows:

293C.640 1. To facilitate the processing and computation of votes cast at an election conducted under a mechanical voting system, the city clerk shall create a computer program and processing accuracy board, and may create:

(a) A central ballot inspection board;

(b) ~~An absent~~ **A mail** ballot ~~mailing precinct~~ inspection board;

(c) A ballot duplicating board;

(d) A ballot processing and packaging board; and

(e) Such additional boards or appoint such officers as the city clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the city clerk may determine the number of members to constitute any board. The city clerk shall make any appointments from among competent persons who are registered voters in this State. The same person may be appointed to more than one board but must meet the qualifications for each board to which he or she is appointed.

3. If the city clerk creates a ballot duplicating board, the city clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the city clerk.

Sec. 82. NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, ~~293C.325,~~ 293C.630 and 293C.635 must:

(a) Be constructed of metal or any other rigid material; and
(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 83. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282 ~~1, 293C.310, 293C.317 and 293C.318,~~ *and section 51 of this act.*

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and
(b) Made available by the city clerk to the public in printed form.

Sec. 84. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from ~~applying for an absentee~~ **voting a mail** ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

Sec. 85. NRS 298.250 is hereby amended to read as follows:

298.250 1. If a former resident of the State of Nevada otherwise qualified to vote in another state in any election for President and Vice President of the United States has commenced his or her residence in the other state after the 30th day next preceding that election and for this reason does

not satisfy the requirements for registration in the other state, the former resident may vote for President and Vice President only in that election:

(a) In person in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote there; or

(b) By ~~absent~~ **mail** ballot in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote there and complies with the applicable requirements of ~~NRS 293.3088 to 293.340, inclusive.~~ **sections 3 to 15, inclusive, of this act.**

2. The Secretary of State may, in a manner consistent with the election laws of this State, adopt regulations to effectuate the purposes of this section.

Sec. 86. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the filing officer and the public officer who is the subject of the petition.

2. A person who signs a petition to recall may request the filing officer to strike the person's name from the petition on or before the date that is the later of:

(a) Ten days, Saturdays, Sundays and holidays excluded, after the verification of signatures is complete; or

(b) The date a complaint is filed pursuant to subsection 6.

3. If the filing officer receives a request pursuant to subsection 2, the filing officer must strike the name of the person from the petition. If the filing officer receives a sufficient number of requests to strike names from the petition such that the petition no longer contains enough valid signatures, the filing officer shall not issue a call for a special election, and a special election must not be held to recall the public officer who is the subject of the petition.

4. Except as otherwise provided in subsection 3, not sooner than 20 days and not later than 30 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 6, the filing officer shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

5. The call for a special election pursuant to subsection 4 or 7 must include, without limitation:

(a) The last day on which a person may register to vote in order to qualify to vote in the special election pursuant to NRS 293.560 or 293C.527; **and**

(b) The last day on which a petition to nominate other candidates for the office may be filed. ~~† and~~

~~—(c) Whether any person is entitled to vote in the special election in a mailing precinct or an absent ballot mailing precinct pursuant to NRS 293.343 to 293.355, inclusive, or 293C.342 to 293C.352, inclusive.†~~

6. The legal sufficiency of the petition, including without limitation, the validity of signatures on the petition, may be challenged by filing a complaint

in district court not later than 15 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

7. Upon the conclusion of the hearing, if the court determines that the petition is legally sufficient, it shall order the filing officer to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not legally sufficient, it shall order the filing officer to cease any further proceedings regarding the petition.

Sec. 87. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.

(e) ***Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed such county or city clerk or registrar of voters in the elections division of the county or city.***

(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~†(†)~~ (g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~†(†)~~ (h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

- (1) Interacts with the public; and
- (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~†(†)~~ (i) Any county manager in this State.

~~†(†)~~ (j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(i)]~~ **(k)** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ **(j)**, inclusive.

~~[(k)]~~ **(l)** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ **(j)**, inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 88. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.*

(f) Any peace officer or retired peace officer.

~~[(f)]~~ **(g)** Any prosecutor.

~~[(g)]~~ **(h)** Any state or county public defender.

~~[(h)]~~ **(i)** Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(i)]~~ **(j)** Any county manager in this State.

~~[(j)]~~ **(k)** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who

possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

~~[(k)]~~ **(l)** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(j)]~~ **(k)**, inclusive.

~~[(4)]~~ **(m)** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(j)]~~ **(k)**, inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Peace officer” means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(f) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 89. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person’s driver’s license, commercial driver’s license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) ***Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.***

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j), inclusive.

~~+(k)+~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 90. 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. 91. NRS 293.013, 293.015, 293.213, 293.230, 293.235, 293.243, 293.262, 293.3088, 293.309, 293.3095, 293.310, 293.313, 293.315, 293.316, 293.3165, 293.317, 293.320, 293.323, 293.325, 293.329, 293.330, 293.333, 293.335, 293.340, 293.343, 293.345, 293.350, 293.352, 293.353, 293.355, 293.3673, 293.384, 293.385, 293.8801, 293.8804, 293.8807, 293.8811, 293.8814, 293.8817, 293.8821, 293.8824, 293.8827, 293.8831, 293.8834, 293.8837, 293.8841, 293.8844, 293.8847, 293.8851, 293.8854, 293.8857, 293.8861, 293.8864, 293.8871, 293.8874, 293.8877, 293.8881, 293.8884, 293.8887, 293B.370, 293C.230, 293C.240, 293C.245, 293C.256, 293C.304, 293C.305, 293C.306, 293C.307, 293C.310, 293C.312, 293C.317, 293C.318, 293C.319, 293C.320, 293C.322, 293C.325, 293C.327, 293C.328, 293C.329, 293C.330, 293C.332, 293C.335, 293C.340, 293C.342, 293C.345, 293C.347, 293C.349, 293C.350, 293C.352, 293C.368, 293C.382, 293C.385 and 293C.650 are hereby repealed.

Sec. 92. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 91, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulation 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.

LEADLINES OF REPEALED SECTIONS

293.013 “Absent ballot” defined.

293.015 “Absent voter” defined.

293.213 Mailing precincts; absent ballot mailing precincts.

293.230 Appointment of single central election board for mailing precincts.

293.235 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293.243 Number of officers on absent ballot central counting board; appointment of deputy sheriff; absent ballot central counting board under direction of county clerk.

293.262 Absent ballot or ballot voted in mailing precinct: Methods in which ballot is to be voted.

293.3088 “Sufficient written notice” defined.

293.309 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.3095 Distribution of forms to request absent ballots.

293.310 Request and receipt of absent ballot allows voting only by absent ballot; exception; county clerk to notify election board if absent ballot issued.

293.313 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293.315 Request for absent ballot available for public inspection; immunity of county clerk for allowing such inspection.

293.316 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293.3165 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293.317 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293.320 County clerk to determine if person requesting absent ballot is registered voter.

293.323 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by county clerk; regulations.

293.325 Duties of county clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293.333 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293.335 Empty envelopes and rejected absent ballots to be returned to county clerk.

293.340 Duty of county clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293.343 Eligibility of certain voters to vote in mailing precincts; effect of county clerk designating precinct as mailing precinct; designation of polling places where voters in mailing precincts may vote in person.

293.345 Distribution of mailing ballots; notice of designated polling places where voters in mailing precincts may vote in person; mootness of untimely legal actions which would prevent distribution.

293.350 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by county clerk.

293.352 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293.353 Procedure for voting by mailing ballot; procedure for voting in person after receipt of mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293.355 Duties of county clerk upon return or voting in person of mailing ballots; applicability of procedures governing absent ballots.

293.3673 Errors in information on certain form not grounds for rejection of absent ballot.

293.384 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

293.8801 Legislative findings and declaration.

293.8804 Definitions.

293.8807 “Active registered voter” or “voter” defined.

293.8811 “Affected election” or “election” defined.

293.8814 “Mail ballot” defined.

293.8817 “Vote center” defined.

293.8821 Certain elections deemed affected elections; authority of Governor to order that certain elections deemed affected elections.

293.8824 Provisions governing affected elections supersede and preempt conflicting elections provisions; applicability of nonconflicting elections provisions and military-overseas absentee voting acts.

293.8827 Rules of interpretation; intended public purposes of provisions governing affected elections.

293.8831 Early voting by personal appearance; establishment of polling places for early voting within Indian reservations or colonies.

293.8834 Establishment of polling places as vote centers.

293.8837 Voter registration during certain periods preceding and on election day; establishment of polling places for election precincts.

293.8841 Establishment of polling places within Indian reservations or colonies and within residential developments exclusively for elderly persons.

293.8844 Preparation and distribution of mail ballots and supporting materials; ballot contents; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.8847 Methods of distribution and other requirements for mail ballots and supporting materials; recordation of certain information by clerk.

293.8851 Requirements for mail ballots distributed to certain voters who have not previously voted in election for federal office in Nevada; exceptions; treatment as provisional ballot under certain circumstances.

293.8854 Procedure for voting by mail ballot; procedure for voting in person after mail ballot sent to voter.

293.8857 Unlawful to mark and sign mail ballot on behalf of voter or assist voter to mark and sign mail ballot; exceptions.

293.8861 Procedure for timely returning mail ballot; treatment of mail ballot when postmark cannot be determined; requirements for ballot drop boxes.

293.8864 Persons authorized to return mail ballot; unlawful acts relating to return of mail ballot; penalty.

293.8871 Establishment of procedures for processing and counting mail ballots.

293.8874 Duties of clerk upon return of mail ballots: Procedure for checking signature; safeguarding and delivery of mail ballots for counting; procedure for contacting voter to remedy certain defects in returned mail ballot.

293.8877 Appointment and membership of mail ballot central counting board; board under direction of clerk.

293.8881 Period for counting mail ballots; counting must be public; rejection of certain mail ballots.

293.8884 Process for counting mail ballots; requirements relating to empty envelopes and rejected mail ballots.

293.8887 Certification and reporting of mail ballot results; secrecy of mail ballots; unlawful to disseminate information about mail ballot results before polls close and all votes cast on election day; penalty.

293B.370 Duties of absent ballot mailing precinct inspection board.

293C.230 Appointment of single central election board for mailing precincts.

293C.240 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293C.245 Appointment and number of officers on absent ballot central counting board; appointment of law enforcement officers; absent ballot central counting board under direction of city clerk.

293C.256 Absent ballot or ballot voted in mailing precinct to be voted on paper ballot.

293C.304 “Sufficient written notice” defined.

293C.305 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293C.306 Distribution of forms to request absent ballot.

293C.307 Request and receipt of absent ballot allows voting only by absent ballot; exception; city clerk to notify election board if absent ballot issued.

293C.310 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293C.312 Request for absent ballot available for public inspection; immunity of city clerk for allowing such inspection.

293C.317 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293C.318 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293C.319 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293C.320 City clerk to determine if person requesting absent ballot is registered voter.

293C.322 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by city clerk; regulations.

293C.325 Duties of city clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293C.327 Voting absent ballot in person in city clerk's office.

293C.328 Electioneering prohibited near city clerk's office during period office maintained for voting absent ballot in person; penalty.

293C.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293C.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293C.332 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293C.335 Empty envelopes and rejected absent ballots to be returned to city clerk.

293C.340 Duty of city clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293C.342 Eligibility of certain voters to vote in mailing precincts; effect of city clerk designating precinct as mailing precinct.

293C.345 Distribution of mailing ballots; mootness of untimely legal actions which would prevent distribution.

293C.347 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by city clerk.

293C.349 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293C.350 Procedure for voting by mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293C.352 Duties of city clerk upon return of mailing ballots; applicability of procedures governing absent ballots.

293C.368 Errors in information on certain form not grounds for rejection of absent ballot.

293C.382 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293C.650 Duties of absent ballot mailing precinct inspection board.

293C.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

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. 326.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 195.

AN ACT relating to cannabis; authorizing ~~the Cannabis Compliance Board~~ **a district attorney or city attorney** to ~~impose~~ **bring** ~~certain penalties~~ **a civil action against a person** for engaging in ~~the business of a~~ **certain activities relating to** cannabis ~~establishment~~ without a license ~~or~~ **or registration card issued by the Cannabis Compliance Board**; requiring advertising by a cannabis establishment to include the name and license number or other unique identifier of the cannabis establishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from possessing, delivering or producing marijuana or paraphernalia, or aiding and abetting another in doing so, but creates an exemption from state prosecution for such crimes in certain circumstances for persons who are at least 21 years of age or hold a registry identification card, letter of approval, cannabis establishment agent registration card, adult-use cannabis establishment license or medical cannabis establishment license. A person who engages in ~~the business of a~~ **activities relating to** cannabis ~~establishment~~ **for which a license or registration card is required** without ~~the~~ the appropriate license **or registration card** does not qualify for such an exemption and is therefore subject to prosecution for such crimes. (NRS 453.316, 453.321, 453.336, 453.337, 453.339, 453.3393, 678C.200, 678D.200) Existing law additionally prohibits a person from engaging in the business of a medical cannabis establishment or adult-use

cannabis establishment without a license issued by the Cannabis Compliance Board. (NRS 678B.210, 678B.250) If a licensee has violated the provisions of law relating to the regulation of cannabis, the Board may impose certain penalties, including the revocation of the license of the licensee and the imposition of a civil penalty. (NRS 678A.600) ~~Section 1.5 of this bill additionally authorizes the Board to impose certain penalties, in addition to any criminal prosecution, for engaging in the business of a medical cannabis establishment or adult use cannabis establishment.~~ **Section 1.5 provides that if a person engages in certain activities relating to cannabis without a license, if a person violates such provisions, the Board may require the person to pay: (1) court costs; (2) reasonable costs of the investigation of the violation by the Board; (3) damages caused as a result of the violation up to the amount of the pecuniary gain of the person from the violation; or (4) any combination of these penalties. or registration card issued by the Board in violation of the provisions of existing law governing the regulation of cannabis, the district attorney or city attorney for the jurisdiction in which the violation occurred is authorized to bring an action against the person to recover a civil penalty of not more \$50,000 for each violation. Section 1.5 also authorizes a district attorney or city attorney to bring an action to enjoin such violations.**

Under existing law, certain activities concerning advertising by a cannabis establishment are prohibited or required, such as prohibiting a cannabis establishment from engaging in advertising which contains a statement or illustration that is false or misleading and requiring advertising to contain a warning that cannabis is for use only by adults who are 21 years of age or older. (NRS 678B.520) **Section 2** of this bill requires that all advertising by a cannabis establishment contain: (1) the name of the cannabis establishment; and (2) the adult-use cannabis establishment license number or other unique identifier or the medical cannabis establishment license number or other unique identifier of the cannabis establishment.

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

Section 1. ~~NRS 678A.600 is hereby amended to read as follows:~~
~~678A.600 1. If the Board finds that a licensee or registrant has violated a provision of this title or any regulation adopted pursuant thereto, the Board may take any or all of the following actions:~~
~~[1.] (a) Limit, condition, suspend or revoke the license or registration card of the licensee or registrant.~~
~~[2.] (b) Impose a civil penalty in an amount established by regulation for each violation.~~
~~2. If the Board finds that a person has violated the provisions of subsection 1 of NRS 678B.210 or subsection 1 of NRS 678B.250, in addition to any criminal penalty imposed on the person, the Board may require the person to pay:~~

~~(a) Court costs;~~
~~(b) Reasonable costs incurred by the Board during the course of the investigation of the violation;~~
~~(c) Damages the person caused as a result of the violation up to the amount of the pecuniary gain of the person from the violation; or~~
~~(d) Any combination of paragraphs (a), (b) and (c).† (Deleted by amendment.)~~

Sec. 1.5. Chapter 678A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who does not hold a license and who, in violation of the provisions of this title:

(a) Cultivates, delivers, transfers, supplies or sells cannabis; or
(b) Manufacturers, delivers, transfers, supplies or sells cannabis products,

↪ is liable for a civil penalty of not more than \$50,000 to be recovered in an action brought by the district attorney or city attorney for the jurisdiction in which the violation occurred. Any civil penalty collected by a district attorney or city attorney pursuant to this section must be deposited in the county or city treasury, as applicable.

2. The district attorney or city attorney of any county or city, respectively, in which a person engages in any of the conduct described in subsection 1 in violation of the provisions of this title may bring an action to enjoin the violation.

Sec. 2. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis or medical cannabis with the words “THIS IS A MEDICAL CANNABIS PRODUCT” or “THIS IS A CANNABIS PRODUCT,” as applicable, in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

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

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product

contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

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

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

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

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

(1) The words “Keep out of reach of children”;

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

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

(4) The total content of THC measured in milligrams.

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

(d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

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

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

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

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to

children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

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

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

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

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

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

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

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

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

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

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

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

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

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

to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

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

(c) Shall not place an advertisement:

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

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

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

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.

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

(1) “Keep out of reach of children”; and

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

(f) Shall ensure that all advertising by the cannabis establishment contain:

(1) The name of the cannabis establishment; and

(2) The adult-use cannabis establishment license number or medical cannabis establishment license number of the cannabis establishment or any other unique identifier assigned to the cannabis establishment by the Board.

12. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

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

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

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

13. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement,

the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

14. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

15. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

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

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 330.

Bill read second time.

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

Amendment No. 373.

AN ACT relating to professions; providing for equivalent credit towards requirements for professional and occupational licenses and certifications for certain occupational, vocational and technical training; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill provides that persons who complete certain training programs for occupational, vocational, career, trade or technical education and receive certificates for the completion of such programs shall be eligible to receive equivalent credit towards related professional and occupational licenses and certifications. This bill also: (1) provides for the appeal of a denial of equivalent credit; and (2) requires each state agency, board or commission which has the authority to regulate an occupation or profession, in coordination with the ~~State Board~~ **Department** of Education, ~~it~~ **and the Nevada System of Higher Education**, to adopt regulations to effectuate the purposes of these provisions.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who, in secondary or postsecondary education, completes a training program for occupational, vocational, career, trade or technical education approved by the State Board of Education and receives a certificate for the completion of that program is eligible to receive equivalent credit towards the satisfaction of requirements for the issuance of any professional and occupational licenses and certifications relating to the training received.

2. For a person to be eligible to receive equivalent credit pursuant to subsection 1, the secondary or postsecondary education received by the person pursuant to title 34 of NRS must be consistent with the requirements for the issuance of professional or occupational licenses and certifications established pursuant to the provisions of title 54 of NRS and the regulations adopted pursuant thereto.

3. Any person aggrieved by a decision of a regulatory body concerning eligibility for equivalent credit pursuant to this section may appeal to the regulatory body for a determination whether the training satisfies the requirements for professional or occupational licensure or certification, as applicable. An appeal made pursuant to this subsection must be conducted as provided for the appeal of the denial of a professional or occupational license or certificate by that regulatory body.

4. Each regulatory body, in coordination with the ~~State Board~~ Department of Education ~~and the Nevada System of Higher Education~~, shall adopt regulations to effectuate the purposes of this section.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 333.

Bill read second time.

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

Amendment No. 332.

AN ACT relating to land use planning; establishing certain requirements for judicial review of certain land use planning decisions of a governing body, commission or board; exempting **, under certain circumstances,** the retention or detention of **developed** stormwater **flow** from ~~from certain appropriation procedures under certain circumstances;~~ **provisions related to the appropriation of water;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the governing bodies of cities and counties to regulate and restrict land use within their jurisdictions, which may include requirements for the retention or detention of stormwater before approving the development, division or subdivision of a parcel of land. (NRS 278.020)]~~

Existing law prohibits the filing of an action against a governing body, commission or board **with respect to any final action, decision or order related to land use planning** unless the action is commenced within 25 days after the filing of the notice of a final action, decision or order. (NRS 278.0235)

Section 1 of this bill establishes deadlines for: (1) filing a memorandum of points and authorities; (2) serving and filing a reply memorandum of points and authorities; and (3) requesting a hearing. **Section 1** authorizes the court to extend the deadlines and requires all memoranda of points and authorities to comply with Rule 28 of the Nevada Rules of Appellate Procedure.

Existing law requires that, subject to existing rights, the appropriation of any water in this State is subject to the provisions of chapter 533 of NRS, which, among other things, require any person seeking to appropriate water to obtain a permit to do so. (NRS 533.030, 533.325) ~~[Section 2 of this bill provides that~~

~~if the governing body of a county or city requires the retention or detention of stormwater before approving the development, division or subdivision of land, the retention or detention of stormwater is exempted from the requirements of chapter 533 of NRS so that the stormwater may be retained or detained without a water right or permit to appropriate water.]~~ **Section 2.5 of this bill provides**

that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the requirements of chapter 533 of NRS do not apply to the retention or detention of developed stormwater flow for the purpose of flood control or stormwater management if: (1) the governing body of the county or city requires such retention or detention as a condition of the approval of a development; and (2) such retention or detention does not impair the predevelopment flow or predevelopment recharge of the relevant sources of surface water or groundwater. Sections 3 and 4 of this bill make conforming changes related to exempting such retention or detention of developed stormwater flow from the general requirements of chapter 533 of NRS.

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

Section 1. NRS 278.0235 is hereby amended to read as follows:

278.0235 **1.** No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

2. *A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.*

3. *The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.*

4. *The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.*

5. *Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.*

6. *All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.*

7. *The court, for good cause, may extend the times allowed in this section for filing memoranda.*

Sec. 2. ~~NRS 533.027 is hereby amended to read as follows:~~

~~533.027 1. The provisions of this chapter do not apply to [the]:~~

~~(a) The de minimus collection of precipitation:~~

~~[(a)] (1) From the rooftop of a single family dwelling for nonpotable domestic use; or~~

~~[(b)] (2) If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:~~

~~[(1)] (I) Have a capacity of 20,000 gallons or less;~~

~~[(2)] (II) Have a capture area of 1 acre or less;~~

~~[(3)] (III) Have a pipe length of 1/4 mile or less;~~

~~[(4)] (IV) Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and~~

~~[(5)] (V) Be approved for use by the Department of Wildlife [.] ; or~~

~~(b) The retention or detention of stormwater for the purpose of flood control if the governing body of a county or city has required the retention or detention of stormwater pursuant to the provisions of NRS 278.010 to 278.630, inclusive.~~

~~2. As used in this section:~~

~~(a) "Domestic use" has the meaning ascribed to it in NRS 534.013; and~~

~~(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.] (Deleted by amendment.)~~

Sec. 2.5. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 100,000 or more but less than 700,000, the provisions of this chapter do not apply to the retention or

detention of developed stormwater flow for the purpose of flood control or stormwater management if:

(a) The governing body of the county or city requires such retention or detention as a condition of the approval of a development pursuant to NRS 278.010 to 278.630, inclusive; and

(b) Such retention or detention does not impair the predevelopment flow or predevelopment recharge of the relevant sources of surface water or groundwater.

2. As used in this section, “developed stormwater flow” means the increase of surface stormwater runoff created by or resulting from the construction of man-made impervious surfaces as part of the development of land.

Sec. 3. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241 and 533.027 ~~§~~ **and section 2.5 of this act,** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) “Developed shortage supply” has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) “Intentionally created surplus” has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 4. NRS 533.325 is hereby amended to read as follows:

533.325 Except as otherwise provided in NRS 533.027 and 534.065, ~~and section 2.5 of this act,~~ any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time.

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

Amendment No. 308.

SUMMARY—Requires an annual behavioral ~~healthcare assessment~~ **wellness visit** for peace officers. (BDR 23-226)

AN ACT relating to peace officers; requiring the Peace Officers' Standards and Training Commission to adopt regulations establishing standards for an annual behavioral ~~healthcare assessment~~ **wellness visit** for peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510) This bill requires the Commission to adopt regulations establishing standards for an annual behavioral ~~healthcare assessment~~ **wellness visit** for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

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

Section 1. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

- (I) Racial profiling;
- (II) Mental health;
- (III) The well being of officers;
- (IV) Implicit bias recognition;
- (V) De-escalation;
- (VI) Human trafficking; and
- (VII) Firearms.

(3) Qualifications for instructors of peace officers; ~~and~~

(4) Requirements for the certification of a course of training ~~+~~; and

(5) ~~Standards for ~~+~~ an annual behavioral healthcare assessment wellness visit for peace officers ~~+~~, which must be completed in conjunction with the annual medical examination,~~ to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a

behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 2. This act becomes effective on January 1, ~~2022~~ **2023**.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 321.

AN ACT relating to crimes; authorizing a justice court or municipal court to establish a program of treatment for a defendant who is charged with misdemeanor battery which constitutes domestic violence; enacting various provisions pertaining to the program of treatment; eliminating the prohibition on plea bargaining by a prosecuting attorney if a person is charged with battery which constitutes domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the establishment of various programs for treatment, including for the treatment of alcohol or other substance use disorders, for the treatment of mental illness or intellectual disabilities and for the treatment of veterans and members of the military who suffer from certain conditions. (NRS 176A.230, 176A.250, 176A.280) **Section 3** of this bill authorizes a justice court or municipal court to establish a program for the treatment of defendants convicted of misdemeanor battery which constitutes domestic violence. **Section 3** provides that: (1) the assignment of a defendant to a program must include the terms and conditions for successful completion of the program; and (2) progress reports must be provided at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Section 4 of this bill provides that if a defendant pleads guilty, guilty but mentally ill or nolo contendere to ~~1, or is found guilty or guilty but mentally ill~~

~~of,~~ a misdemeanor battery which constitutes domestic violence, **after hearing arguments from the parties,** the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include completion of a program established pursuant to **section 3.** **Section 4** also: (1) **requires the court to allow a victim or prosecuting attorney to be heard before assigning the defendant to the program and to consider the safety of the victim in determining whether to assign the defendant to the program;** (2) **sets forth the circumstances under which a defendant is ineligible for the program;** (3) authorizes the court to take certain actions upon a violation of a term or condition by a defendant; ~~{(2)}~~ (4) provides that upon fulfillment of the terms and conditions, the court is ~~required~~ **authorized** to ~~discharge the defendant and~~ **conditionally** dismiss the ~~proceedings;~~ **charges;** and ~~{(3)}~~ (5) sets forth the effect of such a ~~discharge and~~ **conditional** dismissal. **Section 5** of this bill requires the court to order the sealing of the records of the case of a defendant who successfully completes a program ~~;~~ **except that the court is prohibited from ordering a law enforcement agency or prosecuting attorney to seal the records sooner than 7 years after the conditional dismissal.** **Sections 6-9** of this bill make conforming changes relating to the sealing of the records of the case of a defendant who successfully completes a program.

Existing law provides that if a person is charged with committing a battery which constitutes domestic violence: (1) a prosecuting attorney is prohibited from dismissing 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; and (2) a court is prohibited from granting probation to or suspending the sentence of the person, except that a justice court or municipal court may suspend the sentence of a person under certain circumstances and a court may grant probation to or suspend the sentence of a person to assign the person to a program for the treatment of veterans and members of the military if the charge is for a first offense punishable as a misdemeanor. (NRS 200.485) **Section 10** of this bill: (1) eliminates the prohibition on plea bargaining by a prosecuting attorney; and (2) authorizes a court to suspend a sentence to assign a person to a program established pursuant to **section 3.**

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

Section 1. Chapter 176A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, “misdemeanor battery which constitutes domestic violence” means:*

1. A violation of NRS 200.485 that is punishable as a misdemeanor; or

2. A violation of a county or municipal ordinance which prohibits the same conduct that is prohibited under NRS 200.485 and which is punishable as a misdemeanor.

Sec. 3. 1. A justice court or municipal court may establish an appropriate program for the treatment of defendants who are charged with or convicted of misdemeanor battery which constitutes domestic violence who would benefit from assignment to the program.

2. The assignment of a defendant to a program pursuant to this section must:

(a) Include the terms and conditions for successful completion of the program; and

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 4. 1. If a defendant tenders a plea of guilty, guilty but mentally ill or nolo contendere to ~~it, or is found guilty or guilty but mentally ill of,~~ a misdemeanor battery which constitutes domestic violence, after hearing argument from the parties, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to section 3 of this act.

2. The court shall:

(a) Allow the prosecuting attorney and the victim a reasonable opportunity to be heard before the court considers assigning the defendant to a program established pursuant to section 3 of this act; and

(b) Consider the safety of the victim in determining whether to assign the defendant to a program established pursuant to section 3 of this act.

3. A defendant is not eligible for assignment to a program established pursuant to section 3 of this act if:

(a) The defendant was previously convicted of misdemeanor battery which constitutes domestic violence or previously completed a program established pursuant to section 3 of this act; or

(b) The defendant entered into a plea agreement with a prosecuting attorney, unless the plea agreement allows the defendant to complete a program established pursuant to section 3 of this act.

4. Upon violation of a term or condition:

(a) The court may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph may include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 6 months.

(b) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

~~§ 5. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings.~~

~~4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute, regulation, license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.~~

Sec. 5. 1. ~~After~~ Except as provided in subsection 3, after a case is conditionally dismissed pursuant to section 4 of this act, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court.

2. The court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court or municipal court, as applicable, in writing of its compliance with the order.

3. The court shall not order any law enforcement agency or prosecuting attorney to seal any records pursuant to this section sooner than 7 years after the conditional dismissal of the charges. Any records that are not sealed pursuant to this subsection are confidential and must not be disclosed except for any purpose for which disclosure is authorized by section 4 of this act.

Sec. 6. 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, and section 5 of this act, 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 prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may 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, a hearing on the petition must be conducted.

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. 7. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365, **or section 5 of this act**, a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 8. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~or~~ **or section 5 of this act:**

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 9. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 **or section 5 of this act** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of

the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 *or section 5 of this act* in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 *or section 5 of this act* for a conviction of another offense.

Sec. 10. 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 section 4 of this act 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, ~~in 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~~ *except* as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; ~~for~~

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

(c) To assign the person to a program pursuant to section 4 of this act.

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. 11. The amendatory provisions of this act apply to an offense committed:

1. On or after October 1, 2021; or

2. Before October 1, 2021, if a judgment of conviction has not been entered for the offense as of October 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 340.

Bill read second time.

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

Amendment No. 361.

SUMMARY—~~[Provides for the review of certain]~~ **Directs the Legislative Commission to appoint a committee to conduct an interim study related to the economic impact of administrative regulations.** ~~[by the Legislature.]~~ (BDR ~~[18-929])~~ **S-929**

AN ACT relating to administrative regulations; ~~[requiring agencies to determine the economic impact of proposed regulations; prohibiting agencies from adopting certain regulations that will have an]~~ **directing the Legislative Commission to appoint a committee to conduct an interim study related to the economic impact** ~~[without legislative and executive approval.]~~ **of administrative regulations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes agencies to adopt reasonable regulations to carry out the functions assigned to the agency by law. (NRS 233B.040) ~~[Section 2 of this bill prohibits an agency from adopting a regulation if the agency determines that the economic impact of the proposed regulation is \$10,000,000 or more. Section 1 of this bill requires an agency to determine.]~~ **This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the economic impact of [a proposed regulation, which includes the costs to implement the proposed regulation and any costs reasonably expected to be incurred or passed on to local governments, businesses and any other person. Section 1 also provides that if the economic impact of the proposed regulation is \$10,000,000 or more, the agency must submit the proposed regulation to the Legislature and the Governor for approval.]**

~~—Section 3 of this bill makes conforming changes to authorize the Director of the Office of Finance to request as a legislative measure necessary to implement the budget proposed by the Governor and provide for the fiscal management of the State any proposed regulation which an agency has determined will have an economic impact of \$10,000,000 or more.]~~ **of administrative regulations.**

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

Section 1. ~~[Chapter 233B of NRS is hereby amended by adding thereto a new section to read as follows:]~~

~~1. In addition to the requirements of NRS 233B.0608 and 233B.0609, before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall determine the estimated economic impact of the proposed regulation. The economic impact must, without limitation:~~

~~(a) Be expressed as a single dollar figure;~~

~~(b) Include the costs for the agency to implement the proposed regulation and the costs that are reasonably expected to be incurred by or passed along to businesses, local governments and any other person, which may include any economic burden imposed on small businesses, as determined by the agency pursuant to NRS 233B.0608.~~

~~2. If the agency determines that the estimated economic impact of the proposed regulation is \$10,000,000 or more, the agency:~~

~~(a) May not adopt the proposed regulation; and~~

~~(b) Shall submit the proposed regulation to the Director of the Office of Finance as a legislative measure for the approval of the Legislature and the Governor pursuant to the provisions of chapter 218D of NRS.] (Deleted by amendment.)~~

Sec. 2. [NRS 233B.040 is hereby amended to read as follows:

~~233B.040 1. [To] Except as otherwise provided in subsection 2 and section 1 of this act, to the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:~~

~~(a) The Nevada Administrative Code; and~~

~~(b) Temporary and emergency regulations.~~

~~➤ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.~~

~~2. An agency may not adopt a proposed regulation if the agency determines, pursuant to section 1 of this act, that the proposed regulation will have an economic impact of \$10,000,000 or more.~~

~~3. Every regulation adopted by an agency must include:~~

~~(a) A citation of the authority pursuant to which it, or any part of it, was adopted; and~~

~~(b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.~~

~~[3.] 4. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:~~

~~(a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and~~

~~makes at least one copy available for public inspection with its regulations;
and~~

~~— (b) The reference discloses the source and price for purchase of the publication.~~

~~— An agency shall not attempt to incorporate any other material in a regulation by reference.~~

~~— [4. An]~~

~~— 5. Except as otherwise provided in subsection 2 and section 1 of this act, an agency shall adopt a proposed regulation not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If an agency does not adopt a proposed regulation within the time prescribed by this subsection, the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted.]~~
(Deleted by amendment.)

Sec. 3. ~~[NRS 218D.175 is hereby amended to read as follows:~~

~~— 218D.175 1. Except as otherwise provided in subsection 2, for a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceeding the regular session.~~

~~— 2. The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of NRS 288.400 to 288.630, inclusive.~~

~~— 3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State [.] , including, without limitation, the submission of a legislative measure to enact a proposed regulation that an agency has determined pursuant to section 1 of this act will have an economic impact of \$10,000,000 or more. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.~~

~~— 4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceeding the regular session:~~

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General	20

~~5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.~~

~~6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.] (Deleted by amendment.)~~

Sec. 3.5. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the economic impact to this State of administrative regulations.

2. The interim committee must be composed of six Legislators as follows:

- (a) Two members appointed by the Majority Leader of the Senate;**
- (b) Two members appointed by the Speaker of the Assembly;**
- (c) One member appointed by the Minority Leader of the Senate; and**
- (d) One member appointed by the Minority Leader of the Assembly.**

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. The interim committee shall study and examine issues relating to the economic impact of administrative regulations, including, without limitation:

- (a) The average number of regulations with an economic impact over \$10,000,000 that are requested or implemented during each biennium;**
- (b) The costs incurred by agencies to implement regulations;**
- (c) The costs incurred by agencies to determine the economic impact of regulations;**
- (d) The costs of having an independent analysis of regulations performed; and**
- (e) The economic impact of regulations on persons, businesses and local governments.**

5. The interim committee shall consult with and solicit input from persons, businesses, local governments, organizations and agencies with expertise in determining the economic impact of and the costs of implementing regulations.

6. Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee.

7. The Legislative Commission shall submit a report of the results of the study and any recommended legislation to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Legislature.

8. As used in this act:

(a) “Agency” has the meaning ascribed to it in NRS 233B.031.

(b) “Regulation” has the meaning ascribed to in in NRS 233B.038.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 465.

SUMMARY—Provides for the development of plans for conducting walking audits of urbanized areas in certain counties. (BDR ~~{40-742}~~ S-742)

~~{CONTAINS UNFUNDED MANDATE (§ 1)~~

~~(Not Requested by Affected Local Government)}~~

AN ACT relating to public health; ~~providing for~~ requiring the development of plans for conducting walking audits of ~~census tracts within~~ urbanized areas in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law ~~provides for~~ authorizes the establishment of ~~a health district with a health department in a county with a population of 700,000 or more (currently Clark County). (NRS 439.362)~~ Existing law additionally authorizes the governing body of a county with a population of less than 700,000 (currently all counties other than Clark County) and cities within such a county to establish a health district with a health department. (NRS 439.370) This bill requires a district health department to conduct a triennial walking audit of each census tract in an urbanized area of the health district to determine the degree to which the physical environment of the census tract contributes to or detracts from public health. This bill also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to conduct a triennial walking audit of each census tract in an urbanized area outside of a health district. This bill requires the health department or Division,

as applicable, to: (1) submit the results of the audit to the governing body of the city or county and the planning commission having jurisdiction over the census tract; and (2) post the results of the audit on the Internet.] regional transportation commissions in certain counties. (NRS 277A.170) This bill requires the regional transportation commission in a county whose population is 100,000 or more (currently Clark and Washoe Counties), in collaboration with certain other state and local agencies, to develop and submit to the district health department and the Legislative Committee on Health Care a written plan for conducting walking audits of urbanized areas within the county.

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

Section 1. ~~[Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Not less than once every 3 years, the district health department or, in an area that is not a part of a health district, the Division, shall:~~

~~(a) Conduct a walking audit of each census tract in an urbanized area within the health district or other area, as applicable, to determine the degree to which the physical environment of the census tract contributes to or detracts from public health;~~

~~(b) Submit the results of the audit to:~~

~~(1) The governing body of the city, town or county having jurisdiction over the census tract;~~

~~(2) Any regional planning coalition or commission, as applicable, established pursuant to NRS 278.02514 or 278.0262 for the county in which the census tract is located; and~~

~~(3) Any planning commission established pursuant to NRS 278.030 for the city or county in which the census tract is located; and~~

~~(c) Post the results on an Internet website maintained by the health district or Division, as applicable.~~

~~2. A walking audit conducted pursuant to subsection 1 must:~~

~~(a) Involve persons with varying roles in the community, which may include, without limitation, teachers, operators and employees of local businesses, members of planning commissions, community organizations, residents and representatives of community organizations.~~

~~(b) Evaluate land use, site design and ease and safety of access on varying scales and assess different factors that contribute to public health, including, without limitation:~~

~~(1) Whether an area is safe and has adequate lighting at night;~~

~~(2) Whether there are curb cuts and audible crosswalks that provide pedestrians with sufficient time to cross the street;~~

~~(3) Whether sidewalks are in good condition and free of barriers;~~

~~(4) Whether there are benches and other places available for pedestrians to rest; and~~

~~(5) Whether healthy food is available in the area.~~

~~(e) Suggest enhancements to improve public health within the census tract.~~ (Deleted by amendment.)

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 3. 1. The regional transportation commission in a county whose population is 700,000 or more shall, in collaboration with the district health department and district board of health created by NRS 439.362, other local governments in the urbanized areas of the county and, to the extent feasible and appropriate, the Department of Transportation:

(a) Develop a written plan for conducting walking audits of urbanized areas within the county; and

(b) Not later than June 1, 2022, submit the plan to:

(1) The district health department; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.

2. The regional transportation commission in a county whose population is 100,000 or more but less than 700,000 shall, in collaboration with the regional planning commission created by NRS 278.0262, the governing board for regional planning created by NRS 278.0264, the district health department and district board of health created in the county pursuant to NRS 439.370, other local governments in the urbanized areas of the county and, to the extent feasible and appropriate, the Department of Transportation:

(a) Develop a written plan for conducting walking audits of urbanized areas within the county; and

(b) Not later than June 1, 2022, submit the plan to:

(1) The district health department; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.

3. A plan developed pursuant to subsection 1 or 2 must:

(a) Identify the agencies that will conduct the audits and the responsibilities of those agencies;

(b) Identify the priorities that will be considered when designating areas to be audited;

(c) Identify the size of the areas to be audited;

(d) Identify any additional parameters for the audits or information that must be included in the audits;

(e) Identify any additional public or private entities that will be involved in the audits;

(f) Identify ways to engage the community in the area where an audit is conducted in the audit;

(g) Prescribe a regular schedule for the audits and the number of audits that must be conducted each year; and

(h) Prescribe formats for displaying and publishing the results of the audits, including, without limitation, the use of geographic information systems technology to collect and display data from the audits and the posting of the results of any walking audit on the Internet website of the district health department of the county in which the audit was conducted.

4. As used in this section, “walking audit” means an audit to evaluate how land use, site design and ease and safety of access on varying scales affect public health and suggest enhancements to improve public health within the audited area. A walking audit may:

(a) Involve persons with various roles in the community, which may include, without limitation, teachers, operators and employees of local businesses, members of planning commissions, community organizations, residents and representatives of community organizations; and

(b) As part of the evaluation of how land use, site design and ease and safety of access affect public health, assess whether:

(1) An area is safe and has adequate lighting at night;

(2) There are curb cuts and audible crosswalks that provide pedestrians with sufficient time to cross the street;

(3) Sidewalks are in good condition and free of barriers;

(4) There are benches and other places available for pedestrians to rest; and

(5) Healthy food is available in the area.

Sec. 4. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 344.

SUMMARY—Revises provisions relating to ~~substance use disorders;~~ **drug paraphernalia.** (BDR 40-978)

AN ACT relating to ~~substance use disorders; authorizing the establishment of a program for the prevention of overdoses and disease under certain circumstances; requiring the operator of such a program to report certain information to the health authority, the board of county commissioners and the State Board of Health; providing for the confidentiality of certain information concerning such a program; exempting operators, employees, volunteers and participants of such a program from certain penalties; prohibiting a~~

~~practitioner, other than a veterinarian, from prescribing an opioid to certain patients unless the prescription is medically necessary; requiring such a practitioner to prescribe an opioid antagonist along with an opioid in certain circumstances;}~~ **drug paraphernalia; excluding fentanyl test strips from the list of drug paraphernalia that is prohibited for delivery, sale, possession, manufacture, advertising or use in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a governmental entity, a nonprofit corporation, a public health program, a medical facility and certain other entities to establish a sterile hypodermic device program. (NRS 439.987) Such a program is authorized to provide: (1) sterile hypodermic devices and other related materials for safe injection drug use; and (2) information concerning certain services for persons experiencing a substance use disorder. (NRS 439.991) Existing law additionally authorizes certain providers of health care to dispense opioid antagonists with or without a prescription. (NRS 453C.110, 453C.120) Existing law also exempts a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance, from certain criminal liability. (NRS 453C.100) Sections 2-10 of this bill authorize the establishment of programs for the prevention of overdoses and disease, which provide a hygienic space where persons who are at least 18 years of age may consume drugs that they have obtained before arriving in the space. Sections 2-5 of this bill define relevant terms. Section 6 of this bill authorizes the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to authorize the establishment of a program for the prevention of overdoses and disease that operates at one fixed or mobile site upon determining that the program is likely to achieve certain purposes relating to the reduction of harm caused by the consumption of drugs. If such a program operates continuously in such a county for 2 years and achieves those goals, section 6 authorizes the State Board of Health to allow the board of county commissioners of a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to authorize the establishment of such a program in the county. Section 6 prohibits a board of county commissioners from authorizing such a program to operate at more than one fixed or mobile site and from establishing additional programs until one program has operated successfully and continuously in the county for 4 years. Section 6 requires a board of county commissioners to hold an open, public hearing before approving the establishment of a new program for the prevention of overdoses and disease or the operation of an existing program for the prevention of overdoses and disease at an additional fixed or mobile site.~~

~~—Section 7 of this bill prescribes the required elements of a program for the prevention of overdoses and disease, which, in addition to a hygienic site for~~

~~the consumption of drugs, must include: (1) staffing and monitoring by trained personnel; (2) the distribution and administration of opioid antagonists; (3) the distribution and disposal of hypodermic devices; (4) the administration of first aid; and (5) upon request, consultation concerning treatment for a substance use disorder and referral for such treatment. Section 7 also authorizes a program for the prevention of overdoses and disease to provide education in certain subjects relating to substance use disorders. Section 8 of this bill requires the operator of a program for the prevention of overdoses and disease to report certain information concerning the program to the health authority, the board of county commissioners and the State Board of Health annually. Sections 9 and 11 of this bill provide for the confidentiality of certain information relating to programs for the prevention of overdoses and disease. Section 10 of this bill exempts: (1) operators, staff and volunteers of a program for the prevention of overdoses and disease from certain civil or criminal liability or other penalties; and (2) persons who possess and consume drugs at a hygienic site operated by such a program from criminal liability or civil forfeiture.~~

~~Existing law requires a practitioner, other than a veterinarian, who prescribes or dispenses to a patient more than certain amounts of a controlled substance for the treatment of pain to document the reasons for prescribing or dispensing that amount in the medical record of the patient. Existing law also prohibits such a practitioner from prescribing more than certain amounts of a controlled substance for the treatment of pain unless medically necessary. (NRS 639.2391) Section 12 of this bill prohibits such a practitioner from prescribing an opioid to a patient who is also being prescribed or has been recently prescribed a benzodiazepine or has a history of opioid use disorder or opioid overdose unless the prescription is medically necessary. Section 12 requires a practitioner who prescribes an opioid to such a patient to: (1) additionally prescribe an opioid antagonist for the patient; and (2) document in the medical record of the patient the reasons why the prescription is medically necessary and why the benefits of prescribing the opioid outweigh the risks. Section 12 additionally requires a practitioner to prescribe an opioid antagonist to a patient who is also prescribed an amount of an opioid that exceeds 50 morphine milligram equivalents per day.]~~

Existing law makes it a felony to deliver, sell, possess with intent to sell or manufacture with intent to deliver or sell drug paraphernalia when the person engaging in the delivery, sale, possession or manufacture knows or reasonably should know that the drug paraphernalia will be used as such. (NRS 453.560) Existing law further makes it a felony for a person to deliver drug paraphernalia to a minor who is at least 3 years younger than the person. (NRS 453.562) Existing law additionally makes it a misdemeanor to: (1) advertise drug paraphernalia in print where one knows or should know that the advertisement is for the purpose of promoting objects designed or intended for use as drug paraphernalia; (2) use drug paraphernalia as such; or (3) possess drug paraphernalia

with the intent to use it as such. (NRS 453.564, 453.566) This bill excludes fentanyl test strips from the definition of the term “drug paraphernalia” for the purposes of those offenses.

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

Delete existing sections 1 through 13 of this bill and replace with the following new section 1:

Section 1. NRS 453.554 is hereby amended to read as follows:

453.554 1. Except as otherwise provided in subsection 2, as used in NRS 453.554 to 453.566, inclusive, unless the context otherwise requires, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment, **other than fentanyl test strips**, used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and

(k) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(2) Water pipes;

(3) Smoking masks;

(4) Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(5) Cocaine spoons and cocaine vials;

(6) Carburetor pipes and carburetion tubes and devices;

(7) Chamber pipes;

(8) Electric pipes;

(9) Air-driven pipes;

(10) Chillums;

(11) Bongs; and

(12) Ice pipes or chillers.

2. The term does not include ~~any~~ :

(a) Any type of hypodermic syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection ~~[-]; or~~

(b) Fentanyl test strips.

3. As used in this section, “fentanyl test strip” means a strip used to rapidly test for the presence of fentanyl or other synthetic opiates.

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. 348.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 210.

AN ACT relating to health care; ~~establishing and prescribing the duties of the Patient Protection Commission Advisory Committee;~~ transferring the Patient Protection Commission from the Office of the Governor to the Office of the Director of the Department of Health and Human Services; revising the membership and duties of the Commission; ~~requiring the Commission to establish an all payer claims database containing information relating to health insurance claims for benefits provided in this State; requiring certain insurers to submit data to the database; authorizing certain additional insurers to submit data to the database; providing for the release of data in the database under certain circumstances; requiring the Commission to compile certain reports relating to the database; providing immunity from civil and criminal liability for certain persons and entities; authorizing the imposition of administrative~~

~~penalties for violations of certain requirements concerning the database;~~
requiring the Commission to coordinate and administer certain assistance; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Patient Protection Commission in the Office of the Governor, which is made up of certain stakeholders in the delivery of health care. (NRS 439.908, 439.914) Existing law requires the Commission to systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care. (NRS 439.916) ~~[Section 1 of this bill creates the Patient Protection Commission Advisory Committee, which is made up of providers of health care and related services, to advise the Commission concerning matters within the scope of the duties of the Commission.]~~ **Section 2** of this bill transfers the Commission from the Office of the Governor to the Office of the Director of the Department of Health and Human Services and revises the membership of the Commission. **Section 2** also requires the members of the Commission to comply with certain requirements regarding disclosure of conflicts of interest and abstention from voting when certain conflicts arise. ~~[Sections]~~ **Section 2.5 of this bill requires the Commission to adopt bylaws that govern the operation of the Commission. Section 3** ~~[and 28 of this bill eliminate the existing duties of the Commission, and section 3]~~ of this bill ~~[instead]~~ requires the Commission to: (1) establish a plan to increase access by patients to their medical records and provide for the interoperability of medical records between providers of health care; and (2) make certain recommendations to the Director and the Legislature concerning the use and availability of data relating to health care.

~~[Sections 3 and 12 of this bill require the Commission to establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits provided in this State. Sections 5-11 of this bill define certain terms relevant to the database. Section 12 authorizes the Commission to establish an advisory committee to assist the Commission in establishing and maintaining the database. Section 13 of this bill requires any public or private insurer that provides health benefits and is regulated under state law to submit data to the database. Section 13 also authorizes certain insurers that are regulated under federal law to submit data to the database.]~~

~~— Sections 14 and 21 of this bill provide for the confidentiality of the data contained in the all-payer claims database. Section 15 of this bill requires a person or entity that wishes to obtain data from the all-payer claims database to submit a request to the Commission. Section 16 of this bill prescribes the conditions under which such a request may be granted, which: (1) differ depending on the sensitivity of the data requested; and (2) include the payment of a fee. Section 16 also prohibits a person or entity to whom data is released from using or disclosing the data in certain circumstances. Section 17 of this bill requires the Commission to publish a report at least annually concerning the quality, efficiency and cost of health care in this State using data from the~~

~~all payer claims database. Sections 18 and 26 of this bill require the Commission to submit certain reports to the Legislature concerning the establishment, operation and funding of the database.~~

~~— Section 19 of this bill provides an exemption from civil and criminal liability to: (1) a person or entity that provides information to the Commission, including data submitted to the all payer claims database, in good faith; and (2) the Commission and its members for failing to provide data from the database or providing incorrect data from the database. Section 20 of this bill requires the Director to adopt regulations necessary for the establishment and maintenance of the database. Section 20 requires such regulations to establish administrative penalties be imposed against: (1) an insurer who fails to submit data to the database; and (2) any person or entity who accesses, maintains, uses or discloses data from the database in an unauthorized manner. Section 20 authorizes the Commission to use those administrative penalties to: (1) maintain the all payer claims database and the program to collect and maintain data concerning prescription drugs; and (2) establish and carry out programs to educate patients concerning ways to reduce the cost of health care and prescription drugs. Section 25 of this bill requires the Commission and the Division of Insurance of the Department of Business and Industry to develop and submit to the Department of Health and Human Services and the Legislature a report containing an inventory of certain types of data reported to the Commission or the Division.]~~

On March 9, 2021, the Milbank Memorial Fund announced that this State has been selected to participate in the Peterson-Milbank Program for Sustainable Health Care Costs. The Program: (1) provides technical assistance to participating states in developing targets for the reduction of per-capita spending on healthcare; and (2) helps participating states analyze and collaboratively address the underlying drivers of growth in the cost of health care. **Section 24** of this bill designates the Patient Protection Commission as the sole state agency responsible for administering and coordinating matters relating to the participation of this State in the Program.

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

Section 1. ~~{Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**1. The Patient Protection Commission Advisory Committee is hereby created. The Advisory Committee consists of providers of health care and related services appointed by the Director, in consultation with the Patient Protection Commission.**~~

~~**2. Members of the Advisory Committee serve at the pleasure of the Director.**~~

~~**3. Members of the Advisory Committee serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.**~~

~~4. The Director shall annually designate a voting member to serve as the Chair of the Advisory Committee. The Advisory Committee shall meet at the call of the Chair.~~

~~5. A majority of the voting members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.~~

~~6. The Advisory Committee shall provide advice and recommendations to the Patient Protection Commission on any matters within the scope of the duties of the Commission.~~ **(Deleted by amendment.)**

Sec. 2. NRS 439.908 is hereby amended to read as follows:

439.908 1. The Patient Protection Commission is hereby created ~~+~~ **within the Office of the Director.** The Commission consists of:

(a) The following ~~++~~ **12** voting members appointed by the Governor:

(1) Two *members who are* persons ~~who have~~ **with** expertise and experience in advocating on behalf of patients.

(2) ~~Two representatives of providers~~ **One member who is a provider of health care ~~+~~ who operates a for-profit business to provide health care.**

~~(3) Two representatives of hospitals.~~

~~(4) Two representatives of health insurers.~~

~~(5) One person who engages in the academic study of health care policy or public health.~~

~~(6) One representative of the prescription drug industry.~~

One member who is a registered nurse who practices primarily at a nonprofit hospital.

(4) One member who is a physician or registered nurse who practices primarily at a federally-qualified health center, as defined in 42 U.S.C. § 1396d(l)(2)(B).

(5) One member who is a pharmacist at a pharmacy not affiliated with any chain of pharmacies or a person who has expertise and experience in advocating on behalf of patients.

(6) One member who represents a nonprofit public hospital that is located in the county of this State that spends the largest amount of money on hospital care for indigent persons pursuant to chapter 428 of NRS.

(7) One member who represents the private nonprofit health insurer with the highest percentage of insureds in this State who are adversely impacted by social determinants of health.

(8) One member who has expertise and experience in advocating for persons who are not covered by a policy of health insurance.

(9) One member who has expertise and experience in advocating for persons with special health care needs and has education and experience in health care.

(10) One member who is an employee or a consultant of the Department with expertise in health information technology and patient access to medical records.

(11) One *member who is a* representative of the general public.

(b) The Director of the Department, the Commissioner of Insurance, ~~and~~ the Executive Director of the Silver State Health Insurance Exchange *and the Executive Officer of the Public Employees' Benefits Program or his or her designee* as ex officio, nonvoting members.

2. The Governor shall:

(a) Appoint two of the voting members of the Commission described in paragraph (a) of subsection 1 from a list of persons nominated by the Majority Leader of the Senate;

(b) Appoint two of the voting members of the Commission described in paragraph (a) of subsection 1 from a list of persons nominated by the Speaker of the Assembly; and

(c) Ensure that the members appointed by the Governor to the Commission reflect the geographic diversity of this State.

3. Members of the Commission serve ~~without~~ :

(a) At the pleasure of the Governor; and

(b) Without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. After the initial terms, the term of each voting member is 2 years, except that the Governor may remove a voting member at any time and for any reason. A member may be reappointed.

5. If a vacancy occurs during the term of a voting member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

6. The Governor shall annually designate a voting member to serve as the Chair of the Commission.

7. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the Commission.

8. The members of the Commission shall comply with the requirements of NRS 281A.420 applicable to public officers generally.

Sec. 2.5. NRS 439.912 is hereby amended to read as follows:

439.912 1. The Commission shall ~~meet~~ :

(a) Meet at the call of the Chair.

(b) Adopt bylaws that govern the operation of the Commission.

2. The Commission may:

(a) Establish subcommittees *and working groups* consisting of members of the Commission or other persons to assist the Commission in the performance of its duties. Each subcommittee expires 6 months after it is created but may be continued with approval of the Commission. Not more than six subcommittees may exist at any time.

(b) To the extent that money is available for this purpose, enter into contracts with consultants to assist the Commission in the performance of its duties.

3. Within the limits of available resources, state agencies, boards and commissions shall, upon the request of the Executive Director of the Commission, provide advice and technical assistance to the Commission.

Sec. 3. NRS 439.918 is hereby amended to read as follows:

439.918 1. In addition to conducting the review described in NRS 439.916, the ~~the~~ Commission shall: ~~attempt to:~~

(a) ~~Identify~~ **Attempt to identify** and facilitate collaboration between existing state governmental entities that study or address issues relating to the quality, accessibility and affordability of health care in this State, including, without limitation, the regional behavioral health policy boards created by NRS 433.429; ~~and~~

(b) ~~Coordinate~~ **Attempt to coordinate** with such entities to reduce any duplication of efforts among and between those entities and the Commission

~~(c)~~ **(c) Establish, submit to the Director and annually update a plan to increase access by patients to their medical records and provide for the interoperability of medical records between providers of health care in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any other applicable federal law or regulations; and**

~~(b)~~ **Establish the all payer claims database in accordance with sections 5 to 20, inclusive, of this act; and**

~~(c)~~ **(d) Make recommendations to the Director and the Legislature concerning:**

(1) The analysis and use of data to improve access to and the quality of health care in this State, including, without limitation, using data to establish priorities for addressing health care needs; and

(2) Ensuring that data concerning health care in this State is publicly available and transparent.

2. On or before January 1 and July 1 of each year, the Commission shall:

(a) Compile a report describing the meetings of the Commission and the activities of the Commission during the immediately preceding 6 months. The report must include, without limitation, a description of any issues identified as negatively impacting the quality, accessibility or affordability of health care in this State and any recommendations for legislation, regulations or other changes to policy or budgets to address those issues.

(b) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In January of odd-numbered years, the next regular session of the Legislature.

(2) In all other cases, to the Legislative Committee on Health Care.

3. Upon receiving a report pursuant to subsection 2, the Governor shall post the report on an Internet website maintained by the Governor.

4. The Commission may prepare and publish additional reports on specific topics at the direction of the Chair.

Sec. 4. ~~{Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 20, inclusive, of this act.} (Deleted by amendment.)~~

Sec. 5. ~~{As used in sections 5 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 11, inclusive, of this act have the meanings ascribed to them in those sections.} (Deleted by amendment.)~~

Sec. 6. ~~{“All payer claims database” means the all payer claims database established pursuant to section 12 of this act.} (Deleted by amendment.)~~

Sec. 7. ~~{“Commission” means the Patient Protection Commission created by NRS 439.008.} (Deleted by amendment.)~~

Sec. 8. ~~{“Direct patient identifier” means data that directly identifies a patient, including, without limitation, a name, telephone number, social security number, number associated with a medical record, health plan beneficiary number, certificate or license number, vehicle identification number, serial number, license plate number, Internet address, electronic mail address, biometric identifier or photographic image.} (Deleted by amendment.)~~

Sec. 9. ~~{“Indirect patient identifier” means data that can be used to identify a patient when combined with other information.} (Deleted by amendment.)~~

Sec. 10. ~~{“Proprietary financial information” means data that discloses or allows the determination of:~~

~~—1. A specific term of a contract, discount or other agreement between a provider of health care or a health facility and an entity described in section 13 of this act; or~~

~~—2. An internal fee schedule or other unique pricing mechanism used by a provider of health care, a health facility or an entity described in section 13 of this act.} (Deleted by amendment.)~~

Sec. 11. ~~{“Provider of health care” has the meaning ascribed to it in NRS 629.031.} (Deleted by amendment.)~~

Sec. 12. ~~{1. The Commission shall establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits provided in this State.~~

~~—2. The Commission shall:~~

~~—(a) Establish a secure process for uploading data to the database pursuant to section 13 of this act. When establishing that process, the Commission shall consider the time and cost incurred to upload data to the database.~~

~~—(b) Establish and carry out a process to review the data submitted to the database to:~~

~~(1) Ensure the accuracy of the data and the consistency of records; and~~

~~(2) Identify and remove duplicate records.~~

~~(c) Assign an identifier to each patient represented in the database. The identifier must allow a person who receives data from the database that does not contain direct patient identifiers or indirect patient identifiers to identify data concerning the patient without identifying the patient.~~

~~3. The Commission may establish an advisory committee if necessary to assist the Commission in carrying out the provisions of sections 5 to 20, inclusive, of this act, including, without limitation, an advisory committee concerning the maintenance and release of data. The membership of any advisory committee established pursuant to this section must include, without limitation, representatives of providers of health care, health facilities, health authorities, as defined in NRS 439.005, health maintenance organizations, private insurers and nonprofit organizations that represent consumers of health care services and each of the two entities that submit data concerning the largest number of claims to the database.~~ (Deleted by amendment.)

Sec. 13. ~~H. Each health carrier, governing body of a local governmental agency that provides health coverage through a self-insurance reserve fund pursuant to NRS 287.010 or entity required by the regulations adopted pursuant to section 20 of this act to upload data to the database and the Public Employees' Benefits Program shall upload to the all-payer claims database the data prescribed by the Director pursuant to section 20 of this act.~~

~~2. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or the administrator of a Taft Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) are not required but may submit to the all-payer claims database the data prescribed by the Director pursuant to section 20 of this act.~~

~~3. As used in this section, "health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner of Insurance, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.~~ (Deleted by amendment.)

Sec. 14. ~~H. Except as otherwise provided in subsection 3 and section 16 of this act, data contained in the all-payer claims database is confidential and is not a public record or subject to subpoena.~~

~~2. The Commission shall ensure that data is submitted to, stored in and released from the all-payer claims database in a secure manner that complies with all applicable federal and state laws concerning the privacy of~~

~~data including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto.~~

~~3. To the extent authorized by federal law, the Commission may use data contained in the all-payer claims database in any proceeding to enforce the provisions of sections 5 to 20, inclusive, of this act. (Deleted by amendment.)~~

Sec. 15. ~~[To obtain data from the all-payer claims database, a person or entity must submit a request to the Commission. The request must include, without limitation:~~

~~1. A description of the data the person or entity wishes to receive;~~

~~2. The purpose for requesting the data;~~

~~3. A description of the proposed use of the data, including, without limitation:~~

~~(a) The methodology of any study that will be conducted and any variables that will be used; and~~

~~(b) The names of any persons or entities to whom the applicant plans to disclose data from the all-payer claims database and the reasons for the proposed disclosure;~~

~~4. The measures that the requester plans to take to ensure the security of the data and prevent unauthorized use of the data in accordance with section 16 of this act; and~~

~~5. The method by which the data will be stored, destroyed or returned to the Commission at the completion of the activities for which the data will be used. (Deleted by amendment.)~~

Sec. 16. ~~[1. The Commission may release data from the all-payer claims database that contains direct patient identifiers, indirect patient identifiers, proprietary financial information or any combination thereof to a person or entity approved by the Commission that:~~

~~(a) Is conducting research that has been approved by an institutional review board and is designed to:~~

~~(1) Assist patients, providers and hospitals to make informed choices concerning care;~~

~~(2) Enable providers, hospitals or communities to improve performance by allowing comparison with other providers, hospitals or communities, as applicable;~~

~~(3) Enable purchasers of health care services to identify value, build expectations into purchasing strategies and reward improvements over time;~~

~~or~~

~~(4) Promote competition among providers, hospitals or insurers based on quality and cost;~~

~~(b) Has executed an agreement with the Commission to keep data containing direct patient identifiers absolutely confidential and an agreement with the Commission concerning the use of the data that meets the requirements of subsection 6; and~~

~~—(c) Has submitted a request that meets the requirements of section 15 of this act and the fee prescribed pursuant to section 20 of this act.~~

~~—2. In addition to persons and entities who meet the requirements of subsection 1, the Commission may release data from the all payer claims database that contains proprietary financial information, indirect patient identifiers or any combination thereof but does not contain direct patient identifiers to a governmental entity approved by the Commission that has:~~

~~—(a) Executed an agreement with the Commission concerning the use of the data that meets the requirements of subsection 6; and~~

~~—(b) Submitted a request that meets the requirements of section 15 of this act and the fee prescribed pursuant to section 20 of this act.~~

~~—3. The Commission may release data from the all payer claims database that contains indirect patient identifiers but does not contain direct patient identifiers or proprietary financial information to any person or entity approved by the Commission that has:~~

~~—(a) Executed an agreement with the Commission concerning the use of the data that meets the requirements of subsection 6; and~~

~~—(b) Submitted a request that meets the requirements of section 15 of this act and the fee prescribed pursuant to section 20 of this act.~~

~~—4. The Commission may release data from the all payer claims database that does not contain direct patient identifiers, indirect patient identifiers or proprietary financial information to a person or entity approved by the Commission that has submitted a request that meets the requirements of section 15 of this act and the fee prescribed pursuant to section 20 of this act.~~

~~—5. A governmental entity that receives data that contains proprietary financial information pursuant to subsection 2 shall not use that data for any purpose related to the purchase or procurement of benefits for employees.~~

~~—6. An agreement with the Commission concerning the use of data from the all payer claims database executed pursuant to subsection 1, 2 or 3 must include, without limitation:~~

~~—(a) Required measures for the recipient of the data to protect the security of data containing direct patient identifiers, indirect patient identifiers or proprietary financial information, as applicable;~~

~~—(b) A prohibition on the disclosure of data containing direct patient identifiers, indirect patient identifiers or proprietary financial information, as applicable, by the recipient of the data;~~

~~—(c) A prohibition on the recipient of the data determining or attempting to determine the identity of any person whom the data concerns or locating or attempting to locate data associated with a specific natural person; and~~

~~—(d) A requirement that the recipient of the data destroy the data or return the data to the Commission at the conclusion of the authorized use of the data.~~

~~7. A person or entity that receives data from the all payer claims database pursuant to this section shall not:~~

~~(a) Disclose direct patient identifiers, indirect patient identifiers or proprietary financial information; or~~

~~(b) Disclose or use the data in any manner other than as described in the request submitted pursuant to section 15 of this act. (Deleted by amendment.)~~

Sec. 17. ~~1. The Commission shall, at least annually, publish a report concerning the quality, efficiency and cost of health care in this State based on the data in the all payer claims database. Such a report must be peer reviewed by entities that submit data pursuant to section 13 of this act before the report is released. The Commission shall submit the report to:~~

~~(a) The Governor;~~

~~(b) The Department; and~~

~~(c) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the next regular session of the Legislature.~~

~~2. A report published pursuant to subsection 1 must, where feasible, separate data by demographics, income, health status and the geography of, and the language spoken by, patients to assist in the identification of variations in the efficiency and quality of care.~~

~~3. Any comparison of cost among providers of health care or health care systems presented in a report published pursuant to subsection 1 must account for differences in costs attributable to populations served, severity of illness, subsidies for uninsured patients and recipients of Medicaid and Medicare and expenses for educating providers of health care, where applicable.~~

~~4. A report published pursuant to subsection 1 must not:~~

~~(a) Contain direct patient identifiers, indirect patient identifiers or proprietary financial information. Such a report may contain data concerning aggregate costs calculated using proprietary financial information if the manner in which the data is displayed does not disclose proprietary financial information.~~

~~(b) Include in any comparison of the performance of providers of health care information concerning a provider of health care who is a solo practitioner or practices in a group of fewer than four providers.~~

~~5. A report published pursuant to subsection 1 must not contain information identified as relating to a specific provider of health care, health facility or entity that submits data pursuant to section 13 of this act unless the provider of health care, health facility or entity to which the information pertains is allowed to view the report before publication, request corrections of any errors in the information and comment on the reasonableness of the conclusions of the report.~~

~~6. On or before October 31 of each year, the Commission shall publish on an Internet website maintained by the Commission a list of reports the~~

~~Commission intends to publish pursuant to subsection 1 during the next calendar year. The Commission may solicit public comment concerning the list.~~ (Deleted by amendment.)

~~Sec. 18. 1. On or before December 31 of each even numbered year, the Commission shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the cost, performance and effectiveness of the all payer claims database and any recommendations to improve the all payer claims database.~~

~~2. On or before July 1 and December 31 of each year, the Commission shall:~~

~~(a) Compile a report of any grants received by the Commission to carry out the provisions of sections 5 to 20, inclusive, of this act; and~~

~~(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) On December 31 of an even numbered year, the next regular session of the Legislature; and~~

~~(2) In all other cases, the Interim Finance Committee.~~ (Deleted by amendment.)

~~Sec. 19. 1. No person or entity providing information to the Commission, including, without limitation, data submitted to the all payer claims database in accordance with sections 5 to 20, inclusive, of this act, may be held liable in a civil or criminal action for disclosing confidential information unless the person or entity has done so in bad faith or with malicious purpose.~~

~~2. The Commission and its members, officers and employees are not liable in any civil or criminal action for any damages resulting from any act, omission, error or technical problem that causes incorrect information from the all payer claims database to be provided to any person or entity.~~ (Deleted by amendment.)

~~Sec. 20. 1. The Director, in consultation with the Commission, shall adopt regulations that prescribe:~~

~~(a) The data that must be uploaded to the all payer claims database pursuant to section 13 of this act and the date by which such data must be submitted. Such data must include, without limitation:~~

~~(1) A reasonable estimate of the aggregate amount of all rebates, including, without limitation, price protection rebates, performance based rebates, fees and administrative costs and any other negotiated price concessions or payments that reduce liability for prescription drugs, received directly or indirectly from manufacturers of prescription drugs for pharmacy claims in this State during each calendar year by:~~

~~(I) Each entity required by section 13 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all payer claims database; and~~

~~—(II) Each pharmacy benefit manager under contract with such an entity;~~

~~—(2) The average total amount spent by a patient covered by each plan offered by an entity required by section 13 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all-payer claims database on premiums and cost sharing, including, without limitation, deductibles, copayments and coinsurance, during each calendar year;~~

~~—(3) The deductible for each plan offered by an entity required by section 13 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all-payer claims database;~~

~~—(4) The amount of any copayment or coinsurance for items and services prescribed by the Director for each plan offered by an entity required by section 13 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all-payer claims database; and~~

~~—(5) Additional data concerning medical claims, pharmacy claims and dental claims chosen by the Director, in consultation with the Commission.~~

~~—(b) Fees for obtaining data from the database pursuant to section 16 of this act. Such fees must be calculated to cover the costs incurred by the Commission to carry out the provisions of sections 5 to 20, inclusive, of this act.~~

~~—(c) Administrative penalties to be assessed against:~~

~~—(1) Any person or entity described in subsection 1 of section 13 of this act who fails to submit data to the all-payer claims database as required by that section;~~

~~—(2) Any person or entity who accesses or discloses data contained in the all-payer claims database in violation of sections 5 to 20, inclusive, of this act; and~~

~~—(3) Any person or entity to whom data is disclosed pursuant to section 16 of this act who uses, maintains or discloses such data for an unauthorized purpose;~~

~~2. The Director, in consultation with the Commission, may adopt:~~

~~—(a) Regulations that require entities that provide health coverage in this State, in addition to the entities required by section 13 of this act, to upload data to the all-payer claims database; and~~

~~—(b) Any other regulations necessary to carry out the provisions of sections 5 to 20, inclusive, of this act.~~

~~3. The Commission may:~~

~~—(a) Enter into any contract or agreement necessary to carry out the provisions of sections 5 to 20, inclusive, of this act; and~~

~~—(b) Accept any gifts, grants and donations for the purpose of carrying out the provisions of sections 5 to 20, inclusive, of this act.~~

~~4. Any money collected as administrative penalties under the regulations adopted pursuant to this section must be accounted for separately and used by the Commission to:~~

~~(a) Carry out the provisions of sections 5 to 20, inclusive, of this act; and~~
~~(b) Establish and carry out programs to educate patients concerning ways to reduce the cost of health care and prescription drugs.~~

~~5. As used in this section, “pharmacy benefit manager” has the meaning ascribed to it in NRS 683A.174.~~ (Deleted by amendment.)

Sec. 21. ~~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 14 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

Sec. 22. As used in sections 22 ~~to 27, inclusive,~~ **23 and 24** of this act, “Patient Protection Commission” means the Patient Protection Commission created by NRS 439.908.

Sec. 23. 1. The terms of the members of the Patient Protection Commission appointed pursuant to NRS 439.908 who are incumbent on June 30, 2021, expire on that date.

2. On or before July 1, 2021, the Governor shall:

(a) Appoint to the Patient Protection Commission to serve initial terms that expire on July 1, 2022:

(1) One member described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(2) The member described in subparagraph (2) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(3) The member described in subparagraph (3) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(4) The member described in subparagraph (4) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(5) The member described in subparagraph (5) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(6) The member described in subparagraph (6) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(b) Appoint to the Patient Protection Commission to serve initial terms that expire on July 1, 2023:

(1) One member described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(2) The member described in subparagraph (7) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(3) The member described in subparagraph (8) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(4) The member described in subparagraph (9) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(5) The member described in subparagraph (10) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

(6) The member described in subparagraph (11) of paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

3. The Governor may reappoint a member of the Patient Protection Commission whose term expires on June 30, 2021, if that member meets any of the qualifications for membership prescribed by paragraph (a) of subsection 1 of NRS 439.908, as amended by section 2 of this act.

Sec. 24. To the extent authorized by the terms of the Program, the Patient Protection Commission is hereby designated as the sole state agency responsible for administering and coordinating matters relating to the participation of this State in the Peterson-Milbank Program for Sustainable Health Care Costs. The Commission shall:

1. Collaborate with the Milbank Memorial Fund, the Peterson Center on Healthcare, Bailit Health and any other persons and entities as necessary to administer and coordinate matters relating to the participation of this State in the Program; and

2. To the extent authorized by the terms of the Program, make decisions concerning the allocation of financial and technical assistance provided by the Program.

~~**Sec. 25.** On or before July 1, 2022, the Patient Protection Commission shall, in consultation with the Division of Insurance of the Department of Business and Industry:~~

~~1. Develop a report containing an inventory of each category of data reported to the Patient Protection Commission or the Division of Insurance of the Department of Business and Industry that could be used to analyze trends~~

~~in the cost of health care, consolidation among entities that provide or pay for health care or other issues related to access to health care; and~~

~~2. Submit the report to the Department of Health and Human Services and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.] (Deleted by amendment.)~~

~~Sec. 26. 1. On or before December 1, 2021, and December 1, 2022, the Patient Protection Commission shall:~~

~~(a) Develop a report concerning the implementation of sections 5 to 20, inclusive, of this act, including, without limitation, the cost of implementing the all payer claims database and the technical progress made toward full implementation of the all payer claims database; and~~

~~(b) Submit the report to the Department of Health and Human Services and the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) In 2021, the Legislative Committee on Health Care and the Interim Finance Committee;~~

~~(2) In 2022, the next regular session of the Legislature.~~

~~2. As used in this section, “all payer claims database” has the meaning ascribed to it in section 6 of this act.] (Deleted by amendment.)~~

~~Sec. 27. 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. 28. NRS 439.916 is hereby repealed.] (Deleted by amendment.)~~

~~Sec. 29. 1. This section and section 24 of this act becomes effective upon passage and approval.~~

~~2. Sections 1 to 23, inclusive, and 25 to 28, inclusive, of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On July 1, 2021, for all other purposes.~~

~~[TEXT OF REPEALED SECTION]~~

~~439.916 Systematic review of issues relating to health care.~~

~~1. The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:~~

~~(a) Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care;~~

~~(b) Identifying gaps and duplication in the roles of such boards, commissions and other bodies.~~

- ~~— (e) Examining the cost of health care and the primary factors impacting those costs.~~
- ~~— (d) Examining disparities in the quality and cost of health care between different groups, including, without limitation, minority groups and other distinct populations in this State.~~
- ~~— (e) Reviewing the adequacy and types of providers of health care who participate in networks established by health carriers in this State and the geographic distribution of the providers of health care who participate in each such network.~~
- ~~— (f) Reviewing the availability of health benefit plans, as defined in NRS 687B.470, in this State.~~
- ~~— (g) Reviewing the effect of any changes to Medicaid, including, without limitation, the expansion of Medicaid pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, on the cost and availability of health care and health insurance in this State.~~
- ~~— (h) Reviewing proposed and enacted legislation, regulations and other changes to state and local policy related to health care in this State.~~
- ~~— (i) Researching possible changes to state or local policy in this State that may improve the quality, accessibility or affordability of health care in this State, including, without limitation:~~
 - ~~— (1) The use of purchasing pools to decrease the cost of health care;~~
 - ~~— (2) Increasing transparency concerning the cost or provision of health care;~~
 - ~~— (3) Regulatory measures designed to increase the accessibility and the quality of health care, regardless of geographic location or ability to pay;~~
 - ~~— (4) Facilitating access to data concerning insurance claims for medical services to assist in the development of public policies;~~
 - ~~— (5) Resolving problems relating to the billing of patients for medical services;~~
 - ~~— (6) Leveraging the expenditure of money by the Medicaid program and reimbursement rates under Medicaid to increase the quality and accessibility of health care for low-income persons; and~~
 - ~~— (7) Increasing access to health care for uninsured populations in this State, including, without limitation, retirees and children.~~
- ~~— (j) Monitoring and evaluating proposed and enacted federal legislation and regulations and other proposed and actual changes to federal health care policy to determine the impact of such changes on the cost of health care in this State.~~
- ~~— (k) Evaluating the degree to which the role, structure and duties of the Commission facilitate the oversight of the provision of health care in this State by the Commission and allow the Commission to perform activities necessary to promote the health care needs of residents of this State.~~
- ~~— (l) Making recommendations to the Governor, the Legislature, the Department of Health and Human Services, local health authorities and any other person or governmental entity to increase the quality, accessibility and~~

~~affordability of health care in this State, including, without limitation, recommendations concerning the items described in this subsection.~~

~~2. As used in this section:~~

~~(a) “Health carrier” has the meaning ascribed to it in NRS 687B.625.~~

~~(b) “Network” has the meaning ascribed to it in NRS 687B.640.~~

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. 356.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 342.

SUMMARY—Makes various changes relating to the conservation of water. (BDR ~~[48-1090]~~ **S-1090**)

AN ACT relating to water; ~~creating and setting forth the requirements for the Program for the Conservation of Water; creating the Account for Purchasing and Retiring Water Rights; authorizing the State Engineer to purchase and retire certain water rights with money from the Account;~~ **prohibiting, with certain exceptions, the use of water from the Colorado River to irrigate nonfunctional turf on certain property; requiring the Board of Directors of the Southern Nevada Water Authority to develop a plan for the removal of nonfunctional turf on certain property; creating and setting forth the duties of the Nonfunctional Turf Removal Advisory Committee; requiring the Legislative Committee on Public Lands to conduct a study concerning water conservation;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[Under existing law, any person who wishes to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated must apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law further provides that the failure to use beneficially all or part of a water right may result in the forfeiture of the unused water. (NRS 534.090)]~~

~~Sections 2-18 of this bill create a voluntary program for water conservation which allows certain persons holding perfected water rights that are used for irrigation to apply to the State Engineer for an allocation of conserved water based on conservation measures implemented by the person which allow the person to conserve water. The conserved water will be allocated between the applicant and the source of the water to create a reserve of water in each basin.~~

~~Section 7 of this bill creates the Program for the Conservation of Water and prohibits the State Engineer from requiring any person to conserve water pursuant to, or otherwise participate in, the Program.~~

~~Sections 3-6 of this bill define various terms related to the Program.~~

~~Section 8 of this bill sets forth the requirements for a person or group of persons who hold one or more perfected water rights which lists irrigation as the manner of use to submit an application to the State Engineer for participation in the Program in order to obtain an allocation of conserved water resulting from one or more conservation measures. The application must: (1) propose one or more conservation measures that the applicant will implement if the application is approved; or (2) describe one or more conservation measures that the applicant has already implemented. Section 9 of this bill requires the State Engineer to reject an application if any conservation measure was implemented more than 5 years before the date on which the application is submitted.~~

~~Section 30 of this bill sets forth a fee to apply for participation in the Program.~~

~~Section 10 of this bill requires the State Engineer to publish a notice of an application for participation in the Program.~~

~~Section 11 of this bill: (1) authorizes any person to object to an allocation of conserved water proposed in an application by filing a written protest with the State Engineer; and (2) requires the State Engineer to consider any such protest.~~

~~Section 12 of this bill sets forth the requirements for the State Engineer in reviewing an application for an allocation of conserved water, which include determining the quantity of conserved water that will result from the conservation measures if the application is approved and whether there will be any conflicts or impacts on other existing water rights or protectable interests in domestic wells that require mitigation. Section 12 also requires the State Engineer to deny an application if the State Engineer determines that the proposed allocation of conserved water to the applicant will result in a conflict with any existing water right or protectable interest in a domestic well or otherwise threaten the public interest. Section 25 of this bill authorizes the State Engineer to consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether the proposed allocation of conserved water creates such a conflict.~~

~~Section 13 of this bill provides that if an application is approved, the State Engineer will issue to the applicant a new certificate for the remainder of the existing water right and, once the conservation measure is fully implemented, a new permit for the allocation of conserved water. Section 13 also provides that the priority date of the new certificate and permit is the same as the priority date of the original water right.~~

~~Section 14 of this bill requires the State Engineer to reserve conserved water allocated to the source until 10 percent of the perennial yield of the basin has been reserved. Such reserved water is not available for any use. Section 20 of this bill makes a conforming change to provisions that require the reserve of groundwater under certain circumstances.~~

~~Section 15 of this bill provides that a person is not required to submit an application for a permit to change the place of diversion, manner of use or place of use in relation to any conserved water. Section 23 of this bill makes a conforming change to the general requirement to submit such an application.~~

~~Section 16 of this bill provides that a person who receives an allocation of conserved water may: (1) reserve the water for future use; or (2) use, sell, lease or transfer the conserved water. An allocation of conserved water that is reserved for future use is not subject to cancellation, forfeiture or abandonment. Sections 22, 27-29 and 35 of this bill make conforming changes to provisions relating to cancellation, forfeiture and abandonment.~~

~~Section 17 of this bill authorizes a political subdivision to purchase or accept a gift of a right to the use of conserved water. Section 17 also provides that the political subdivision may request that the water remain in the source and the right to the use of such conserved water that remains in the source is not subject to appropriation, cancellation, forfeiture or abandonment. Sections 21, 22, 24, 26-29 and 35 of this bill make conforming changes relating to appropriation, cancellation, forfeiture and abandonment.~~

~~Section 18 of this bill requires the State Engineer to adopt regulations to carry out the Program for the Conservation of Water.~~

~~Section 31 of this bill authorizes a person who is aggrieved by a decision of the State Engineer in regards to the Program for the Conservation of Water to seek judicial review.~~

~~Section 19 of this bill revises the policies of the State to include various provisions relating to water conservation.~~

~~Section 33 of this bill creates the Account for Purchasing and Retiring Water Rights and requires that the money in the Account only be expended for the purchase of water rights in groundwater basins that are over appropriated. Section 34 of this bill establishes the Purchasing and Retiring Water Rights Program, administered by the State Engineer, and establishes requirements for the purchase and retirement of water rights by the State Engineer. Sections 21, 24 and 26 of this act prohibit the appropriation of water that has been withdrawn pursuant to the Purchasing and Retiring Water Rights Program.]~~

Existing law authorizes public agencies to enter into cooperative agreements to perform any governmental service, activity or undertaking which the public agency is authorized to perform under law and, pursuant to which, the Southern Nevada Water Authority was created. (NRS 277.080-277.180) Section 39 of this bill prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. Section 39 also requires the Board of Directors of the Southern Nevada Water Authority to: (1) define nonfunctional and functional turf for the purposes of this prohibition; and (2) develop a plan to identify and facilitate the removal of nonfunctional turf within the service area of the Southern Nevada Water Authority on

property that is not zoned exclusively for a single-family residence before December 31, 2026, in phases based on the categories of water users. Section 39 further authorizes the Board of Directors to approve an extension or waiver from: (1) the prohibition on the use of waters from the Colorado River to irrigate nonfunctional turf; and (2) the provisions of the plan developed by the Board of Directors for the removal of nonfunctional turf.

Section 40 of this bill creates the Nonfunctional Turf Removal Advisory Committee. Section 41 of this bill sets forth the duties of the Advisory Committee.

Sections 37 and 38 of this bill define certain terms for the purposes of sections 36-41 of this bill.

Under existing law, the Legislative Committee on Public Lands is authorized to review and comment on laws, regulations and policies relating to the use, allocation and management of water in this State. (NRS 218E.525) Section 42 of this bill requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and to submit a report of its findings and any recommendations for legislation to the 82nd Session of the Nevada Legislature.

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

Section 1. ~~{Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.}~~ (Deleted by amendment.)

Sec. 2. ~~{As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act, have the meanings ascribed to them in those sections.}~~ (Deleted by amendment.)

Sec. 3. ~~{“Conservation” means a reduction of the amount of water diverted or pumped for irrigation that is achieved:~~

~~— 1. By improving the technology or method used to divert, pump, transport, apply or recover the water; or~~

~~— 2. By using some other measure that is approved by the State Engineer.}~~ (Deleted by amendment.)

Sec. 4. ~~{“Conserved water” means the amount of water that results from the implementation of one or more conservation measures, which is measured as the difference between:~~

~~— 1. The smaller of:~~

~~— (a) The amount stated on the perfected water right; or~~

~~— (b) The maximum amount of water for irrigation that may be diverted using existing works for the diversion of water; and~~

~~— 2. The amount of water needed for irrigation after the conservation measure or measures, as applicable, have been implemented.}~~ (Deleted by amendment.)

Sec. 5. ~~“Perfected water right” means a water right that has been finalized through the issuance of:~~

- ~~1. A certificate of appropriation; or~~
- ~~2. A court decree.~~ (Deleted by amendment.)

Sec. 6. ~~“Program” means the Program for the Conservation of Water created by section 7 of this act.~~ (Deleted by amendment.)

Sec. 7. ~~1. The Program for the Conservation of Water is hereby created.~~

~~2. The provisions of sections 2 to 18, inclusive, of this act apply to the Program.~~

~~3. The State Engineer shall not require any person to conserve water pursuant to, or otherwise participate in, the Program.~~ (Deleted by amendment.)

Sec. 8. ~~1. Except as otherwise provided in subsection 3, a person or group of persons who hold one or more perfected water rights which list irrigation as the manner of use may submit an application to the State Engineer for participation in the Program in order to obtain an allocation of conserved water for one or more conservation measures that:~~

- ~~(a) The person or group intends to implement if the application is approved by the State Engineer; or~~
- ~~(b) Were implemented by the person or group not more than 5 years before the date on which the person submits the application.~~

~~2. An application submitted pursuant to subsection 1 must include the following:~~

~~(a) For a conservation measure that will be implemented if the application is approved:~~

- ~~(1) A description of the conservation measure.~~
- ~~(2) A description of the existing works of diversion and an estimate of the amount of water that can be diverted at the works of diversion.~~
- ~~(3) The amount of water that the applicant will need for irrigation after the implementation of the conservation measure.~~
- ~~(4) The amount of conserved water expected from the implementation of the conservation measure.~~
- ~~(5) The proposed allocation of the conserved water between the applicant and the source of the water. The proposed allocation must reserve at least 25 percent of any conserved water back to the source.~~
- ~~(6) The intended use of the conserved water allocated to the applicant if the application is approved.~~
- ~~(7) If any of the applicant's perfected water rights are for surface water located within the boundaries of an irrigation district, evidence that a majority of the board of directors of the irrigation district has approved a request to submit the application pursuant to subsection 3.~~
- ~~(8) Any other information the State Engineer considers necessary to evaluate the application.~~

~~(b) For a conservation measure that was implemented before the application was submitted:~~

~~(1) A description of the conservation measure and the date on which the conservation measure was implemented by the applicant.~~

~~(2) A description of the works of diversion before the conservation measure was implemented and the amount of water that could be diverted at the works of diversion before the conservation measure was implemented.~~

~~(3) The amount of water that the applicant uses for irrigation since the implementation of the conservation measure.~~

~~(4) The amount of conserved water that resulted from the implementation of the conservation measure.~~

~~(5) The proposed allocation of the conserved water between the applicant and the source of the water. The proposed allocation must reserve at least 25 percent of any conserved water back to the source.~~

~~(6) The intended use of the conserved water allocated to the applicant if the application is approved.~~

~~(7) If the applicant's perfected water right is for surface water located within the boundaries of an irrigation district, evidence that a majority of the board of directors of the irrigation district has approved a request to submit the application pursuant to subsection 3.~~

~~(8) Evidence that the conservation measure was implemented not more than 5 years before the date on which the application is filed with the State Engineer.~~

~~(9) Any other information the State Engineer considers necessary to evaluate the application.~~

~~3. If any of the perfected water right or rights are for surface water located within the boundaries of an irrigation district, the person or group must obtain approval to submit an application for participation in the Program to the board of directors of the irrigation district before submitting an application to the State Engineer. If a majority of the board of directors of the irrigation district approves the request to submit an application for participation in the Program, the person or group may submit an application to the State Engineer pursuant to subsection 1.] (Deleted by amendment.)~~

~~Sec. 9. If an applicant submits an application for participation in the Program that relates to a conservation measure that was implemented by the applicant more than 5 years before the date on which the application is submitted, the State Engineer:~~

~~1. Must immediately reject the application; and~~

~~2. Must not publish the application pursuant to section 10 of this act.]~~

~~(Deleted by amendment.)~~

~~Sec. 10. 1. Except as otherwise provided in section 9 of this act, within 30 days after the receipt of an application submitted pursuant to section 8 of this act, the State Engineer shall publish once a week for 4 consecutive weeks in a newspaper of general circulation in the county where the point of diversion is located, a notice of the application which sets forth:~~

- ~~— (a) That the application has been filed;~~
 - ~~— (b) The date of the filing;~~
 - ~~— (c) The name and address of the applicant;~~
 - ~~— (d) The name of the source of the perfected water right to which the application pertains;~~
 - ~~— (e) The location of the point of diversion, described by:~~
 - ~~— (1) Legal subdivision or metes and bounds; and~~
 - ~~— (2) A physical description.~~
 - ~~— (f) The applicant's intended use of his or her allocation of conserved water if the application is approved.~~
 - ~~— The publisher shall add to the notice the date of the first publication and the date of the last publication.~~
 - ~~— 2. Proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the publication fee required pursuant to NRS 533.435. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant the fee collected for publication. (Deleted by amendment.)~~
- Sec. 11. ~~{1. Any person may object to the allocation of conserved water proposed in an application for the Program by filing a written protest with the State Engineer. The protest must set forth with reasonable certainty the grounds of such protest and be verified by the affidavit of the protestant, or an agent or attorney thereof.~~
- ~~— 2. Upon receipt of a protest that complies with the requirements of subsection 1, the State Engineer shall notify the applicant of the protest by certified mail.~~
 - ~~— 3. The State Engineer shall consider the protest and may, in his or her discretion, hold a hearing and require the filing of such evidence as the State Engineer deems necessary for a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed not less than 15 days before the date set for the hearing.~~
 - ~~— 4. The applicant and protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each other the information required by the State Engineer relating to the application or protest.~~
 - ~~— 5. If the State Engineer holds a hearing pursuant to subsection 3, the State Engineer shall render a decision on the application not later than 240 days after the later of:~~
 - ~~— (a) The date all transcripts of the hearing become available to the State Engineer; or~~
 - ~~— (b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.~~

~~6. Any hearing must be held in accordance with the rules of practice adopted by the State Engineer pursuant to subsection 7 of NRS 533.365.~~
(Deleted by amendment.)

Sec. 12. ~~1. The State Engineer shall determine:~~
~~(a) The quantity of conserved water that will result from the conservation measures if the State Engineer approves the application;~~
~~(b) Whether the approval of the application will result in a conflict with any other existing water rights or with protectable interests in existing domestic wells, or otherwise threatens to prove detrimental to the public interest; and~~
~~(c) Whether there is any need to mitigate the conservation impacts of the application on other existing water rights or protectable interests in existing domestic wells.~~
~~2. The State Engineer shall deny the application if the State Engineer determines the allocation of conserved water to the applicant will result in a conflict with any existing water right or protectable interest in a domestic well or otherwise threaten the public interest.~~ (Deleted by amendment.)

Sec. 13. ~~1. If the State Engineer approves an application for an allocation of conserved water, the State Engineer must:~~
~~(a) Issue the applicant a new certificate for the unaffected portion of his or her original perfected water right; and~~
~~(b) Issue the applicant a new permit to appropriate water for the allocation of conserved water as soon as the applicant demonstrates that the conservation measure has been fully implemented.~~
~~2. The priority date of the new certificate and permit issued by the State Engineer pursuant to this section is the same as the priority date of the original perfected water right.~~
~~3. A certificate or permit for the allocation of conserved water issued pursuant to this section has the same legal status as any other water right for which a permit or certificate has been issued pursuant to the provisions of chapter 533 of NRS, regardless of whether the conserved water is reserved for future use or managed in the source.~~ (Deleted by amendment.)

Sec. 14. ~~1. The State Engineer shall notify the applicant and any other person who has requested notice of the disposition of the application and the allocation of conserved water proposed by the State Engineer. If the State Engineer approves an application, he or she must allocate at least 25 percent of the conserved water to the source.~~
~~2. In each hydrographic basin, the State Engineer:~~
~~(a) Shall reserve all conserved water allocated to the source pursuant to the Program until 10 percent of the perennial yield of the basin has been reserved pursuant to this section and NRS 533.0241. The conserved water held in reserve is not available for any use.~~
~~(b) May make any conserved water not held in reserve available for appropriation in accordance with the provisions of NRS 533.324 to 533.435, inclusive.~~ (Deleted by amendment.)

Sec. 15. ~~¶4 person is not required to submit an application for a permit to change the place of diversion, manner of use or place of use pursuant to NRS 533.345 in relation to any conserved water.~~ (Deleted by amendment.)

Sec. 16. ~~¶1. Any person who has been allocated conserved water pursuant to the Program may:~~

- ~~— (a) Reserve the conserved water for future use;~~
- ~~— (b) Use the conserved water on another property owned by the person; or~~
- ~~— (c) Sell, lease or transfer the right to the use of the conserved water.~~

~~2. If a person sells, leases or transfers the right to the use of the conserved water:~~

- ~~— (a) The person must notify the State Engineer; and~~
- ~~— (b) The provisions of NRS 533.382 to 533.387, inclusive, apply to the conveyance;~~

~~3. Any permit or right to conserved water that is reserved for future use is not subject to cancellation pursuant to NRS 533.390, 533.395 or 533.410 or to abandonment or forfeiture pursuant to NRS 533.060 or 534.090.~~ (Deleted by amendment.)

Sec. 17. ~~¶1. A political subdivision of this State may:~~

- ~~— (a) Purchase a right to the use of conserved water or accept a gift of a right to the use of conserved water; and~~
- ~~— (b) Request that any conserved water held by the political subdivision remain in the source.~~

~~2. If a political subdivision of this State requests that conserved surface water remain in the source, the State Engineer, water commissioner, water master or other entity responsible for the distribution of the conserved water must manage the conserved water to ensure that the conserved water remains in the source. Such water is not available for any use.~~

~~3. Any permit or right to conserved water that is managed in the source pursuant to this section is not subject to cancellation pursuant to NRS 533.390, 533.395 or 533.410 or to abandonment or forfeiture pursuant to NRS 533.060 or 534.090.~~ (Deleted by amendment.)

Sec. 18. ~~¶The State Engineer shall adopt regulations to carry out the provisions of sections 2 to 18, inclusive, of this act, which may include, without limitation, formulas or other criteria to:~~

- ~~1. Evaluate the effects of an allocation of conserved water on existing water rights and protectable interests in domestic wells; and~~
- ~~2. Determine to what extent mitigation of the impact of an allocation of conserved water on existing water rights or protectable interests in domestic wells may be required to avoid a conflict.~~ (Deleted by amendment.)

Sec. 19. ~~¶NRS 533.024 is hereby amended to read as follows:~~

~~533.024 The Legislature declares that:~~

~~1. It is the policy of this State:~~

- ~~— (a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River;~~

~~—(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi municipal or industrial uses and which cannot reasonably be mitigated.~~

~~—(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.~~

~~—(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.~~

~~—(e) To manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.~~

~~—(f) To recognize, encourage and promote the conservation and efficient use of water for current and future needs by reducing consumptive waste, improving water quality and allowing for the reservation of water within a stream or groundwater system.~~

~~—(g) To encourage local cooperation and coordination in the development of conservation projects to provide incentives for increased water efficiency.~~

~~—(h) To encourage the highest and best use of water by allowing the sale, lease or transfer of conserved water.~~

~~—2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.]~~

(Deleted by amendment.)

Sec. 20. ~~[NRS 533.0241 is hereby amended to read as follows:~~

~~—533.0241—1. For each basin in which there is groundwater that has not been committed for use, including, without limitation, pursuant to a permit, certificate or by any other water user in the basin, as of June 5, 2019, the State Engineer shall reserve 10 percent of the total remaining groundwater that has not been committed for use in the basin. ***The amount of groundwater required to be reserved pursuant to this section includes any amount allocated to the source by the State Engineer pursuant to section 14 of this act.***~~

~~—2. The groundwater in the basin from the reserve created pursuant to subsection 1 is not available for any use.] (Deleted by amendment.)~~

Sec. 21. ~~[NRS 533.030 is hereby amended to read as follows:~~

~~—533.030—1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241 and 533.027, ***and sections 2 to 18, inclusive, of this act and section 34 of this act,*** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.~~

~~—2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational~~

~~purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:~~

~~—(a) “Developed shortage supply” has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.~~

~~—(b) “Intentionally created surplus” has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.~~

~~—3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:~~

~~—(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.~~

~~—(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.~~

~~—4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:~~

~~—(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;~~

~~—(b) Water used in a mining reclamation project; or~~

~~—(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.]~~

(Deleted by amendment.)

Sec. 22. ~~[NRS 533.060 is hereby amended to read as follows:~~

~~—533.060—1. Rights to the use of water must be limited and restricted to as much as may be necessary, when reasonably and economically used for irrigation and other beneficial purposes, irrespective of the carrying capacity of the ditch. The balance of the water not so appropriated must be allowed to flow in the natural stream from which the ditch draws its supply of water, and must not be considered as having been appropriated thereby.~~

~~—2. Rights to the use of surface water shall not be deemed to be lost or otherwise forfeited for the failure to use the water therefrom for a beneficial purpose.~~

~~—3. A surface water right that is appurtenant to land formerly used primarily for agricultural purposes is not subject to a determination of abandonment if the surface water right:~~

~~—(a) Is appurtenant to land that has been converted to urban use; or~~

~~—(b) Has been dedicated to or acquired by a water purveyor, public utility or public body for municipal use.~~

~~4. A surface water right that has been reserved or requested to remain in the source pursuant to the Program for the Conservation of Water created by section 7 of this act is not subject to a determination of abandonment.~~

~~5. In a determination of whether a right to use surface water has been abandoned, a presumption that the right to use the surface water has not been abandoned is created upon the submission of records, photographs, receipts, contracts, affidavits or any other proof of the occurrence of any of the following events or actions within a 10-year period immediately preceding any claim that the right to use the water has been abandoned:~~

- ~~(a) The delivery of water;~~
- ~~(b) The payment of any costs of maintenance and other operational costs incurred in delivering the water;~~
- ~~(c) The payment of any costs for capital improvements, including works of diversion and irrigation; or~~
- ~~(d) The actual performance of maintenance related to the delivery of the water.~~

~~[5.] 6. A prescriptive right to the use of the water or any of the public water appropriated or unappropriated may not be acquired by adverse possession. Any such right to appropriate any of the water must be initiated by applying to the State Engineer for a permit to appropriate the water as provided in this chapter.~~

~~[6.] 7. The State of Nevada reserves for its own present and future use all rights to the use and diversion of water acquired pursuant to chapter 462, Statutes of Nevada 1963, or otherwise existing within the watersheds of Marlette Lake, Franktown Creek and Hobart Creek and not lawfully appropriated on April 26, 1963, by any person other than the Marlette Lake Company. Such a right must not be appropriated by any person without the express consent of the Legislature.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 533.325 is hereby amended to read as follows:~~

~~533.325 Except as otherwise provided in NRS 533.027 and 534.065, and section 15 of this act, any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 533.370 is hereby amended to read as follows:~~

~~533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:~~

- ~~(a) The application is accompanied by the prescribed fees;~~
- ~~(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and~~

~~— (e) The applicant provides proof satisfactory to the State Engineer of the applicant's:~~

~~— (1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and~~

~~— (2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.~~

~~— 2. Except as otherwise provided in subsection 10, [where there] ***the State Engineer shall reject an application and refuse to issue the requested permit if:***~~

~~— (a) ***There*** is no unappropriated water in the proposed source of supply [, where the] ;~~

~~— (b) ***The*** groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 ;~~

~~— (c) ***The water has been reserved or requested to remain in the source pursuant to the Program for the Conservation of Water created by section 7 of this act;***~~

~~— (d) ***The groundwater has been withdrawn pursuant to section 34 of this act;*** or [where its]~~

~~— (e) ***The*** proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest. [, the State Engineer shall reject the application and refuse to issue the requested permit.]~~

~~↗ If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.~~

~~— 3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:~~

~~— (a) Whether the applicant has justified the need to import the water from another basin;~~

~~— (b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;~~

~~— (c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;~~

~~— (d) Whether the proposed action is an appropriate long term use which will not unduly limit the future growth and development in the basin from which the water is exported; and~~

~~— (e) Any other factor the State Engineer determines to be relevant.~~

~~— 4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:~~

- ~~— (a) Upon written authorization to do so by the applicant.~~
- ~~— (b) If an application is protested.~~
- ~~— (c) If the purpose for which the application was made is municipal use.~~
- ~~— (d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.~~
- ~~— (e) Where court actions or adjudications are pending, which may affect the outcome of the application.~~
- ~~— (f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.~~
- ~~— (g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.~~
- ~~— (h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.~~
- ~~— (i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.~~
- ~~— 5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.~~
- ~~— 6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.~~
- ~~— 7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.~~
- ~~— 8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the~~

application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force:

~~9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.~~

~~10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.426 or 533.504.~~

~~11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.~~

~~12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 533.3703 is hereby amended to read as follows:~~

~~533.3703 1. The State Engineer may consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether [a]:~~

~~(a) A proposed change in the place of diversion, manner of use or place of use complies with the provisions of subsection 2 of NRS 533.370 [.] ; or~~

~~(b) A proposed allocation of conserved water conflicts with existing rights or with protectable interests in existing domestic wells, or threatens to prove detrimental to the public interest pursuant to the Program for the Conservation of Water created by section 7 of this act.~~

~~2. The provisions of this section:~~

~~(a) Must not be applied by the State Engineer in a manner that is inconsistent with any applicable federal or state decree concerning consumptive use.~~

~~(b) Do not apply to any decreed, certified or permitted right to appropriate water which originates in the Virgin River or the Muddy River.~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 533.371 is hereby amended to read as follows:~~

~~533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:~~

~~1. The application is incomplete;~~

~~2. The prescribed fees have not been paid;~~

- ~~3. The proposed use is not temporary;~~
- ~~4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;~~
- ~~5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to NRS 533.0241;~~
- ~~6. *The available water has been reserved or requested to remain in the source pursuant to the Program for the Conservation of Water created by section 7 of this act;*~~
- ~~7. *The groundwater has been withdrawn pursuant to section 34 of this act;*~~
- ~~8. The proposed use conflicts with existing rights; or~~
- ~~[7.] 9. The proposed use threatens to prove detrimental to the public interest.] (Deleted by amendment.)~~

Sec. 27. ~~[NRS 533.390 is hereby amended to read as follows:~~

~~533.390 1. Any person holding a permit from the State Engineer shall, on or before the date set for the completion of the work, file in detail a description of the work as actually constructed. This statement must be verified by the affidavit of the applicant or the applicant's agent or attorney.~~

~~2. [Should] *Except as otherwise provided in sections 16 and 17 of this act, should* any person holding a permit from the State Engineer fail to file with the State Engineer the proof of completion of work, as provided in this chapter, the State Engineer shall advise the holder of the permit, by registered or certified mail, that it is held for cancellation, and should the holder, within 30 days after the mailing of such advice, fail to file the required affidavit, the State Engineer shall cancel the permit. For good cause shown, upon application made prior to the expiration of the 30 day period, the State Engineer may, in his or her discretion, grant an extension of time in which to file the instruments.] (Deleted by amendment.)~~

Sec. 28. ~~[NRS 533.395 is hereby amended to read as follows:~~

~~533.395 1. [If,] *Except as otherwise provided in sections 16 and 17 of this act, if*, at any time in the judgment of the State Engineer, the holder of any permit to appropriate the public water is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall require the submission of such proof and evidence as may be necessary to show a compliance with the law. If, in the judgment of the State Engineer, the holder of a permit is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall cancel the permit, and advise the holder of its cancellation. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the appropriation.~~

~~2. If any permit is cancelled under the provisions of this section or NRS 533.390 or 533.410, the holder of the permit may within 60 days of the cancellation of the permit file a written petition with the State Engineer requesting a review of the cancellation by the State Engineer at a public~~

hearing. The State Engineer may, after receiving and considering evidence, affirm, modify or rescind the cancellation.

~~3. If the decision of the State Engineer modifies or rescinds the cancellation of a permit, the effective date of the appropriation under the permit is vacated and replaced by the date of the filing of the written petition with the State Engineer.~~

~~4. The cancellation of a permit may not be reviewed or be the subject of any judicial proceedings unless a written petition for review has been filed and the cancellation has been affirmed, modified or rescinded pursuant to subsection 2.~~

~~5. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.~~

~~6. The appropriation of water or the acquisition or lease of appropriated water from any:~~

~~(a) Stream system as provided for in this chapter; or~~

~~(b) Underground water as provided for in NRS 534.080;~~

~~by a political subdivision of this State or a public utility, as defined in NRS 704.020, to serve the present or the reasonably anticipated future municipal, industrial or domestic needs of its customers for water, as determined in accordance with a master plan adopted pursuant to chapter 278 of NRS or a plan approved by the State Engineer, must be considered when reviewing an extension of time.] (Deleted by amendment.)~~

Sec. 29. ~~[NRS 533.410 is hereby amended to read as follows:~~

~~533.410 [If] Except as otherwise provided in sections 16 and 17 of this act, if, any holder of a permit from the State Engineer fails, before the date set for filing in the permit or the date set by any extension granted by the State Engineer, to file with the State Engineer proof of application of water to beneficial use, and the accompanying map, if a map is required, the State Engineer shall advise the holder of the permit, by registered or certified mail, that the permit is held for cancellation. If the holder, within 30 days after the mailing of this notice, fails to file with the State Engineer the required affidavit and map, if a map is required, or an application for an extension of time to file the instruments, the State Engineer shall cancel the permit. For good cause shown, upon application made before the expiration of the 30 day period, the State Engineer may grant an extension of time in which to file the instruments.]~~

~~(Deleted by amendment.)~~

Sec. 30. ~~[NRS 533.435 is hereby amended to read as follows:~~

~~533.435 1. The State Engineer shall collect the following fees:~~

~~For examining and filing an application for a permit to appropriate water.....~~ ~~\$260.00~~
~~This fee includes the cost of publication, which is \$50.~~

~~For reviewing a corrected application or map, or both, in connection with an application for a water right permit.....~~ ~~100.00~~

~~For examining and acting upon plans and specifications for construction of a dam.....~~ ~~1,200.00~~

~~For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right.....~~ ~~240.00~~
~~This fee includes the cost of publication, which is \$50.~~

~~For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right.....~~ ~~180.00~~

~~*For examining and filing an application for an allocation of conserved water.....*~~ ~~*190.00*~~
~~*plus \$50 for publication.*~~

~~For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes.....~~ ~~\$360.00~~
~~plus \$3 per acre-foot approved or fraction thereof.~~

~~Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose.....~~ ~~300.00~~
~~plus \$3 per acre-foot approved or fraction thereof.~~

~~For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted.....~~ ~~1,000.00~~

~~For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of.....~~ ~~750.00~~

~~For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes.....~~ ~~240.00~~
~~plus \$50 for each cubic foot of water per second approved or fraction thereof.~~

~~For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power~~

~~which results in noneconsumptive use of the water~~	~~480.00~~
~~plus \$50 for each cubic foot per second of water~~	
~~approved or fraction thereof~~	
For filing and examining a request for a waiver in	
~~connection with an application to drill a well~~	~~120.00~~
For filing and examining a notice of intent to drill a well	~~25.00~~
For filing and examining an affidavit to relinquish water	
~~rights in favor of use of water for domestic wells~~	~~300.00~~
For filing a secondary application under a reservoir permit	~~\$300.00~~
For approving and recording a secondary permit under a	
~~reservoir permit~~	~~540.00~~
For reviewing each tentative subdivision map	~~180.00~~
~~plus \$1 per lot~~	
For reviewing and approving each final subdivision map	~~120.00~~
For storage approved under a dam permit for privately	
~~owned nonagricultural dams which store more than 50~~	
~~acre feet~~	~~480.00~~
~~plus \$1.25 per acre-foot storage capacity. This fee~~	
~~includes the cost of inspection and must be paid~~	
~~annually.~~	
For flood control detention basins	~~480.00~~
~~plus \$1.25 per acre-foot storage capacity. This fee~~	
~~includes the cost of inspection and must be paid~~	
~~annually.~~	
For filing proof of completion of work	~~60.00~~
For filing proof of beneficial use	~~60.00~~
For issuing and recording a certificate upon approval of the	
~~proof of beneficial use~~	~~350.00~~
For filing proof of resumption of a water right	~~360.00~~
For filing any protest	~~30.00~~
For filing any application for extension of time within	
~~which to file proofs, of completion or beneficial use, for~~	
~~each year for which the extension of time is sought~~	~~120.00~~
For filing any application for extension of time to prevent a	
~~forfeiture, for each year for which the extension of time~~	
~~is sought~~	~~120.00~~
For reviewing a cancellation of a water right pursuant to a	
~~petition for review~~	~~360.00~~
For examining and filing a report of conveyance filed	
~~pursuant to paragraph (a) of subsection 1 of NRS~~	
~~533.384~~	~~120.00~~
~~plus \$20 per conveyance document~~	
For filing any other instrument	~~10.00~~
For making a copy of any document recorded or filed in the	
~~Office of the State Engineer, for the first page~~	~~1.00~~

For each additional page.....	20
For certifying to copies of documents, records or maps, for each certificate.....	6.00
For each copy of any full size drawing or map.....	6.00
For each color copy of any full size drawing or map (2' x 3').....	\$12.00
For colored mylar plots.....	10.00

~~2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.~~

~~3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund.~~ **(Deleted by amendment.)**

Sec. 31. ~~NRS 533.450 is hereby amended to read as follows:~~

~~533.450 1. Except as otherwise provided in NRS 533.353, any person feeling aggrieved by any order or decision of the State Engineer, acting in person or through the assistants of the State Engineer or the water commissioner, affecting the person's interests, when the order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, and sections 2 to 18, inclusive, of this act, or NRS 533.481, 534.193, 535.200 or 536.200, may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which must be initiated in the proper court of the county in which the matters affected or a portion thereof are situated, but on stream systems where a decree of court has been entered, the action must be initiated in the court that entered the decree. The order or decision of the State Engineer remains in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days after the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.~~

~~2. The proceedings in every case must be heard by the court, and must be informal and summary, but full opportunity to be heard must be had before judgment is pronounced.~~

~~3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at the Office of the State Engineer at the State Capital within~~

30 days following the rendition of the order or decision in question. A similar notice must also be served personally or by registered or certified mail upon the person who may have been affected by the order or decision.

~~4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, must be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript must be furnished on demand, at actual cost, to any person affected by the order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.~~

~~5. An order or decision of the State Engineer must not be stayed unless the petitioner files a written motion for a stay with the court and serves the motion personally or by registered or certified mail upon the State Engineer, the applicant or other real party in interest and each party of record within 10 days after the petitioner files the petition for judicial review. Any party may oppose the motion and the petitioner may reply to any such opposition. In determining whether to grant or deny the motion for a stay, the court shall consider:~~

~~(a) Whether any nonmoving party to the proceeding may incur any harm or hardship if the stay is granted;~~

~~(b) Whether the petitioner may incur any irreparable harm if the stay is denied;~~

~~(c) The likelihood of success of the petitioner on the merits; and~~

~~(d) Any potential harm to the members of the public if the stay is granted.~~

~~6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond must be filed within 5 days after the court determines the amount of the bond pursuant to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required for a public agency of this State or a political subdivision of this State.~~

~~7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.~~

~~8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.~~

~~9. Appeals may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from the judgment of the district court in the same manner as in other civil cases.~~

~~10. The decision of the State Engineer is prima facie correct, and the burden of proof is upon the party attacking the same.~~

~~11. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.~~ **(Deleted by amendment.)**

Sec. 32. ~~[Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.] (Deleted by amendment.)~~

~~Sec. 33. 1. The Account for Purchasing and Retiring Water Rights is hereby created in the State General Fund.~~

~~2. The State Engineer shall administer the Account and may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.~~

~~3. The money in the Account must only be used to purchase water rights pursuant to section 34 of this act.~~

~~4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~5. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

~~6. The State Engineer may request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 if:~~

~~(a) The balance in the Account is less than \$250,000; or~~

~~(b) The balance in the Account is not sufficient to purchase water rights pursuant to section 34 of this act.] (Deleted by amendment.)~~

~~Sec. 34. 1. The Purchasing and Retiring Water Rights Program is hereby established for the purpose of purchasing and retiring water rights in groundwater basins where there is an insufficient supply of water available to serve all vested rights, claims of vested rights, permits, certificates and protectable interests in domestic wells in the basin.~~

~~2. The Program must be administered by the State Engineer. In administering the Program, the State Engineer shall, to the extent money is available in the Account for Purchasing and Retiring Water Rights created by section 33 of this act, purchase and retire water rights from persons willing to sell according to the following priority:~~

~~(a) Groundwater basins where the water rights exceed the available water supply by 200 percent or more and where pumping has exceeded the available water supply in the preceding 5 years is the first priority.~~

~~(b) Groundwater basins where groundwater withdrawals have exceeded the available supply of water in the previous 5 years is the second priority.~~

~~(c) Groundwater basins where the water rights exceed the available supply of water by 200 percent or more is the third priority.~~

~~(d) Groundwater basins where the water rights exceed the available water supply by 150 percent or more is the fourth priority.~~

~~(e) Groundwater basins where the water rights exceed the available water supply by 100 percent or more is the fifth priority.~~

~~3. The State Engineer shall purchase a water right based upon the fair market value of the water right at the time of purchase.~~

~~4. The State Engineer shall retire all water rights purchased pursuant to this section and withdraw that groundwater from appropriation. Groundwater that has been withdrawn pursuant to this section is not available for any use. (Deleted by amendment.)~~

Sec. 35. ~~[NRS 534.090 is hereby amended to read as follows:~~

~~534.090 1. Except as otherwise provided in this section [,] and sections 14 and 17 of this act, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse.~~

~~2. If the records of the State Engineer or any other documents obtained by or provided to the State Engineer indicate 4 or more consecutive years of nonuse of all or any part of a water right which is governed by this chapter:~~

~~(a) The State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail of the nonuse and that the owner has 1 year after the date of the notice of nonuse in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 3 to avoid forfeiting the water right.~~

~~(b) If, after 1 year after the date of the notice of nonuse pursuant to paragraph (a), proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, send a final notice to the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail, that the water right is held for forfeiture. If the owner of the water right, within 30 days after the date of such final notice, fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture, the State Engineer shall declare the right, or the portion of the right not returned to beneficial use, forfeited. The State Engineer shall send notice of the declaration of forfeiture, by registered or certified mail, to the owner of record, as determined in the records of the Office of the State Engineer, of the water right that has been declared forfeited.~~

~~(c) If, after receipt of a notice of the declaration of forfeiture pursuant to paragraph (b), the owner of record of the water right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. Upon the forfeiture of the water right, the water reverts to the public and is available for further appropriation, subject to existing rights.~~

~~3. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under~~

~~subsection 2 if the request is made before the expiration of the time necessary to work a forfeiture. Except as otherwise provided in subsection 4, the State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:~~

~~—(a) Whether the holder has submitted proof and evidence that the holder is proceeding in good faith and with reasonable diligence to resume use of the water beneficially for the purpose for which the holder's right is acquired or claimed;~~

~~—(b) The number of years during which the water has not been put to the beneficial use for which the right is acquired or claimed;~~

~~—(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;~~

~~—(d) Whether the water right is located in a basin within a county under a declaration of drought by the Governor, United States Secretary of Agriculture or the President of the United States;~~

~~—(e) Whether the holder has demonstrated efforts to conserve water which have resulted in a reduction in water consumption;~~

~~—(f) Whether the water right is located in a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110;~~

~~—(g) The date of priority of the water right as it relates to the potential curtailment of water use in the basin;~~

~~—(h) The availability of water in the basin, including, without limitation, whether withdrawals of water consistently exceed the perennial yield of the basin; and~~

~~—(i) Any orders restricting use or appropriation of water in the basin.~~

~~→ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall declare the water right, or the portion of the right not returned to beneficial use, forfeited.~~

~~4. If the State Engineer grants an extension pursuant to subsection ~~[1]~~ 2 or 3 in a basin:~~

~~(a) Where withdrawals of groundwater consistently exceed the perennial yield of the basin; or~~

~~(b) That has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110;~~

~~a single extension must not exceed 3 years, but any number of extensions may be granted to the holder of such a right.~~

~~5. The failure to receive a notice pursuant to subsection 2 or 3 does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.~~

~~6. [A] Except as otherwise provided in sections 2 to 18, inclusive, of this act, a right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final. (Deleted by amendment.)~~

Sec. 36. As used in sections 36 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 and 38 of this act have the meanings ascribed in those sections.

Sec. 37. “Board of Directors” means the Board of Directors of the Southern Nevada Water Authority.

Sec. 38. “Southern Nevada Water Authority” means the political subdivision of the State of Nevada created on July 25, 1991, by a cooperative agreement entered into on that date pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence.

2. The Board of Directors shall:

(a) Define “functional turf” and “nonfunctional turf” for the purposes of subsection 1 and promulgate the definitions in the service rules of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on property that is not zoned exclusively for a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on property that is not zoned exclusively for a single-family residence before December 31, 2026.

3. The Board of Directors may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not zoned exclusively for a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not zoned exclusively for a single-family residence.

Sec. 40. 1. The Nonfunctional Turf Removal Advisory Committee is hereby created. The Advisory Committee consists of the following seven voting members appointed by the Board of Directors:

(a) One member who represents an office park with existing nonfunctional turf at the time the member is appointed;

(b) One member who represents an organization representing businesses;

(c) One member who represents an industrial or commercial business with existing nonfunctional turf at the time the member is appointed;

(d) One member who represents a common-interest community with existing nonfunctional turf at the time the member is appointed;

(e) One member who represents multi-family housing with existing nonfunctional turf at the time the member is appointed;

(f) One member who represents an environmental organization; and

(g) One member who represents a local government with existing nonfunctional turf at the time the member is appointed.

2. Members of the Advisory Committee serve without compensation.

Sec. 41. The Nonfunctional Turf Removal Advisory Committee:

1. Shall discuss issues related to the use and removal of nonfunctional turf by each water use sector, including, without limitation, issues relating to the plan developed pursuant to section 39 of this act to identify and remove nonfunctional turf; and

2. May provide written recommendations to the Board of Directors regarding the plan developed pursuant to section 39 of this act, including, without limitation, any recommendations for waivers or exemptions to the provisions of section 39 of this act. Any recommendation made by the Advisory Committee must be approved by a majority vote of all of the voting members of the Advisory Committee. Any dissenting opinion of a

member of the Advisory Committee to a recommendation must be fully documented and included with the recommendation to the Board of Directors.

Sec. 42. 1. The Legislative Committee on Public Lands shall conduct a study during the 2021-2022 interim concerning water conservation in this State. The study must include, without limitation, an examination of:

(a) The management of water resources in this State; and
(b) Programs and policies to promote water conservation in this State that also protect and support existing water rights.

2. In addition to any report required by NRS 218E.525, the Committee shall, on or before February 1, 2023, submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

~~{Sec. 36.}~~ Sec. 43. 1. This section ~~(becomes)~~ and sections 36 to 39, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 35, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

3. Sections 40 and 41 of this act become effective:

(a) Upon passage and approval; and

(b) Expire by limitation on December 31, 2026.

4. Section 42 of this act becomes effective on July 1, 2021.

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. 374.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 211.

ASSEMBLYMEN TOLLES; ~~{AND}~~ GORELOW, HAFEN, NGUYEN, ORENTLICHER, PETERS, ROBERTS, SUMMERS-ARMSTRONG AND THOMAS
~~{SPONSOR: SENATOR}~~ SPONSORS: SENATORS SEEVERS GANSERT ; AND RATTI

SUMMARY—Establishes ~~{requirements governing the expenditure of proceeds of litigation relating to opioids.}~~ the Statewide Substance Use Response Working Group. (BDR 40-991)

AN ACT relating to substance use disorders; creating the Statewide Substance Use ~~{Disorder}~~ Response Working Group ~~{and the Opioid~~

~~Abatement Fund; requiring the Working Group to allocate the proceeds of certain litigation between the Fund and certain local governments; requiring the Working Group to award grants and financial support from the Fund to support programs, procedures and strategies of certain state and local governmental entities for treating, preventing or reducing opioid use disorder and the misuse of opioids;}~~ **requiring the Working Group to review certain issues relating to substance misuse and substance use disorders;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[(1) creates the Fund for a Healthy Nevada; (2) requires the State Treasurer to deposit in the Fund the proceeds of litigation by the State against manufacturers of tobacco products; and (3) requires the Department of Health and Human Services, with the authorization of the Legislature, to allocate the money in the fund for certain purposes to address the health needs of residents of this State. (NRS 439.620, 439.630) This bill similarly: (1) creates the Opioid Abatement Fund to hold the proceeds of litigation by the State and participating local governments concerning the manufacture, distribution, sale and marketing of opioids; and (2) provides for the distribution of that money. Sections 3-5 of this bill define necessary terms.]~~ **requires the Division of Public and Behavioral Health of the Department of Health and Human Services to formulate a comprehensive state plan for programs for alcohol and other substance use disorders. (NRS 458.025)** Section 6 of this bill creates the **Statewide Substance Use [Disorder] Response** Working Group within the Office of the Attorney General, and **section 7** of this bill prescribes requirements for the operation of the Working Group. ~~[Section 8 of this bill creates the Fund and requires the Working Group to administer the Fund. Section 8 exempts expenditures from the Fund from requirements governing purchasing by state agencies, but requires the Interim Finance Committee to authorize any such expenditure. Section 9 of this bill requires the Working Group to allocate the proceeds of litigation by the State and participating local governments concerning the manufacture, distribution, sale and marketing of opioids between the Fund and participating local governments. Section 8 requires such allocations to be authorized by the Interim Finance Committee. Section 11 of this bill authorizes the Interim Finance Committee to perform duties relating to such allocations and expenditures during a regular session of the Legislature. Section 12 of this bill requires any state agency or participating locality that has previously received proceeds of such litigation to transfer any uncommitted portion of those proceeds to the Working Group for allocation pursuant to section 9.]~~ **Section 10** of this bill requires the Working Group to ~~[(1) conduct public hearings to solicit input concerning programs, procedures and strategies used by state agencies and participating localities to treat, prevent or reduce opioid use disorder and the misuse of opioids; (2) establish a process to evaluate the needs of residents of this State relating to the treatment, prevention and reduction of opioid use disorder and the misuse of opioids; and (3) with the authorization~~

of the Interim Finance Committee, award grants and other financial support from the Fund to support programs, procedures and strategies used by state agencies and participating local governments to treat, prevent or reduce opioid use disorder and the misuse of opioids.] comprehensively review various aspects of substance misuse and substance use disorders and programs and activities to combat substance misuse and substance use disorders in this State. Section 10.5 of this bill requires the Department of Health and Human Services to annually report to the Working Group concerning the use of state and local money to address substance misuse and substance use disorders, and section 10 requires the Working Group to study, evaluate and make recommendations concerning the use of that money. Section 10 also requires the Working Group to ~~evaluate annually the progress and results of each project funded through such grants and financial support and~~ submit annually a report of its recommendations to the Governor, the Attorney General, the Legislature and certain other entities.

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

Section 1. Chapter 458 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~10,~~ 10.5, inclusive, of this act.

Sec. 2. ~~As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meaning ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 3. ~~“Fund” means the Opioid Abatement Fund created by section 8 of this act.~~ (Deleted by amendment.)

Sec. 4. ~~“Participating locality” means any local governmental entity that agrees to be bound by the terms of a settlement or judgment in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids.~~ (Deleted by amendment.)

Sec. 5. ~~“Working”~~ As used in sections 5 to 10.5, inclusive, of this act, unless the context otherwise requires, “Working Group” means the Statewide Substance Use ~~Disorder~~ Response Working Group created by section 6 of this act.

Sec. 6. 1. The Statewide Substance Use ~~Disorder~~ Response Working Group is hereby created in the Office of the Attorney General.

2. The Working Group consists of the following members:

- (a) The Attorney General or his or her designee;
- (b) The Director of the Department of Health and Human Services, or his or her designee;
- ~~(b) The Chair of the Senate Standing Committee on Finance;~~
- (c) ~~The Chair of the Assembly Standing Committee on Ways and Means;~~
- ~~(d) One member of the Senate who is appointed by the Senate Majority Leader;~~

~~##~~ (d) One member of the Senate who is appointed by the Senate Minority Leader;

~~##~~ (e) One member of the Assembly who is appointed by the Speaker of the Assembly;

~~##~~ (f) One member of the Assembly who is appointed by the Assembly Minority Leader; and

~~† (h) One member of the governing body of a county or city in this State, appointed jointly by the Nevada Association of Counties, or its successor organization, and the Nevada League of Cities, or its successor organization;~~

~~— (i) One representative of a local governmental entity that provides or oversees the provision of behavioral health services in a county whose population is 700,000 or more, appointed by the Attorney General;~~

~~— (j) One representative of a local governmental entity that provides or oversees the provision of behavioral health services in a county whose population is 100,000 or more but less than 700,000, appointed by the Attorney General;~~

~~— (k) One representative of a local governmental entity that provides or oversees the provision of behavioral health services in a county whose population is less than 100,000, appointed by the Attorney General;~~

~~— (l) One member who is the sheriff of a county in this State, appointed by the Attorney General from a list of three sheriffs compiled by the Nevada Sheriffs' and Chiefs' Association, or its successor organization;~~

~~— (m) Two providers of health care with expertise in public health or opioid use disorder, appointed by the Attorney General;~~

~~— (n) The Director of the Department of Public Safety, or his or her designee;~~

~~— (o) The Director of the Department of Corrections, or his or her designee;~~

~~— (p) One advocate for victims of opioid use disorder and family members of such victims, appointed by the Attorney General;~~

~~— (q) One person who is in recovery from a substance use disorder, appointed by the Attorney General;~~

~~— (r) One person who provides treatment to persons with substance use disorders, appointed by the Attorney General;~~

~~— (s) One person who provides services relating to the prevention of substance use disorders, appointed by the Attorney General; and~~

~~— (t) One representative of manufacturers of prescription drugs, appointed by the Attorney General.~~

(g) The following members, appointed by the Attorney General:

(1) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 700,000 or more;

(2) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 100,000 or more but less than 700,000;

(3) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is less than 100,000;

(4) One provider of health care with expertise in medicine for the treatment of substance use disorders;

(5) One representative of the Nevada Sheriffs' and Chiefs' Association, or its successor organization;

(6) One advocate for persons who have substance use disorders and family members of such persons;

(7) One person who is in recovery from a substance use disorder;

(8) One person who provides services relating to the treatment of substance use disorders;

(9) One representative of a substance use disorder prevention coalition; and

(10) One representative of a program to reduce the harm caused by substance misuse.

3. ~~Appointed~~ After the initial terms, members of the Working Group serve terms of 2 years and serve at the pleasure of the appointing authority. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments.

4. If a vacancy occurs during a member's term, the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

5. Members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~5.1~~ 6. A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or

(b) Take annual leave or compensatory time for the absence.

7. As used in this section, "substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 7. 1. At the first meeting of each calendar year, the Working Group shall elect from its members a Chair ~~and~~ and a Vice Chair.

2. The Working Group shall meet at the call of the Chair or a majority of its members.

3. A majority of the members of the Working Group constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Working Group.

~~4. The Attorney General shall provide staff assistance to the Working Group.~~

Sec. 8. ~~1. The Opioid Abatement Fund is hereby created in the State Treasury.~~

~~2. The Working Group shall administer the Fund. As administrator of the Fund, the Working Group:~~

~~(a) Shall maintain the financial records of the Fund;~~

~~(b) Shall invest the money in the Fund as the money in other state funds is invested;~~

~~(c) Shall manage any account associated with the Fund;~~

~~(d) Shall maintain any instruments that evidence investments made with the money in the Fund;~~

~~(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and~~

~~(f) May perform any other duties necessary to administer the Fund.~~

~~3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.~~

~~4. The Working Group may submit to the Interim Finance Committee a request for an allocation for administrative expenses from the Fund pursuant to this section. The Interim Finance Committee may allocate all or part of the money so requested.~~

~~5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.~~

~~6. Money expended from the Fund must not be used to supplant existing methods of funding that are available to public agencies.~~

~~7. The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Fund.~~

~~8. The Working Group shall submit all proposed allocations to the Fund or a participating locality pursuant to section 9 of this act and expenditures from the Fund pursuant to section 10 of this act to the Interim Finance Committee. Upon approval of the appropriate committee or committees, the money may be so expended. (Deleted by amendment.)~~

Sec. 9. ~~1. The Working Group shall, subject to legislative authorization, allocate in accordance with subsection 2:~~

~~(a) All money received by this State or a participating locality pursuant to any settlement entered into by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids; and~~

~~(b) All money recovered by this State or a participating locality from a judgment in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids.~~

~~2. The Working Group shall allocate a portion of the money described in subsection 1 determined by the Working Group to each participating locality and deposit the remainder in the Fund. If the terms of a settlement or an agreement between a participating locality and the State:~~

~~(a) Prescribe a formula for allocating such money, the Working Group must allocate the money in accordance with that formula.~~

~~(b) Authorize a participating locality to agree on a formula for allocating such money, the participating locality may submit the formula to the Working Group. If the State agrees to allocate money in accordance with the formula, the Working Group must allocate the money in accordance with that formula.~~

~~3. The Working Group may accept and deposit into the Fund gifts, grants, donations and appropriations to support the programs, procedures and strategies described in section 10 of this act. (Deleted by amendment.)~~

Sec. 10. 1. The Working Group shall:

~~(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed evidence-based and evidence informed programs, procedures and strategies used by agencies of this State and participating localities to treat, prevent or reduce opioid use disorder and the misuse of opioids.~~

~~(b) Establish a process to evaluate the needs of the residents of this State relating to the treatment, prevention and reduction of opioid use disorder and the misuse of opioids and a system to rank the problems of the residents of this State relating to opioid use disorder, including, without limitation, the specific health problems that are endemic to urban and rural communities.~~

~~(c) Subject to legislative authorization, use the money in the Fund to award grants and provide other financial support to agencies of this State and participating localities for evidence-based and evidence informed programs, procedures and strategies to treat, prevent or reduce opioid use disorder or the misuse of opioids. Such efforts may include, without limitation, the establishment, maintenance, expansion or improvement of:~~

~~(1) Evidence-based or evidence informed programs, procedures and strategies to:~~

~~(I) Treat opioid use disorder and any co-occurring substance use disorder or mental illness;~~

~~(II) Support persons who are in recovery from opioid use disorder and any co-occurring substance use disorder or mental illness;~~

~~(III) Improve access to care for persons who are experiencing or are at risk of experiencing opioid use disorder and any co-occurring substance use disorder or mental illness;~~

~~(IV) Address the needs of people who are experiencing opioid use disorder and any co-occurring substance use disorder or mental illness who are incarcerated or otherwise involved in the criminal justice system;~~

~~(V) Address the needs of pregnant women and mothers who are experiencing opioid use disorder and any co-occurring substance use~~

~~disorder or mental illness and the needs of their families, including, without limitation, infants with neonatal abstinence syndrome;~~

~~— (VI) Ensure that opioids are prescribed appropriately and in accordance with NRS 639.2391 to 639.23916, inclusive;~~

~~— (VII) Discourage or prevent the misuse of opioids; and~~

~~— (VIII) Prevent deaths due to opioid overdose and other harms caused by opioid use disorder and opioid misuse;~~

~~— (2) Programs for the treatment of alcohol and other substance use disorders established by a court pursuant to NRS 176A.230 or programs for the treatment of mental illness established by a court pursuant to NRS 176A.250 that provide evidence-based or evidence-informed treatment options for people who are experiencing opioid use disorder and any co-occurring substance use disorder or mental illness; and~~

~~— (3) Programs, procedures and strategies to provide comprehensive resources for persons seeking detoxification from opioids, including, without limitation, detoxification services;~~

~~— 2. In awarding grants and financial support pursuant to paragraph (c) of subsection 1, the Working Group shall prioritize proposals to:~~

~~— (a) Collaborate with an existing program or organization that has an established record of success in treating, preventing or reducing opioid use disorder or the misuse of opioids;~~

~~— (b) Treat, prevent or reduce opioid use disorder or the misuse of opioids in:~~

~~— (1) A community with a high incidence of opioid use disorder or overdose from opioid use relative to the population; or~~

~~— (2) A community that is historically economically disadvantaged; or~~

~~— (c) Match any financial support awarded pursuant to paragraph (c) of subsection 1 with an amount contributed by or on behalf of the applicant, with a higher priority for larger monetary matches;~~

~~— 3. A state agency or participating locality shall not use a grant or other financial support received pursuant to paragraph (c) of subsection 1 for indirect costs of administering the money received or for any other purpose prohibited by the terms of the grant or financial support.~~

~~— 4. The Working Group shall annually evaluate the progress and results of each project to which money is allocated pursuant to paragraph (c) of subsection 1.† Leverage and expand efforts by state and local governmental entities to reduce the use of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and identify ways to enhance those efforts through coordination and collaboration.~~

(b) Assess evidence-based strategies for preventing substance use and intervening to stop substance use, including, without limitation, the use of heroin, other synthetic and non-synthetic opioids and stimulants. Such strategies must include, without limitation, strategies to:

(1) Help persons at risk of a substance use disorder avoid developing a substance use disorder;

(2) Discover potentially problematic substance use in a person and intervene before the person develops a substance use disorder;

(3) Treat the medical consequences of a substance use disorder in a person and facilitate the treatment of the substance use disorder to minimize further harm; and

(4) Reduce the harm caused by substance use, including, without limitation, by preventing overdoses.

(c) Assess and evaluate existing pathways to treatment and recovery for persons with substance use disorders, including, without limitation, such persons who are members of special populations.

(d) Work to understand how residents of this State who are involved in the criminal justice system access supports for treatment of and recovery from substance use disorders at various points, including, without limitation, by reviewing existing diversion, deflection and reentry programs for such persons.

(e) Evaluate ways to improve and expand evidence-based or evidence-informed programs, procedures and strategies to treat and support recovery from opioid use disorder and any co-occurring substance use disorder, including, without limitation, among members of special populations.

(f) Examine support systems and programs for persons who are in recovery from opioid use disorder and any co-occurring substance use disorder.

(g) Make recommendations to entities including, without limitation, the State Board of Pharmacy, professional licensing boards that license practitioners, other than veterinarians, the State Board of Health, the Division, the Governor and the Legislature, to ensure that controlled substances are appropriately prescribed in accordance with the provisions of NRS 639.2391 to 639.23916, inclusive.

(h) Examine qualitative and quantitative data to understand the risk factors that contribute to substance use and the rates of substance use and substance use disorders, focusing on special populations.

(i) Develop strategies for local, state and federal law enforcement and public health agencies to respond to and prevent overdoses and plans for implementing those strategies.

(j) Study the efficacy and expand the implementation of programs to:

(1) Educate youth and families about the effects of substance use and substance use disorders; and

(2) Reduce the harms associated with substance use and substance use disorders while referring persons with substance use disorders to evidence-based treatment.

(k) Recommend strategies to improve coordination between local, state and federal law enforcement and public health agencies to enhance the

communication of timely and relevant information relating to substance use and reduce duplicative data collection and research.

(l) Evaluate current systems for sharing information between agencies regarding the trafficking and distribution of legal and illegal substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(m) Study the effects of substance use disorders on the criminal justice system, including, without limitation, law enforcement agencies and correctional institutions.

(n) Study the sources and manufacturers of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and methods and resources for preventing the manufacture, trafficking and sale of such substances.

(o) Study the effectiveness of criminal and civil penalties at preventing the misuse of substances and substance use disorders and the manufacture, trafficking and sale of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(p) Evaluate the effects of substance use disorders on the economy of this State.

(q) Study, evaluate and make recommendations to the Department of Health and Human Services concerning the use of the money described in section 10.5 of this act to address substance use disorders, with a focus on:

(1) The use of the money described in subsections 1, 2 and 3 of section 10.5 of this act to supplement rather than supplant existing state or local spending;

(2) The use of the money described in section 10.5 of this act to support programs that use evidence-based interventions;

(3) The use of the money described in section 10.5 of this act to support programs for the prevention of substance use disorders in youth;

(4) The use of the money described in section 10.5 of this act to improve racial equity; and

(5) Reporting by state and local agencies to the public concerning the funding of programs to address substance misuse and substance use disorders.

2. On or before January 31 of each year, the Working Group shall:

(a) Compile a report which includes, without limitation, ~~the complete list of projects to which money was allocated during the previous calendar year, the amount of money allocated to each project and the results of the evaluation of each project,~~ recommendations for the establishment, maintenance, expansion or improvement of programs to address substance misuse and substance use disorders based on the evaluations conducted pursuant to subsection 1; and

(b) *Submit the report to the Governor, the Attorney General, the Advisory Commission on the Administration of Justice, any other entities deemed appropriate by the Attorney General and the Director of the Legislative Counsel Bureau for transmittal to:*

(1) During an even-numbered year, the Legislative Committee on Health Care and the Interim Finance Committee; or

(2) During an odd-numbered year, the next regular session of the Legislature.

3. As used in this section:

(a) “Practitioner” has the meaning ascribed to it in NRS 639.0125.

(b) “Special populations” includes, without limitation:

(1) Veterans, elderly persons and youth;

(2) Persons who are incarcerated, persons who have committed nonviolent crimes primarily driven by a substance use disorder and other persons involved in the criminal justice or juvenile justice systems;

(3) Pregnant women and the parents of dependent children;

(4) Lesbian, gay, bisexual, transgender and questioning persons;

(5) Intravenous drug users;

(6) Children who are involved with the child welfare system; and

(7) Other populations disproportionately impacted by substance use disorders.

(c) “Substance use disorder prevention coalition” means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 10.5. The Department of Health and Human Services shall annually submit to the Working Group a report concerning the use of:

1. All money received by this State pursuant to any settlement entered into by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids;

2. All money recovered by this State from a judgment in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids;

3. Any gifts, grants or donations received by the State and each political subdivision of the State for purposes relating to substance misuse and substance use disorders; and

4. All other money spent by the State and each political subdivision of the State for purposes relating to substance misuse and substance use disorders.

Sec. 11. NRS 218E.405 is hereby amended to read as follows:

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS~~

~~284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650 [.] and section 8 of this act. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

- ~~—(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~
- ~~—(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~
- ~~—(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.] (Deleted by amendment.)~~

~~Sec. 12. [1. Any state agency or participating locality that has received money from a settlement or judgment in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids before the effective date of this act shall, to the extent authorized by the settlement or judgment, transfer to the Working Group any portion of such money that remains uncommitted for allocation pursuant to section 9 of this act.~~

~~2. As used in this section:~~

~~—(a) "Participating locality" has the meaning ascribed to it in section 4 of this act.~~

~~—(b) "Working Group" has the meaning ascribed to it in section 5 of this act.] (Deleted by amendment.)~~

Sec. 12.5. 1. As soon as practicable after the effective date of this act:

(a) The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly and Assembly Minority Leader shall appoint to the Working Group the members described in paragraphs (c), (d), (e) and (f), respectively, of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2023.

(b) The Attorney General shall appoint to the Working Group:

(1) The members described in subparagraphs (1), (2) and (3) of paragraph (g) of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2023; and

(2) The members described in subparagraphs (4) to (10), inclusive, of paragraph (g) of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2024.

2. As used in this section, “Working Group” means the Statewide Substance Use Response Working Group created by section 6 of this act.

Sec. 13. 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. 14. This act becomes effective upon passage and approval.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 324.

SUMMARY—Revises provisions relating to prohibited acts concerning the use of marijuana; ~~and the operation of a vehicle or vessel.~~ (BDR 43-485)

AN ACT relating to public safety; revising provisions relating to prohibited acts concerning the use of marijuana; ~~and the operation of a vehicle or vessel;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from driving or being in actual physical control of a vehicle or commercial motor vehicle on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State if the person: (1) is under the influence of intoxicating liquor or a controlled substance; (2) has specified amounts of certain prohibited substances in his or her blood or urine; or (3) has specified amounts of marijuana or marijuana metabolite in his or her blood. (NRS 484C.110, 484C.120, 488.410) **Sections 1, 2 and 6** of this bill remove the prohibition against such a person having specified amounts of marijuana or marijuana metabolite in his or her blood, thereby providing that a person who uses marijuana is subject to the general prohibition against driving or being in actual physical control of a vehicle or commercial motor vehicle on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State if the person is under the influence of a controlled substance. **Sections 3-5 and 7, ~~1-17~~ -16** of this bill make conforming changes to remove references in the Nevada Revised Statutes to marijuana or marijuana metabolite in a person’s blood.

Existing law prohibits a child who is taken into custody or a person who is arrested for violating a temporary or extended order for protection against domestic violence, stalking, aggravated stalking, harassment or sexual assault from being released from custody or admitted to bail, as applicable, sooner than 12 hours after being taken into custody or arrested in certain circumstances, including if the child or person has, at the time of or within 2 hours after the violation, an amount of marijuana or marijuana metabolite in his or her system that is equal to or greater than the amount that prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access. (NRS 62C.020, 178.484) Under the conforming changes made in **sections 11 and 14** of this bill, respectively, a child who is taken into custody or a person who is arrested for violating any such order for protection and is under the influence of marijuana is no longer subject to such a prohibition.

Existing law provides that in certain circumstances compensation is not payable to employees in this State for an injury that occurred while an employee was under the influence of a controlled or prohibited substance unless the employee can prove that being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. Existing law specifies ~~when~~ **that** an employee is under the influence of a controlled or prohibited substance for the purpose of such a provision, ~~including~~ when the employee has an amount of **certain prohibited substances, including** marijuana or marijuana metabolite ~~in his or her system that is equal to or greater than the amount that prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access and for which the employee does not have a current and lawful prescription.~~ (NRS 616C.230) ~~Under the conforming changes made in section 17 of this bill, an employee who is under the influence of marijuana is no longer subject to such a provision.~~ **retains the amounts of such prohibited substances that are currently set forth in existing law for the purpose of determining whether an employee is under the influence of a prohibited substance, but removes the specified amount of marijuana metabolite.**

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

Section 1. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

↪ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

↪ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. ~~It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:~~

Prohibited substance	Blood
	Nanograms per milliliter
(a) Marijuana (delta 9 tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH tetrahydrocannabinol)	5

~~5.1~~ If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~6.1~~ 5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 2. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,
➔ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

- (a) Is under the influence of a controlled substance;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or
- (c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,
➔ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50

(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. ~~It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:~~

	Blood
	Nanograms
Prohibited substance	per milliliter
(a) Marijuana (delta 9 tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH tetrahydrocannabinol)	5

~~5.1~~ If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~6.1~~ 5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

~~7.1~~ 6. As used in this section:

(a) “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver;

or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase “concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath” means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 3. NRS 484C.130 is hereby amended to read as follows:

484C.130 1. A person commits vehicular homicide if the person:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110;

(b) Proximately causes the death of another person while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

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

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484C.110 or 484C.430; or

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

Sec. 4. ~~NRS 484C.160 is hereby amended to read as follows:~~

~~484C.160 1. Except as otherwise provided in subsections 4 and 5, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a police officer having reasonable grounds to believe that the person to be tested was:~~

~~(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or~~

~~(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.~~

~~2. A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.~~

~~3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person to be tested.~~

~~4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician or an advanced practice registered nurse is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.~~

~~5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:~~

~~(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.~~

~~(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:~~

~~(1) Fifty dollars for travel to and from the place of the proceeding; and~~

~~(2) One hundred dollars for giving or waiting to give testimony.~~

~~(c) Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.~~

~~6. [Except as otherwise provided in subsection 7, if] If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited~~

~~substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.~~

~~7. If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.~~

~~8. Except as otherwise provided in subsections 4 and 6, a police officer shall not request that a person submit to a urine test.~~

~~9. 8. If a person to be tested fails to submit to a required test as requested by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:~~

~~(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or~~

~~(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430;~~

~~the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.~~

~~10. 9. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known. (Deleted by amendment.)~~

Sec. 5. NRS 484C.430 is hereby amended to read as follows:

484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110,

and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished

by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. Except as otherwise provided in subsection 4, if consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection 3.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 6. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➡ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail,

↪ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. ~~It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:~~

	Blood
	Nanograms
Prohibited substance	per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH tetrahydrocannabinol)	5

~~5.1~~ If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~6.1~~ 5. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 7. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;
- (e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under power or sail; or
- (f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 488.410,

↪ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 8. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if the person:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 488.410;

(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before

the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, “offense” means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

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

Sec. 9. ~~NRS 488.460 is hereby amended to read as follows:~~

~~488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a peace officer having reasonable grounds to believe that the person to be tested was:~~

~~— (a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or~~

~~— (b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.~~

~~2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.~~

~~3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.~~

~~4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:~~

~~— (a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.~~

~~— (b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court is~~

necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

~~— (1) Fifty dollars for travel to and from the place of the proceeding; and~~

~~— (2) One hundred dollars for giving or waiting to give testimony.~~

~~— (e) Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.~~

~~— 5. [Except as otherwise provided in subsection 6, if] If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.~~

~~— 6. [If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.~~

~~— 7.] Except as otherwise provided in subsections 3 and 5, a peace officer shall not request that a person submit to a urine test.~~

~~— [8.] 7. If a person to be tested fails to submit to a required test as requested by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:~~

~~— (a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or~~

~~— (b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425;~~

~~— the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.~~

~~— [9.] 8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.] (Deleted by amendment.)~~

Sec. 10. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that:

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(2) The person has previously violated a temporary or extended order for protection; or

(3) At the time of the violation or within 2 hours after the violation, the person has:

(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110.

Sec. 11. NRS 62C.020 is hereby amended to read as follows:

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:

(a) Respite care or another out-of-home alternative to secure detention is available for the child;

(b) An out-of-home alternative to secure detention is not necessary to protect the victim from injury; or

(c) Family services are available to maintain the child in the home and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.

2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or for violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378 and:

(a) The peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The child has previously violated a temporary or extended order for protection of the type for which the child has been taken into custody; or

(c) At the time of the violation or within 2 hours after the violation, the child has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110.

3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 12. NRS 125.555 is hereby amended to read as follows:

125.555 1. A restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence which is issued in an action or proceeding brought pursuant to this title must provide notice that a person who is arrested for violating the order or injunction will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110.

2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 13. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

- (I) Stop threatening, harassing or injuring you or your children;
- (II) Move out of your residence;
- (III) Stay away from your place of employment;
- (IV) Stay away from the school attended by your children;
- (V) Stay away from any place you or your children regularly go;
- (VI) Avoid or limit all communication with you or your children;
- (VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and
- (VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

- (I) Pay the rent or mortgage due on the place in which you live;
- (II) Pay the amount of money necessary for the support of your children;
- (III) Pay part or all of the costs incurred by you in obtaining the order for protection; and
- (IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(7) To get an order for protection, go to room number (state the room number of the office at the court) at the court, which is located at (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

- (I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
- (II) The person has previously violated a temporary or extended order for protection; or
- (III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine,

as applicable, that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110,

↪ the person will not be admitted to bail sooner than 12 hours after arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 14. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➔ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection

against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

➡ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

↪ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.

Sec. 15. NRS 200.378 is hereby amended to read as follows:

200.378 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

- (a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and
- (b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

- (a) A temporary order is guilty of a gross misdemeanor.
- (b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Any court order issued pursuant to this section must:

- (a) Be in writing;
- (b) Be personally served on the person to whom it is directed; and
- (c) Contain the warning that violation of the order:
 - (1) Subjects the person to immediate arrest.
 - (2) Is a gross misdemeanor if the order is a temporary order.
 - (3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the arrest if:

- (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
- (b) The person has previously violated a temporary or extended order for protection; or
- (c) At the time of the violation or within 2 hours after the violation, the person has:
 - (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or
 - (2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110.

Sec. 16. NRS 200.591 is hereby amended to read as follows:

200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:

- (a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

- (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
- (b) The person has previously violated a temporary or extended order for protection; or
- (c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 ~~for 4~~ of NRS 484C.110.

Sec. 17. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

- (a) Caused by the employee's willful intention to injure himself or herself.
- (b) Caused by the employee's willful intention to injure another.
- (c) That occurred while the employee was in a state of intoxication, unless the employee can prove by clear and convincing evidence that his or her state of intoxication was not the proximate cause of the injury. For the purposes of this paragraph, an employee is in a state of intoxication if the level of alcohol in the bloodstream of the employee meets or exceeds the limits set forth in subsection 1 of NRS 484C.110.

(d) That occurred while the employee was under the influence of a controlled or prohibited substance, unless the employee can prove by clear and convincing evidence that his or her being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. For the purposes of this paragraph, an employee is under the influence of a controlled or prohibited substance if the employee had an amount of a controlled or prohibited substance for which the employee did not have a current and lawful prescription issued in the employee's name in his or her system at the time of his or her injury that was equal to or greater than ~~the limits set forth in subsection 3 or 4 of NRS 484C.110 and for which the employee did not have a current and lawful prescription issued in the employee's name.~~ ;

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms per</i>	<i>Nanograms per</i>
<i>Prohibited substance</i>	<i>milliliter</i>	<i>milliliter</i>
<i>Amphetamine</i>	<i>500</i>	<i>100</i>
<i>Cocaine</i>	<i>150</i>	<i>50</i>
<i>Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>Heroin</i>	<i>2,000</i>	<i>50</i>

<i>Heroin metabolite:</i>		
<i>Morphine</i>	<i>2,000</i>	<i>50</i>
<i>6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>Phencyclidine</i>	<i>25</i>	<i>10</i>
<i>Marijuana (delta-9-tetrahydrocannabinol)</i>		<i>2</i>

2. For the purposes of paragraphs (c) and (d) of subsection 1:

(a) The affidavit or declaration of an expert or other person described in NRS 50.310, 50.315 or 50.320 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled or prohibited substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.

(c) The results of any testing for the use of alcohol or a controlled or prohibited substance, irrespective of the purpose for performing the test, must be made available to an insurer or employer upon request, to the extent that doing so does not conflict with federal law.

3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his or her recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his or her recovery, the employee's compensation may be reduced or suspended.

5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

➡ The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

6. As used in this section, "prohibited substance" ~~has the meaning ascribed to it in NRS 484C.080.~~ **means any of the following substances if the person who uses the substance has not been issued a valid prescription to**

use the substance and the substance is classified in schedule I or II pursuant to NRS 453.166 or 453.176 when it is used:

(a) Amphetamine.

(b) Cocaine.

(c) Cocaine metabolite.

(d) Heroin.

(e) Heroin metabolite:

(1) Morphine.

(2) 6-monoacetyl morphine.

(f) Lysergic acid diethylamide.

(g) Methamphetamine.

(h) Phencyclidine.

(i) Marijuana (delta-9-tetrahydrocannabinol).

Sec. 18. 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. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 325.

AN ACT relating to gaming; ~~creating a legislative declaration regarding the use of digital and electronic signatures in the gaming industry; codifying and revising certain provisions of the regulations of the Nevada Gaming Commission; revising provisions relating to the filing of certain reports with the Nevada Gaming Control Board; revising the definition of “global risk management”;~~ prohibiting certain acts relating to gaming; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Existing law requires the Nevada Gaming Commission and the Nevada Gaming Control Board to administer state gaming licenses and manufacturer’s, seller’s and distributor’s licenses and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) Existing law also authorizes the use of digital and electronic signatures. (Chapters 719 and 720 of NRS) Section 1 of this bill creates a legislative declaration evidencing the intent of the Legislature regarding the use of digital and electronic signatures in the gaming industry.~~

~~The regulations of the Commission authorize an affiliated company which is a publicly traded corporation to apply for approval of a continuous or delayed public offering of the securities of the company under certain circumstances and for a period of not more than 3 years. (Nev. Gaming Comm’n § 16.115) Section 2 of this bill codifies the existing regulations and extends the period for such approvals to not more than 5 years. Section 2 also~~

~~grants the Chair of the Board discretion to require a licensee to submit a new application for licensure or to hold hearings on such an application, or both.~~

~~Existing law requires a licensee who participates in foreign gaming to file certain documents, reports and other information with the Board at certain periodic times. (NRS 463.710) Section 3 of this bill: (1) removes the requirement to file any amendments to the accounting and internal control systems utilized in the foreign gaming operation as soon as such amendments are made; and (2) revises the time for filing of certain reports and information to require instead that such reports and information be filed during the regular auditing of the regulatory compliance procedures of the licensee.~~

~~Existing law defines the term “global risk management” as an operation, by a person who has been issued a license to operate a race book or sports pool, of certain risk management services between and among permissible jurisdictions through communications technology for the purposes of providing the management, or consultation or instruction in the management, of wagering pools and the transmission of information relating to wagering pools or other similar information. (NRS 463.810) Section 4 of this bill adds an affiliate of such a person to the definition for purposes relating to the adoption of regulations governing global risk management.]~~

Existing law makes it unlawful for a person to engage in certain actions relating to gaming and provides that a person who engages in such actions is guilty of: (1) a category C felony for the first offense; and (2) a category B for a second or subsequent offense. (NRS 465.070, 465.088) **Section 5** of this bill makes it unlawful for a person to engage in any of the statutorily prescribed offenses relating to gaming: (1) through an agreement with certain persons; and (2) with the intent that such an agreement is made to use less than the best efforts of the person to win, judge, referee, manage, coach or officiate, to limit a margin of victory or to adversely affect the outcome of a sporting event.

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

Section 1. ~~{The Legislature hereby finds and declares that:~~

- ~~1. Nevada is recognized internationally as the gaming capital of the world.~~
- ~~2. Nevada is a leader in regulatory structure and the integrity of the gaming industry is of paramount importance.~~
- ~~3. It is the intent of the Legislature:~~
 - ~~(a) To facilitate economic and efficient delivery of documentation in the gaming industry through means of reliable electronic messages.~~
 - ~~(b) To enhance public confidence in the use of digital and electronic signatures in the gaming industry.~~
 - ~~(c) To minimize the incidence of forged digital and electronic signatures and fraud in electronic commerce.~~
 - ~~(d) To foster the development of electronic commerce through the use of digital and electronic signatures.~~

~~— (e) To lend authenticity and integrity to writings in any electronic medium, including in the largest industry of this State.} (Deleted by amendment.)~~

Sec. 2. ~~{Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— 1. An affiliated company which is a publicly traded corporation may apply for approval of a continuous or delayed public offering of its securities if such an affiliated company:~~

~~— (a) Has a class of securities listed on either the New York Stock Exchange, the American Stock Exchange, the National Association of Securities Dealers Automatic Quotation System or has stockholders' equity in an amount of \$10 million or more as reported in its most recent report on Form 10 K or Form 10 Q filed with the United States Securities and Exchange Commission immediately preceding the application; and~~

~~— (b) Has filed all reports required to be filed by section 13 or section 15(d) of the Federal Securities Exchange Act, or in the case of a foreign issuer or foreign private issuer, pursuant to Regulations 13d-16 and 15a-16 of the Federal Securities Exchange Act, during the immediately preceding 12 months or for any shorter period that the affiliated company is required to file such reports.~~

~~— 2. The Commission may, without a hearing, grant an approval of a continuous or delayed offering for a period of not more than 5 years. An approval granted pursuant to this section does not constitute an approval of other related transactions for which a separate Board or Commission approval is otherwise required pursuant to this chapter or the regulations adopted by the Commission. Upon such an approval, the Chair of the Board retains the discretion to require a new application for a license, or a hearing, or both, upon any investigation which is presented to the Board not less than 6 months before the expiration of the approval.~~

~~— 3. If an application is approved, the affiliated company shall notify the Board of its intent to make the public offering and identify the type and amount of securities it proposes to sell and the date on which it is anticipated the sale will occur. If such notification is not written, it must be followed, as soon as practicable, with a written confirmation which need not precede such sale.} (Deleted by amendment.)~~

Sec. 3. ~~{NRS 463.710 is hereby amended to read as follows:~~

~~— 463.710 Unless otherwise ordered by the Board or Commission, a licensee who participates in foreign gaming shall file with the Board:~~

~~— 1. As soon as participation in foreign gaming begins:~~

~~— (a) All documents filed by the licensee or by an affiliate with the foreign jurisdiction; and~~

~~— (b) The systems of accounting and internal control utilized in the foreign gaming operation. [and any amendments to the systems as soon as made.]~~

~~— 2. [Annual operational] During the regular auditing of the regulatory compliance procedures of the licensee:~~

~~— (a) Operational and regulatory reports describing compliance with regulations, procedures for audit, and procedures for surveillance relating to the foreign gaming operation —~~

~~— 3. Quarterly reports regarding any of the following information which is within the knowledge of the licensee:~~

~~— (a) —~~

~~— (b) Any changes to the systems of accounting and internal control utilized in the foreign gaming operation;~~

~~— (c) Any changes in ownership or control of any interest in the foreign gaming operation;~~

~~— [(b)] (d) Any changes in officers, directors or key employees of the foreign gaming operation;~~

~~— [(c)] (e) All complaints, disputes, orders to show cause and disciplinary actions, related to gaming, instituted or presided over by an entity of the United States, a state or any other governmental jurisdiction concerning the foreign gaming operation;~~

~~— [(d)] (f) Any arrest of an employee of the foreign gaming operation involving cheating or theft, related to gaming, in the foreign jurisdiction; and~~

~~— [(e)] (g) Any arrest or conviction of an officer, director, key employee or owner of equity in the foreign gaming operation for an offense that would constitute a gross misdemeanor or felony in this state.~~

~~— [4.] 3. Such other information as the Commission requires by regulation. —~~
(Deleted by amendment.)

Sec. 4. NRS 463.810 is hereby amended to read as follows:

~~— 463.810 1. As used in this section and NRS 463.820, unless the context otherwise requires, “global risk management” means the operation, by a person who has been issued a license to operate a race book or sports pool, or an affiliate of such a person, of risk management services between and among permissible jurisdictions through communications technology for the purposes of providing the management, or consultation or instruction in the management, of wagering pools and the transmission of information relating to wagering pools or other similar information. The term:~~

~~— (a) Includes, without limitation:~~

~~— (1) The management of risks associated with a wagering pool for a race or sporting event or any other event for which a wager may be accepted.~~

~~— (2) The setting or changing of bets or wagers, cutoff times for bets or wagers, acceptance or rejection of bets or wagers, pooling or laying off of bets or wagers, lines, point spreads, odds or other activity relating to betting or wagering.~~

~~— (3) The use, transmittal and accumulation of information and data for the purpose of providing risk management services.~~

~~— (b) Does not include:~~

~~— (1) The transmission or placement of a bet or wager for a race or sporting event or any other event for which a wager may be accepted between or among permissible jurisdictions.~~

~~(2) The provision of any information service, as defined by NRS 463.01642.~~

~~2. As used in this section:~~

~~(a) “Communications technology” has the meaning ascribed to it in NRS 463.016425.~~

~~(b) “Permissible jurisdiction” means any jurisdiction in which global risk management or the betting or wagering on a race or sporting event is lawful or not otherwise expressly prohibited under the laws of that jurisdiction.~~

~~(c) “Wagering pool” means a pool or a combination of multiple pools for the placement of bets or wagers for a race or sporting event or any other event for which a wager may be accepted and which is located in a permissible jurisdiction.~~ **(Deleted by amendment.)**

Sec. 5. NRS 465.070 is hereby amended to read as follows:

465.070 It is unlawful for any person:

1. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

3. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won.

4. Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game.

5. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

6. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

7. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

8. To offer, promise or give anything of value to anyone for the purpose of influencing the outcome of a race, sporting event, contest or game upon

which a wager may be made, or to place, increase or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influencing the outcome of the race, sporting event, contest or game upon which the wager is placed, increased or decreased.

9. To change or alter the normal outcome of any game played on an interactive gaming system or the way in which the outcome is reported to any participant in the game.

10. To violate any provision of this section through any agreement with a player, participant, judge, referee, manager, coach or other official if such an agreement is made with the intent for the participant, judge, referee, manager, coach or other official to use less than his or her best efforts to win, judge, referee, manager, coach or officiate, to limit a margin of victory or to adversely affect the outcome of a sporting event.

Sec. 6. 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. 7. ~~1. This section and section 4 of this act become effective upon passage and approval.~~

~~2. Sections 1, 2, 3, 5 and 6 of this act becomes effective on October 1, 2021.~~ (Deleted by amendment.)

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 304.

AN ACT relating to education; requiring the Department of Education to develop, implement and analyze an exit survey for certain employees who leave employment at a school district; authorizing the Department to partner with certain persons or entities to develop, implement and analyze the results of such exit surveys; requiring the board of trustees of a school district to administer and report to the Department the results of an exit survey; requiring the Department to make certain recommendations to the board of trustees of a school district; requiring the Department to report certain information to the Legislature or the Legislative Committee on Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada State Teacher Recruitment and Retention Advisory Task Force to evaluate the challenges in attracting and retaining teachers in Nevada and make recommendations to address those challenges. (NRS 391.490-391.496) This bill requires the Department of Education, in consultation with the Task Force, to develop, implement and analyze the results of an exit survey for teachers and other licensed personnel who leave employment at a school district. This bill authorizes the Department to partner with persons or entities with expertise in the field of education to develop, implement and analyze the exit surveys. This bill requires the board of trustees of a school district to administer an exit survey to teachers or other licensed personnel who leave employment at the school district and report the information the board of trustees receives from the exit survey to the Department. This bill further requires the Department to review the information the Department receives from the board of trustees of a school district and make recommendations for improvements to the board of trustees. **This bill also requires the Department to report certain information to the board of trustees of each school district.** Finally, this bill requires the Department to report to the Legislature or the Legislative Committee on Education: (1) the information the Department receives from the board of trustees of a school district; (2) any recommendations for improvement the Department made to the board of trustees of a school district; and (3) any recommendations for legislation.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall, in consultation with the Nevada State Teacher Recruitment and Retention Advisory Task Force created by NRS 391.492, develop, implement and analyze the results of an exit survey for teachers or other licensed personnel who leave employment with a school district. The Department may include questions requested by the board of trustees of a school district in an exit survey administered in that school district.

2. The Department may partner with any person or entity with expertise in the field of education to assist with developing, implementing and analyzing the results of an exit survey completed by teachers or other licensed personnel pursuant to subsection 1.

3. The board of trustees of a school district shall administer the exit survey developed pursuant to subsection 1 to teachers or other licensed personnel who leave employment with the school district ~~and~~, including, without limitation, by providing a link to the exit survey hosted on the Internet website of the Department. The responses to an exit survey administered pursuant to this subsection shall be transmitted directly to the Department as soon as practicable after the completion of the exit survey.

On or before August 1 of each year, the board of trustees of a school district shall report to the Department ~~the~~ a compilation of the information the board receives from administering an exit survey to teachers or other licensed personnel who left employment at the school district in the immediately preceding school year.

4. The Department shall review and make recommendations for improvements to the board of trustees of a school district based on the information the Department receives from the school district pursuant to subsection 3.

5. On or before February 1 of each year, the Department shall report to the board of trustees of each school district the information received from each school district pursuant to subsection 3.

6. On or before February 1 of each year, the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Committee on Education a report containing:

(a) The information received from each school district pursuant to subsection 3;

(b) Any recommendations for improvements made to a school district by the Department pursuant to subsection 4; and

(c) Any recommendations for legislation.

Sec. 1.5. 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. 2. This act becomes effective on January 1, 2022.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 436.

Bill read second time.

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

Amendment No. 374.

AN ACT relating to health care; prohibiting an insurer from entering into a contract with a provider of vision care that contains certain provisions; requiring an insurer to provide certain information to a provider of vision care before entering into a contract to include the provider in the network of the insurer; prescribing certain requirements concerning the advertising and marketing of vision coverage; authorizing the imposition of an administrative penalty; ~~limiting the rates that a provider of vision care may charge to patients for vision care provided out of network;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain unfair trade practices in the business of insurance. (NRS 686A.010-686A.280) **Section 1** of this bill prohibits an insurer from entering into a contract with a provider of vision care that ~~places certain requirements on the provider of vision care,~~ places certain limitations on coverage ~~for provides for unreasonably low or nominal rates of reimbursement.~~ **Section 1** also requires an insurer to provide to a provider of vision care a list of the rates of reimbursement that the insurer provides for covered vision care before entering into a contract to include the provider of vision care in the network of the insurer. **Section 1** additionally: (1) requires an insurer to disclose in any policy of vision insurance or related materials any ownership or other pecuniary interest of the insurer in a manufacturer of goods covered by the policy or in a provider of vision care; and (2) imposes certain restrictions on the manner in which an insurer may advertise a policy of insurance that covers vision care. **Sections 2 and 3** of this bill authorize the Commissioner of Insurance to enforce the requirements of **section 1** in the same manner as other provisions governing the trade practices of insurers. Specifically, **section 2** authorizes the Commissioner to hold a hearing if he or she has cause to believe that a violation of **section 1** has occurred. If the Commissioner finds after that hearing that a violation has occurred and the insurer in violation knew or should have known of the violation, **section 3** authorizes the Commissioner to impose an administrative penalty or take action against the license of the insurer. **Sections 4-9** of this bill provide that certain entities that provide vision coverage, including local governments and the Public Employees' Benefits Program, are subject to the provisions of **section 1**.

~~{ Sections 10-12 of this bill prohibit a physician, osteopathic physician or optometrist from charging a patient who is covered by a policy of vision insurance for which the physician, osteopathic physician or optometrist is out of network for vision care an amount that exceeds the usual and customary rate that the physician, osteopathic physician or optometrist charges uninsured patients for that vision care. A physician, osteopathic physician or optometrist who willfully charges a patient a prohibited rate would be subject to professional discipline. (NRS 630.3065, 633.131, 636.295) }~~

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

Section 1. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not enter into a contract with a provider of vision care that ~~is~~

~~**(a) Authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract;**~~

~~—(b) Requires the provider of vision care to participate in the network of providers of vision care of the insurer or any other insurer as a condition of including that provider of vision care in the network of providers of medical services of the insurer;~~

~~—(c) Requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons;~~

~~—(d) Conditions~~ conditions any rate of reimbursement for vision care on the provider of vision care prescribing ophthalmic devices or materials in which the insurer has an ownership or other pecuniary interest or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials. ~~for~~ or

~~—(e) Provides for unreasonably low or nominal rates of reimbursement for vision care.~~

2. Before entering into a contract with a provider of vision care to include the provider of vision care in the network of an insurer, the insurer must provide to the provider of vision care a list of the rates of reimbursement for each service covered by the contract.

3. An insurer shall disclose in any policy of insurance that covers vision care or any description of benefits covered by such a policy, whether written or electronic, any ownership or other pecuniary interest of the insurer in a supplier of ophthalmic devices or materials or a provider of vision care. The disclosure must appear in a conspicuous and clear manner.

4. An insurer that does not provide reimbursement for specific vision care shall not claim in any advertisement or other material that the insurer covers that vision care ~~for~~ including, without limitation, by claiming that the insurer covers the or that such vision care is available at a discount or with a copayment or coinsurance in an amount that is in addition to the copayment or coinsurance that a covered person is typically required to pay for covered services.

5. ~~for~~ An insurer shall not, in any advertisement or similar communication, place providers of vision care in tiers or similar designations designed to influence the choice of a covered person concerning a provider of vision care unless those designations are based on criteria related to quality of care that are expressly prescribed in the contract.

~~—6.—~~ As used in this section:

(a) “Provider of vision care” means a physician who provides vision care or an optometrist.

(b) “Vision care” means:

(1) ~~for~~ Services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease related to the eye. Routine ophthalmological evaluation of the eye, including refraction.

(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.

↪ **The term “vision care” does not include the initiation of treatment or diagnosis pursuant to a program of medical care.**

Sec. 2. NRS 686A.160 is hereby amended to read as follows:

686A.160 If the Commissioner has cause to believe that any person has been engaged or is engaging, in this state, in any unfair method of competition or any unfair or deceptive act or practice prohibited by NRS 686A.010 to 686A.310, inclusive, **and section 1 of this act** and that a proceeding by the Commissioner in respect thereto would be in the interest of the public, the Commissioner may issue and serve upon such person a statement of the charges and a notice of the hearing to be held thereon. The statement of charges and notice of hearing shall comply with the requirements of NRS 679B.320 and shall be served upon such person directly or by certified or registered mail, return receipt requested.

Sec. 3. NRS 686A.183 is hereby amended to read as follows:

686A.183 1. After the hearing provided for in NRS 686A.160, the Commissioner shall issue an order on hearing pursuant to NRS 679B.360. If the Commissioner determines that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice in violation of NRS 686A.010 to 686A.310, inclusive, **and section 1 of this act**, the Commissioner shall order the person to cease and desist from engaging in that method of competition, act or practice, and may order one or both of the following:

(a) If the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive, **and section 1 of this act**, payment of an administrative fine of not more than \$5,000 for each act or violation, except that as to licensed agents, brokers, solicitors and adjusters, the administrative fine must not exceed \$500 for each act or violation.

(b) Suspension or revocation of the person’s license if the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive ~~††~~, **and section 1 of this act**.

2. Until the expiration of the time allowed for taking an appeal, pursuant to NRS 679B.370, if no petition for review has been filed within that time, or, if a petition for review has been filed within that time, until the official record in the proceeding has been filed with the court, the Commissioner may, at any time, upon such notice and in such manner as the Commissioner deems proper, modify or set aside, in whole or in part, any order issued by him or her under this section.

3. After the expiration of the time allowed for taking an appeal, if no petition for review has been filed, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him or her under this section whenever in the opinion of the Commissioner conditions of fact or of law have so changed as to require such action or if the public interest so requires.

Sec. 4. NRS 686A.520 is hereby amended to read as follows:

686A.520 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, **and section 1 of this act** apply to companies.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to “insurer” must be replaced by a reference to “company.”

Sec. 5. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, **and section 1 of this act**, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term “insurer.”

Sec. 6. NRS 695C.300 is hereby amended to read as follows:

695C.300 1. No health maintenance organization or representative thereof may cause or knowingly permit the use of advertising which is untrue or misleading, solicitation which is untrue or misleading or any form of evidence of coverage which is deceptive. For purposes of this chapter:

(a) A statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to an enrollee of, or person considering enrollment in, a health care plan.

(b) A statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue if, in the total context in which such statement is made or such item of information is communicated, such statement or item of information may be reasonably understood by a reasonable person not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation or disadvantage of possible significance to an enrollee of, or person considering enrollment in, a health care plan if such benefit or advantage or absence of limitation, exclusion or disadvantage does not in fact exist.

(c) An evidence of coverage shall be deemed to be deceptive if the evidence of coverage taken as a whole, and with consideration given to typography and format as well as language, shall be such as to cause a reasonable person not possessing special knowledge regarding health care plans and evidences of coverage therefor to expect benefits, services, charges or other advantages which the evidence of coverage does not provide or which the health care plan issuing such evidence of coverage does not regularly make available for enrollees covered under such evidence of coverage.

2. NRS 686A.010 to 686A.310, inclusive, *and section 1 of this act* shall be construed to apply to health maintenance organizations, health care plans and evidences of coverage except to the extent that the nature of health maintenance organizations, health care plans and evidences of coverage render the sections therein clearly inappropriate.

3. An enrollee may not be cancelled or not renewed except for the failure to pay the charge for such coverage or for cause as determined in the master contract.

4. No health maintenance organization, unless licensed as an insurer, may use in its name, contracts, or literature any of the words “insurance,” “casualty,” “surety,” “mutual” or any other words descriptive of the insurance, casualty or surety business or deceptively similar to the name or description of any insurance or surety corporation doing business in this State.

5. No person not certificated under this chapter shall use in its name, contracts or literature the phrase “health maintenance organization” or the initials “HMO.”

Sec. 7. NRS 695F.090 is hereby amended to read as follows:

695F.090 1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

(a) NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

(b) NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

(c) The requirements of NRS 679B.152.

(d) The fees imposed pursuant to NRS 449.465.

(e) NRS 686A.010 to 686A.310, inclusive, *and section 1 of this act* concerning trade practices and frauds.

(f) The assessment imposed pursuant to NRS 679B.700.

(g) Chapter 683A of NRS.

(h) To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

(i) NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.

(j) NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to “insurer” must be replaced by a reference to “prepaid limited health service organization.”

(k) Chapter 692C of NRS, concerning holding companies.

(l) NRS 689A.637, concerning health centers.

2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term “insurer.”

Sec. 8. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 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, 689B.287 and 689B.500 **and section 1 of this act** 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. 9. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 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 1 of this act**, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 10. ~~Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**1. A physician shall not charge a patient who is covered by a policy of vision insurance for vision care that is not included in the policy an amount which exceeds the usual and customary rate that the physician charges uninsured patients for the same care.**~~

~~2. As used in this section:~~

~~(a) “Policy of vision insurance” means a policy of insurance or other arrangement whereby a third party agrees to reimburse the costs of vision care provided to a patient.~~

~~(b) “Third party” means:~~

~~(1) An insurer, as that term is defined in NRS 679B.540;~~

~~(2) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for vision care;~~

~~(3) 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 that covers vision care for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or~~

~~(4) Any other insurer or organization providing coverage of vision care in accordance with state or federal law.~~

~~(c) “Vision care” means:~~

~~(1) Services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease related to the eye.~~

~~(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.~~

~~‡ (Deleted by amendment.)~~

Sec. 11. ~~{Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. An osteopathic physician shall not charge a patient who is covered by a policy of vision insurance for vision care that is not included in the policy an amount which exceeds the usual and customary rate that the osteopathic physician charges uninsured patients for the same care.~~

~~2. As used in this section:~~

~~(a) “Policy of vision insurance” means a policy of insurance or other arrangement whereby a third party agrees to reimburse the costs of vision care provided to a patient.~~

~~(b) “Third party” means:~~

~~(1) An insurer, as that term is defined in NRS 679B.540;~~

~~(2) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for vision care;~~

~~(3) 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 that covers vision care for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or~~

~~(4) Any other insurer or organization providing coverage of vision care in accordance with state or federal law.~~

~~(c) “Vision care” means:~~

~~(1) Services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease related to the eye.~~

~~(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.
f (Deleted by amendment.)~~

Sec. 12. [Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. An optometrist shall not charge a patient who is covered by a policy of vision insurance for vision care that is not included in the policy an amount which exceeds the usual and customary rate that the optometrist charges uninsured patients for the same care.~~

~~2. As used in this section:~~

~~(a) "Policy of vision insurance" means a policy of insurance or other arrangement whereby a third party agrees to reimburse the costs of vision care provided to a patient.~~

~~(b) "Third party" means:~~

~~(1) An insurer, as that term is defined in NRS 679B.540;~~

~~(2) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for vision care;~~

~~(3) 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 that covers vision care for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or~~

~~(4) Any other insurer or organization providing coverage of vision care in accordance with state or federal law.~~

~~(c) "Vision care" means:~~

~~(1) Services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease related to the eye.~~

~~(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.~~

~~f (Deleted by amendment.)~~

Sec. 13. The provisions of section 1 of this act do not apply to any contract existing on October 1, 2021, between an insurer and a provider of vision care until the contract is renewed.

Sec. 14. 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.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 45, 278, 382, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 47, 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 277, 298, 327, 391, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 38, 235, 367, 371, 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 169, 195, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 213, 254, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 257, 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 419, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 3, 139, 245, 313, 335, 376, 385, 397, 408, 445, 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 Government Affairs, to which were referred Assembly Bills Nos. 55, 133, 184, 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 Government Affairs, to which was referred Assembly Bill No. 253, 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 Government Affairs, to which was referred Assembly Bill No. 378, 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 Government Affairs, to which was referred Assembly Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 281, 444, 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 Growth and Infrastructure, to which were referred Assembly Bills Nos. 301, 383, 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 Growth and Infrastructure, to which were referred Assembly Bills Nos. 349, 379, 413, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 388, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was rereferred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 347, 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. 116, 158, 243, 251, 341, 427, 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 Judiciary, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 424, 440, 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 Judiciary, to which was referred Assembly Bill No. 425, 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 Natural Resources, to which was referred Assembly Bill No. 146, 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 Natural Resources, to which was referred Assembly Bill No. 399, 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 were referred Assembly Bills Nos. 29, 66, 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 rereferred Assembly Bill No. 90, 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. 322, 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. 360, 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. 368, 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*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 19, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 61 and 90.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 416.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 86 and 118 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 3.

Bill read second time.

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

Amendment No. 188.

AN ACT relating to land use planning; revising provisions concerning the electronic transmission of certain maps and other documents relating to the approval of divisions of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes various requirements relating to the filing, submission and presentation of maps and related documents for purposes of the division of land. (NRS 278.320-278.5695) Existing law authorizes, but does not require, a county recorder to accept electronic documents for recording. (NRS 111.366-111.3697, 247.115) This bill specifically authorizes the filing, submission and presentation of such maps and related documents electronically subject to certain requirements, except in circumstances relating to the recording of such a document if the county recorder does not accept electronic documents for recording.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 247.115, if the provisions of NRS 278.320 to 278.5695, inclusive, require that:

~~1-1~~ *(a) A document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document if the file containing the document is locked electronically to prevent any changes to the document.*

~~1-2~~ *(b) A document be filed, submitted or presented, the requirement is satisfied if the document is filed, submitted or presented electronically and the file containing the document is locked electronically to prevent any changes to the document.*

~~1-3~~ *(c) A document be sealed ~~or signed~~ or stamped, the requirement is satisfied if ~~the~~:*

(1) The document is sealed ~~or signed~~ or stamped electronically using an electronically prepared seal ~~or signature~~ or stamp; and ~~if secure~~

(2) Secure encryption methods are in place to prevent the copying, transferring or removing of the seal ~~or signature~~ or stamp ~~if~~, which must comply, without limitation, with any requirements for digital signatures set forth in chapter 720 of NRS and any regulations adopted pursuant thereto and any standards of the county recorder for such electronic documents.

(d) A document be signed, the requirement is satisfied by the use of a digital signature if:

(1) The digital signature complies with:

(I) Any requirements regarding the use of digital signatures prescribed in chapter 720 of NRS and any regulations adopted pursuant thereto; and

(II) Any standards for the use of digital signatures adopted by the county recorder to whom the document is being submitted.

~~1-4~~ *(e) An affidavit, certificate or acknowledgement be legibly stamped or printed upon a document, the requirement is satisfied if the electronic signature of the person authorized to perform that act, and all other*

information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression or seal need not accompany such an electronic signature.

~~15.1~~ (f) A copy of a document to be forwarded, furnished or provided, the requirement is satisfied if the copy is forwarded, furnished or provided electronically.

2. Nothing in this section shall be construed to limit the authority of:

(a) The Secretary of State to adopt regulations regarding digital signatures pursuant to NRS 720.150.

(b) A governmental agency to prescribe requirements relating to the use of electronic records or electronic signatures pursuant to NRS 719.350.

(c) The State Board of Professional Engineers and Land Surveyors to prescribe requirements relating to the signing and stamping of documents produced by a professional engineer or land surveyor pursuant to NRS 625.565.

(d) Any other governmental entity authorized by law to establish requirements or procedures relating to electronic documents or records.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 256.

AN ACT relating to economic development; redesignating the Knowledge Account as the Nevada Innovation Account; requiring the Executive Director of the Office of Economic Development to establish a competitive grant program to ~~facilitate~~ **provide grants for certain purposes related to the** research and development of technology ~~and address market gaps in the development of technology~~ in this State; revising provisions governing commercialization revenue allocated between the Office, the research universities and the Desert Research Institute; revising the duties of the Executive Director; expanding the services that must be provided by a technology outreach program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Knowledge Account, containing money which may be used to fund a program for the development and commercialization of research and technology at the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute. (NRS 231.1591-231.1597) **Sections 1-7** of this bill redesignate the Knowledge Account as the Nevada Innovation Account.

Existing law authorizes the Executive Director of the Office of Economic Development to allocate money in the Knowledge Account among certain entities to support commercialization and technology transfer to the private sector. (NRS 231.1592) **Section 2** of this bill instead authorizes the Executive Director to establish one or more competitive grant programs to address market gaps in the development of technology in this State, **to facilitate the operation of the technology outreach program established by the Executive Director** or to facilitate the research and development of promising technologies that have reached a technology readiness level of at least 3, which, under **section 1** of this bill, would be determined using the method of assessing the maturity level of technology used by the Federal Government. **Section 2 also requires that not less than 80 percent of the grant money awarded pursuant to such competitive grant programs be awarded to the University of Nevada, Las Vegas, the University of Nevada, Reno, the Desert Research Institute or partnerships between private entities and the University of Nevada, Las Vegas, the University of Nevada, Reno or the Desert Research Institute.**

Existing law requires commercialization revenue received by the Office pursuant to an agreement with a research university or the Desert Research Institute to be deposited in the Knowledge Account. (NRS 231.1593) **Section 3** of this bill includes certain types of revenue as commercialization revenue and requires any stock or equity received pursuant to such an agreement to be transferred to a nonprofit corporation formed under existing law to promote, aid and encourage economic development and to be held for the benefit of the Nevada Innovation Account.

Existing law requires the Executive Director, in making allocations from the Knowledge Account, to consider certain factors, including whether each of the entities to whom an allocation can be made has received an equitable share of such allocations. (NRS 231.1594) **Section 4** of this bill removes the requirement for the Executive Director to consider this factor. **Section 4** also establishes the procedures for a research university, the Desert Research Institute, the technology outreach program established by existing law, private entities or a partnership between a private entity and a research university or the Desert Research Institute to apply for a grant pursuant to the competitive grant program established pursuant to **section 2**.

Existing law requires the Executive Director to take certain actions in consultation with the Board of Economic Development and the Chancellor of the Nevada System of Higher Education. (NRS 231.1595) **Section 5** of this

bill adds to this list of actions a requirement to facilitate research and development of technologies that have reached a certain technology readiness level at the research universities and the Desert Research Institute and to offer grants through a competitive grant program established pursuant to **section 2**.

Existing law requires the Executive Director to use money in the Knowledge Account to establish a technology outreach program and to ensure that the program provides certain services. (NRS 231.1596) **Section 6** of this bill expands the list of services which the technology outreach program must provide.

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

Section 1. NRS 231.1591 is hereby amended to read as follows:

231.1591 As used in NRS 231.1591 to 231.1597, inclusive, unless the context otherwise requires:

1. “Chancellor” means the Chancellor of the Nevada System of Higher Education or his or her designee.

2. **“Private entity”:**

(a) Means a privately-owned corporation, limited-liability company, partnership or other business entity or association, including, without limitation, a nonprofit corporation.

(b) Does not include a sole proprietorship.

3. “Research universities” means the University of Nevada, Las Vegas, and the University of Nevada, Reno.

4. **“Technology readiness level” means the level of maturity of a technology as determined using the method for assessing such maturity that is used by the Federal Government and is determined by the Office to be most appropriate for assessing the maturity of the technology.**

Sec. 2. NRS 231.1592 is hereby amended to read as follows:

231.1592 1. The ~~Knowledge~~ **Nevada Innovation** Account is hereby created in the State General Fund.

2. The interest and income earned on:

(a) Money in the ~~Knowledge~~ **Nevada Innovation** Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the ~~Knowledge~~ **Nevada Innovation** Account.

3. Any money in the ~~Knowledge~~ **Nevada Innovation** Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the ~~Knowledge~~ **Nevada Innovation** Account must be carried forward to the next fiscal year.

4. The Executive Director:

(a) Shall administer the ~~[Knowledge]~~ **Nevada Innovation** Account in a manner that is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053;

(b) May apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the ~~[Knowledge]~~ **Nevada Innovation** Account; and

(c) Subject to any restrictions imposed by ~~[such]~~ a grant, gift, donation, ~~for~~ appropriation ~~[, may allocate money in the Knowledge Account among the research universities, the Desert Research Institute, the technology outreach program established pursuant to NRS 231.1596 and the technology transfer offices of the research universities and the Desert Research Institute to support commercialization and technology transfer to the private sector.] or other source of money, shall establish one or more competitive grant programs that:~~

(1) *Are designed to:*

(I) *Address market gaps in the development of technology in this State; ~~for~~*

(II) *Facilitate the operation of the technology outreach program established pursuant to NRS 231.1596; or*

(III) *Facilitate research and development of promising technologies that have reached a technology readiness level of at least 3;*

(2) *Do not overlap with or duplicate other state-funded programs; and*

(3) *Offer grants on a competitive basis to:*

(I) *The research universities, the Desert Research Institute or the technology outreach program established pursuant to NRS 231.1596;*

(II) *Private entities; or*

(III) *Partnerships between private entities and the research universities or the Desert Research Institute.*

5. *An entity that is awarded a grant pursuant to paragraph (c) of subsection 4 must, before receiving any money pursuant to the grant, enter into an agreement with the Office that establishes the terms and conditions of the grant. The agreement must establish specific objectives to be accomplished by the recipient of the grant and require the recipient to submit to the Office reports concerning the progress of the recipient toward accomplishing those objectives.*

6. *Not less than 80 percent of the grants awarded pursuant to paragraph (c) of subsection 4 must be awarded to the research universities, the Desert Research Institute or to partnerships between private entities and the research universities or the Desert Research Institute.*

Sec. 3. NRS 231.1593 is hereby amended to read as follows:

231.1593 1. The Executive Director may enter into agreements, when the Executive Director deems such an agreement to be appropriate, with the research universities and the Desert Research Institute for the allocation of commercialization revenue between the Office, the research universities and the Desert Research Institute. Any commercialization revenue received by the

Office pursuant to such an agreement must be deposited in the ~~{Knowledge}~~ *Nevada Innovation* Account created by NRS 231.1592 ~~{}~~, *except that any commercialization revenue received in the form of stock or other type of equity interest in an entity must be transferred to a nonprofit corporation formed pursuant to NRS 231.0545 and held by the nonprofit corporation for the benefit of the Nevada Innovation Account.*

2. In consideration of the money and services provided or agreed to be provided by the Office, the research universities and the Desert Research Institute shall agree to allocate commercialization revenue in accordance with any agreement entered into pursuant to subsection 1.

3. As used in this section, “commercialization revenue” means dividends, realized capital gains, license fees, royalty fees, *stock or other type of equity interest in an entity received in connection with the licensing of technology or from a spin-out company, any net proceeds from the commercialization of technology received in the form of cash or stock or other type of equity interest in an entity, or a combination thereof, by a research university or the Desert Research Institute, revenue from fee-for-service agreements as a result of projects supported by the Nevada Innovation Account at a research university or the Desert Research Institute* and other revenues received by a research university or the Desert Research Institute as a result of commercial applications developed as a result of the programs established pursuant to NRS 231.1591 to 231.1597, inclusive, less:

- (a) The portion of those revenues allocated to the inventor; and
- (b) Expenditures incurred by the research university or the Desert Research Institute to legally protect the intellectual property.

Sec. 4. NRS 231.1594 is hereby amended to read as follows:

231.1594 1. After considering the advice and recommendations of the Board, the Executive Director shall establish procedures for applying for ~~an allocation~~ *a grant* of money from the ~~{Knowledge}~~ *Nevada Innovation* Account created by NRS 231.1592 ~~{}~~ *pursuant to a competitive grant program established pursuant to paragraph (c) of subsection 4 of NRS 231.1592.* The procedures must include, without limitation, a requirement that applications for ~~{allocations}~~ *grants* of money set forth:

- (a) The proposed use of the money;
- (b) The plans, projects and programs for which the money will be used;
- (c) The expected benefits of the money; and
- (d) A statement of the short-term and long-term impacts of the use of the money.

2. In making ~~{allocations}~~ *grants* of money from the ~~{Knowledge}~~ *Nevada Innovation* Account created ~~{pursuant to}~~ by NRS 231.1592 ~~{}~~ *pursuant to a competitive grant program established pursuant to paragraph (c) of subsection 4 of NRS 231.1592,* the Executive Director must consider ~~{}~~ *—(a) The* the extent to which ~~{an allocation}~~ *a grant* will promote the economic development of this State and aid the implementation of the State

Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053. ~~}; and~~

~~—(b) Whether the research universities and the Desert Research Institute have received an equitable share of the allocations of money from the Knowledge Account.~~

3. In accordance with the procedures established pursuant to subsection 1, a research university, ~~for~~ the Desert Research Institute, ***the technology outreach program established pursuant to NRS 231.1596*** ~~for a private entity, or a partnership between a private entity and a research university or the Desert Research Institute~~ may apply for ~~an allocation~~ ***a grant*** of money from the ~~Knowledge~~ Nevada Innovation Account. Upon receipt of an application for ~~an allocation~~ ***a grant*** from the ~~Knowledge~~ Nevada Innovation Account, the Executive Director shall review the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053. If the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development, the Executive Director may approve the application and make ~~an allocation~~ ***a grant*** of money from the ~~Knowledge~~ Nevada Innovation Account to the applicant.

4. If a research university, ~~for~~ the Desert Research Institute, ***the technology outreach program established pursuant to NRS 231.1596*** ~~for a private entity, or a partnership between a private entity and a research university or the Desert Research Institute~~ receives ~~an allocation~~ ***a grant*** of money from the ~~Knowledge~~ Nevada Innovation Account, the money must be used ~~for the purposes set forth in NRS 231.1597~~ ***in accordance with the agreement entered into by the Office and the recipient pursuant to subsection 5 of NRS 231.1592.***

Sec. 5. NRS 231.1595 is hereby amended to read as follows:

231.1595 1. In consultation with the Board and the Chancellor, the Executive Director shall:

(a) Establish, for the programs established pursuant to NRS 231.1591 to 231.1597, inclusive, economic development goals which are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053 and the strategic plans of the research universities and the Desert Research Institute.

(b) In cooperation with the administration of the research universities and the Desert Research Institute, ~~expand science and technology~~ ***facilitate research and development of promising technologies that have reached a technology readiness level of 3 or higher*** at the research universities and the Desert Research Institute.

(c) Enhance technology transfer and commercialization of research and technologies developed at the research universities and the Desert Research

Institute to create high-quality jobs and new industries in this State ~~or to~~ **address market gaps in technology development in this State.**

(d) **Offer grants through a competitive grant program established pursuant to NRS 231.1592.**

(e) Establish economic development objectives for the programs established pursuant to NRS 231.1591 to 231.1597, inclusive.

~~(e)~~ (f) Verify that the programs established pursuant to NRS 231.1591 to 231.1597, inclusive, are being enhanced by research grants and that such programs are meeting the Board's economic development objectives.

~~(f)~~ (g) Monitor all research plans that are part of the programs established pursuant to NRS 231.1591 to 231.1597, inclusive, at the research universities and the Desert Research Institute to determine that allocations from the ~~Knowledge~~ **Nevada Innovation** Account created by NRS 231.1592 are being spent in accordance with legislative intent and to maximize the benefit and return to this State.

~~(g)~~ (h) Develop methods and incentives to encourage investment in and contributions to the programs established pursuant to NRS 231.1591 to 231.1597, inclusive, from the private sector.

~~(h)~~ (i) Establish requirements for periodic reports from the research universities and the Desert Research Institute concerning the use of allocations from the ~~Knowledge~~ **Nevada Innovation** Account pursuant to NRS 231.1597. The requirements must include, without limitation, a requirement that the recipient of the allocation include in such a report:

(1) A description of each activity undertaken with money from the allocation and the amount of money used for each such activity; and

(2) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

~~(i)~~ (j) On or before November 1, 2012, and on or before November 1 of every year thereafter, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(1) The number of research teams and faculty recruited, hired and retained pursuant to NRS 231.1597 and the amount of funding provided to those research teams;

(2) A description of the research being conducted by the research teams and faculty for which the Executive Director has provided funding pursuant to NRS 231.1597;

(3) The number of patents which have been filed as a result of the programs established pursuant to NRS 231.1591 to 231.1597, inclusive;

(4) The amount of research grants awarded to the research teams and faculty recruited, hired and retained pursuant to NRS 231.1597;

(5) The amount of all grants, gifts and donations to the ~~Knowledge~~ **Nevada Innovation** Account from public and private sources;

(6) The number of businesses which have been created or expanded in this State, or relocated to this State, because of the programs established pursuant to NRS 231.1591 to 231.1597, inclusive; and

(7) The number of jobs which have been created or saved as a result of the activities of the Office.

2. The Executive Director may enter into any agreements necessary to obtain private equity investment in the programs established pursuant to NRS 231.1591 to 231.1597, inclusive.

Sec. 6. NRS 231.1596 is hereby amended to read as follows:

231.1596 1. The Executive Director shall use money in the ~~Knowledge~~ **Nevada Innovation** Account created by NRS 231.1592 to establish a technology outreach program at locations distributed strategically throughout this State.

2. The Executive Director shall ensure that the technology outreach program acts as a resource to:

(a) Broker ideas, new technologies and services to entrepreneurs and businesses throughout a defined service area;

(b) Engage local entrepreneurs and faculty and staff at state colleges and community colleges by connecting them to the research universities and the Desert Research Institute;

(c) *Provide mentoring, networking and entrepreneurial training to assist private entities, the research universities and the Desert Research Institute with bringing a new technology to market;*

(d) *Provide support to private entities, the research universities and the Desert Research Institute in assessing the potential for bringing a new technology to market;*

(e) *Encourage industry partnerships between private entities, the research universities and the Desert Research Institute;*

(f) *Establish a small business research and innovation and small business technology transfer matching program which may cooperate with a nonprofit corporation formed pursuant to NRS 231.0545;*

(g) *Assist the research universities and the Desert Research Institute with effectively forming investable spin-out companies through the creation of an independent market access entity;*

(h) Assist professors and researchers in finding entrepreneurs and investors for the commercialization of their ideas and technologies;

~~[(d)]~~ (i) Connect market ideas and technologies in new or existing businesses or industries or in state colleges and community colleges with the expertise of the research universities and the Desert Research Institute;

~~[(e)]~~ (j) Assist businesses, the research universities, state colleges, community colleges and the Desert Research Institute in developing commercial applications for their research; and

~~[(f)]~~ (k) Disseminate and share discoveries and technologies emanating from the research universities and the Desert Research Institute to local entrepreneurs, businesses, state colleges and community colleges.

3. In designing and operating the technology outreach program, the ~~{Board}~~ **Executive Director** shall work cooperatively with the ~~{technology transfer offices}~~ **vice presidents for research** at the research universities, ~~{and}~~ the Desert Research Institute ~~{}~~ **and private entities.**

Sec. 7. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to the “Knowledge Account” to refer to the “Nevada Innovation Account.”

2. In preparing supplements to the Nevada Administrative Code, make such changes as necessary so that references to the “Knowledge Account” are changed to the “Nevada Innovation Account.”

Sec. 8. 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. 38.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 477.

AN ACT relating to education; revising requirements governing input from interested persons concerning a program of career and technical education; exempting an advisory technical skills committee for such a program from certain requirements governing the meetings of a public body; revising requirements relating to work-based learning programs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the board of trustees of a school district to establish a program of career and technical education and, if such a program has been established, requires the superintendent of the school district to appoint an advisory technical skills committee to perform certain duties relating to the program. (NRS 388.380, 388.385) Existing federal law makes federal funding for career and technical education contingent on a school district that has established such a program consulting with certain stakeholders concerning certain matters relating to the operation of the program. (20 U.S.C. § 2354)

Section 1 of this bill authorizes the superintendent of a school district or his or her designee to consult with such stakeholders as an alternative to establishing an advisory technical skills committee. **Section 1** also revises the membership of an advisory technical skills committee to include the stakeholders with whom a school district is required by federal law to consult. **Section 1** additionally revises the duties of an advisory technical skills committee and the subjects concerning which the superintendent of a school district is required to consult stakeholders, as applicable, in accordance with federal law. **Sections 1 and 3** of this bill exempt an advisory technical skills committee

from provisions of law requiring meetings of a public body to be open and public.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the State Board of Education. (NRS 389.167) **Section 2** of this bill requires the application of a school district or charter school to offer a work-based learning program to include a description of the manner in which the performance of a participating pupil will be evaluated. **Section 2** also revises the required contents of a work-based learning program.

Existing law requires the board of trustees of a school district or the governing body of a charter school that offers a work-based learning program to submit to the State Board and the Legislature a report concerning the manner in which the program has been carried out. (NRS 389.167) **Section 2** requires that report to include: (1) the number of participating pupils ~~that~~ **disaggregated by certain subgroups**; and (2) the types of work-based learning offered through the program.

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

Section 1. NRS 388.385 is hereby amended to read as follows:

388.385 1. If the board of trustees of a school district has established a program of career and technical education pursuant to NRS 388.380 and to the extent that money is available from this State or the Federal Government, the superintendent of schools of the school district *or his or her designee* shall ~~appoint~~ :

(a) *Appoint* an advisory technical skills committee consisting of:

~~((a))~~ (1) Representatives of businesses and industries in the community ~~that~~ *or region*;

~~((b))~~ (2) Employees of the school district who possess knowledge and experience in career and technical education;

~~((c))~~ (3) Pupils enrolled in ~~public schools~~ *programs of career and technical education* in the school district;

~~((d))~~ (4) Parents and legal guardians of pupils enrolled in ~~public schools~~ *programs of career and technical education* in the school district;

~~((e))~~ To the extent practicable, representatives

(5) *Representatives* of postsecondary educational institutions that provide career and technical education; ~~and~~

~~((f))~~ (6) *Members of the Governor's Workforce Investment Board described in NRS 232.935 or local entities for the development of the workforce*;

(7) *Representatives of special populations, as defined in 20 U.S.C. § 2302*;

(8) *Representatives of regional or local agencies serving out-of-school youth, homeless children and youth and youth who are at risk, as defined in 20 U.S.C. § 6472*;

(9) *Representatives of Indian tribes and tribal organizations, where applicable; and*

(10) Other interested ~~{persons}~~ *stakeholders, as prescribed by regulation of the State Board; or*

(b) *Consult regularly with persons in each category listed in paragraph (a) to carry out the duties prescribed for an advisory technical skills committee in subsection 2.*

2. An advisory technical skills committee established pursuant to *paragraph (a)* of subsection 1 shall ~~{}~~ *meet regularly to:*

(a) *Provide input on updates to the comprehensive needs assessment conducted pursuant to 20 U.S.C. § 2354;*

(b) Review the ~~{curriculum, design, content}~~ *instructional supplies, equipment* and operation of the program of career and technical education to determine its effectiveness in ~~{}~~

~~—(1) Preparing~~ *preparing* pupils enrolled in the program to enter the workforce, *apprenticeships or college* and ~~{meeting}~~ *meet* the needs of ~~{supplying an appropriately trained workforce to}~~ businesses and industries in the ~~{community; and}~~

~~—(2) Complying with the provisions of NRS 388.340 to 388.400, inclusive, and any regulations adopted pursuant thereto.~~

~~—(b)}~~ *region concerning their workforce;*

(c) Advise the school district regarding ~~{the curriculum, design, content, operation and effectiveness of the program of career and technical education.}~~ *credentials that are valuable in relevant industries and trends in such industries;*

~~{(c)}~~ (d) Provide technical assistance to the school district in designing and revising as necessary the curriculum for the program of career and technical education ~~{}~~ *to meet the standards prescribed by the State Board; and*

~~{(d)}~~ (e) In cooperation with businesses, industries, employer associations and employee organizations in the community, develop work-based *learning* experiences for pupils enrolled in the program of career and technical education. The work-based *learning* experiences must ~~{}~~

~~—(1) Be designed:~~

~~—(I) For pupils enrolled in grades 11 and 12, but may be offered to pupils enrolled in grades 9 and 10 upon the approval of the principal of the school where the program is offered.~~

~~—(II) To prepare and train pupils to work as apprentices in business settings.~~

~~—(2) Allow a pupil to earn academic credit for the work-based experience.~~

~~—(e) Meet at least three times each calendar year.~~

~~—(f) Provide to the superintendent of schools of the school district any recommendations regarding the program of career and technical education and any actions of the committee.~~

~~—(g) Comply~~ *comply* with the provisions of ~~{chapter 241 of NRS.~~

~~3.}~~ *NRS 389.167.*

3. *The meetings of an advisory technical skills committee are not subject to the provisions of chapter 241 of NRS.*

4. The members of an advisory technical skills committee serve without compensation.

Sec. 2. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes ***the number of hours in*** a work-based learning program ~~which has been approved pursuant to subsection 2.~~ ***required by regulation of the State Board to earn such credits.*** Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the State Board. An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the ~~application~~ ***process*** that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the State Board of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body ~~shall~~ ***shall:***

(a) ~~shall designate~~ ***Designate*** an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ~~approve~~ ***ensure that*** each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program ~~shall~~

~~(b) May authorize pupils enrolled in the school district or charter school, as applicable, who satisfy the qualifications prescribed by the school district or charter school to participate in a work-based learning program for the purpose of obtaining credit pursuant to subsection 1.~~

~~—(e) Shall establish~~ ***is suitable for participation in a work-based learning program.***

(b) ***Establish*** and maintain a list of businesses, agencies and organizations that have been ~~approved~~ ***found suitable*** by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the State Board to offer a work-based learning program, the work-based learning program must include, without limitation ~~the~~ ***, requirements that:***

(a) ~~A requirement that a business, agency or organization that offers employment and supervision of a pupil participating in the work-based learning program establish a~~ ***A detailed training agreement and training plan with be completed for*** each pupil participating in the work-based training program ***for credit*** that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) ~~The required number of hours a pupil must complete in the work-based learning program to qualify for credit for participation in the work-based learning program;~~

~~—(c) A requirement that a~~ ***A*** pupil participating in the work-based learning program ~~the~~

~~—(1) Is~~ ***be*** allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program;

~~—(2) Receives an on-site evaluation of his or her performance; and~~

~~—(3) Complete an assessment prescribed by the State Board related to his or her chosen career pathway; and~~

~~—(d) A requirement that participation~~ ***and***

(c) ***Participation*** by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway.

5. ~~Participation by a pupil in a work-based learning program must lead to the pupil receiving a high school diploma.~~

~~—6.1~~ A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

~~17.1~~ 6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. ***The report must include, without limitation:***

(a) ***The number of pupils participating in the work-based learning program; and***

(b) ***The types of work-based learning offered through the work-based learning program.***

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 3. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, ~~388.385~~, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 4. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time and ordered to third reading.

Assembly Bill No. 47.

Bill read second time.

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

Amendment No. 239.

AN ACT relating to unfair trade practices; requiring certain notice to be provided to the Attorney General before the consummation of ~~certain mergers and acquisitions; making it unlawful to enter into certain agreements which restrain a natural person from engaging in a lawful profession, trade or business; providing that certain provisions in certain agreements or policies related to health care are void and unenforceable unless approved by the Attorney General; prescribing procedures and criteria for obtaining such approval;~~ **certain transactions involving a group practice or health carrier;** revising provisions relating to proceedings instituted by the Attorney General under the Nevada Unfair Trade Practice Act; **revising provisions relating to noncompetition covenants;** providing ~~penalties;~~ **a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Unfair Trade Practice Act sets forth various activities that constitute a contract, combination or conspiracy in restraint of trade and authorizes the Attorney General to investigate and take certain actions against persons who engage in such activities, which may include, without limitation, criminal prosecution and the imposition of civil penalties. (Chapter 598A of NRS) This bill makes various changes to the Nevada Unfair Trade Practice Act.

Sections 2-10 of this bill impose certain notification requirements relating to certain transactions involving health carriers or certain business entities consisting of health care practitioners, which are designated by section 4.2 of this bill as "group practices." Section 6.5 of this bill requires any party conducting business in this State who is a party to a reportable health care or health carrier transaction to, at least 30 days before the consummation of the transaction, submit to the Attorney General a notification with certain specified information relating to the transaction. Section 5.6 of this bill defines "reportable health care or health carrier transaction" to generally mean a transaction that: (1) results in a material change to the business or corporate structure of a group practice or health carrier; and (2) causes, as a result of the transaction, a group practice or health carrier to provide within a geographic market 50 percent or more of any health care service or health carrier service.

The federal Hart-Scott-Rodino Antitrust Improvements Act of 1976 requires certain persons who intend to engage in certain mergers or acquisitions to file a notification with the Federal Trade Commission and the United States Department of Justice. (15 U.S.C. § 18a) ~~{Sections 2-10 of this bill impose similar notification requirements for certain persons and transactions in this State. Section 6 of this bill requires all parties to an intended merger or acquisition to file a notice with the Attorney General at least 180 days before the merger or acquisition if any party to the transaction has had a certain amount of gross sales to consumers in this State and the transaction involves a certain amount of voting securities, assets and other interests.}~~ **Section 7 of this bill requires a person who is required to file such a notification ~~under the federal Hart-Scott-Rodino Antitrust Improvements Act of 1976~~ regarding any transaction involving any assets of a group practice or health carrier in this State** to simultaneously submit a copy of the filing to the Attorney General. **Section 8 of this bill ~~authorizes~~ provides that nothing in the provisions of sections 2-10 limits the power of** the Attorney General to issue written investigative demands ~~{upon a party to the intended merger or acquisition within 30 days after receiving a notice.}~~ **in connection with an investigation under the Nevada Unfair Trade Practice Act. Section 9 of this bill provides that any information received by the Attorney General pursuant to sections 2-10 is confidential and authorized to be disclosed only under certain circumstances.** Section 10 of this bill provides for the imposition of a civil penalty of up to \$1,000 per day for willful violations of the ~~{notice}~~ **notification** requirements set forth in **sections 2-10.**

~~{Existing law allows certain noncompetition agreements between an employer and employee to be enforceable under certain circumstances. (NRS 613.195) Section 11 of this bill makes it unlawful to enter into an agreement which restrains a natural person from engaging in a lawful profession, trade or business of any kind. Section 11 sets forth certain exceptions to this prohibition for certain agreements involving: (1) the sale of a business; (2) the dissolution of or dissociation from a partnership; or (3) the dissolution of or termination of an interest in a limited liability company. Section 25 of this bill makes a conforming change to eliminate the provision in existing law relating to such agreements because section 11 now governs such agreements.~~

~~— Section 12 of this bill requires a person who wishes to enter into certain agreements or adopt certain policies related to health care to submit the proposed agreement or policy to the Attorney General for approval if it contains certain provisions that: (1) relate to the exclusivity of a provider or provider organization; (2) prohibit certain purchases and sales of health care services; or (3) restrict the ability of a health carrier to encourage a person to obtain a health care service from certain hospitals or hospital systems. Section 12 requires the Attorney General to approve the proposed agreement or policy if he or she determines that: (1) the agreement or policy is likely to result in an increase in the welfare of consumers; (2) such increase cannot be accomplished through alternative means that are less restrictive; and (3) the agreement or~~

~~policy does not constitute a contract, combination or conspiracy in restraint of trade. Under section 12, any of the previously described provisions in any agreement or policy are void and unenforceable unless the agreement or policy is approved by the Attorney General. Section 24 of this bill requires all agreements or policies containing such provisions which are in effect on October 1, 2021, to be submitted to the Attorney General by June 1, 2022. If the Attorney General does not approve the agreement or policy before June 1, 2023, section 24 provides that such provisions are void and unenforceable on that date.~~

~~Section 15 of this bill provides that certain agreements or policies that restrict the ability of a provider to provide a health care service or restrict the amount of a health care service provided within certain geographic areas constitute a contract, combination or conspiracy in restraint of trade under certain circumstances.~~

Sections 16, 17, 19 and 20 of this bill revise provisions relating to proceedings instituted by the Attorney General under the Nevada Unfair Trade Practice Act to generally authorize additional equitable relief for violations of the Act. Section 18 of this bill requires public officers and employees to provide certain information to the Attorney General relating to such proceedings upon request.

Existing law requires a state agency to provide to the Executive Director of the Patient Protection Commission such information as the Executive Director may request. (NRS 439.914) Sections 17.5 and 21.5 of this bill provide that the Attorney General is not required to provide to the Executive Director information obtained by the Attorney General under the Nevada Unfair Trade Practice Act.

Existing law provides that a noncompetition covenant is void and unenforceable unless the noncompetition covenant meets certain requirements. Under existing law, a noncompetition covenant is prohibited from restricting a former employee from providing service to a former customer or client under certain circumstances. (NRS 613.195) Section 22.5 of this bill also prohibits an employer from bringing an action to restrict a former employee from providing service to a former customer or client under certain circumstances. Section 22.5 also prohibits a noncompetition covenant from applying to an employee who is paid solely on an hourly wage basis, exclusive of any tips or gratuities. Finally, section 22.5 requires a court, in an action to enforce or challenge a noncompetition covenant, to award reasonable attorney's fees and costs to the employee if the court finds that the noncompetition covenant applies to an employee paid on an hourly wage basis or that the employer has impermissibly restricted or attempted to restrict the employee from providing services to a former customer or client.

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

Section 1. Chapter 598A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the word and terms defined in sections ~~3, 4 and 5~~ 3.5 to 5.9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~“Acquisition” means an agreement, arrangement or activity, the consummation of which results in a person acquiring, directly or indirectly, the control of another person. The term includes, without limitation, the acquiring of a voting security, asset, capital stock, membership interest or equity interest.~~ (Deleted by amendment.)

Sec. 3.5. *“Affiliation” means an agreement, arrangement or activity, the consummation of which results in:*

1. A group practice or health carrier having control of another group practice or health carrier; or

2. A group practice or health carrier coming under common ownership with another group practice or health carrier.

Sec. 4. *“Control” means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person ~~or~~, whether through the ownership of voting securities, by a contract other than a commercial contract for goods or nonmanagement services or otherwise, unless the power is the result of an official position with or corporate office held by the person.*

Sec. 4.2. *1. “Group practice” means two or more practitioners who are legally organized in a partnership, professional corporation, limited liability company formed to render professional services, medical foundation, nonprofit corporation, faculty practice plan or other similar entity:*

(a) In which each practitioner who is a member of the group provides substantially the full range of services that the practitioner routinely provides, including, without limitation, medical care, consultation, diagnosis or treatment, through the joint use of shared office space, facilities, equipment or personnel;

(b) For which substantially all of the services of the practitioners who are members of the group practice are billed in the name of the group practice and amounts so received are treated as receipts of the group; or

(c) In which the overhead expenses of, and the income from, the group are distributed in accordance with methods determined by members of the group.

2. The term includes any entity that otherwise meets the definition whose shareholders, partners or owners include single-practitioner professional corporations, limited liability companies formed to render professional services or other entities to which beneficial owners are individual practitioners.

Sec. 4.4. “Health care service” means any service for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.

Sec. 4.6. “Health carrier” has the meaning ascribed to it in NRS 695G.024.

Sec. 4.8. “Health carrier service” means any service provided by a health carrier.

Sec. 5. ~~“Merger” means a consolidation of two or more business entities. The term includes, without limitation, two or more business entities joining through a common parent business entity and two or more business entities forming a new business entity.~~ (Deleted by amendment.)

Sec. 5.3. “Practitioner” means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, occupational therapist, licensed psychologist or perfusionist.

Sec. 5.6. 1. “Reportable health care or health carrier transaction” means any transaction that:

(a) Results in a material change to the business or corporate structure of a group practice or health carrier; and

(b) As a result of the transaction, would cause a group practice or health carrier to provide within a geographic market 50 percent or more of any health care service, including, without limitation, a health care service involving a specialty, or any health carrier service.

2. The term does not include a transaction involving business entities which:

(a) Are under common ownership; or

(b) Have a contracting relationship that was established before October 1, 2021.

3. As used in this section, a “material change to the business or corporate structure of a group practice or health carrier” includes, without limitation:

(a) The merger, consolidation or affiliation of a group practice or health carrier with another group practice or health carrier;

(b) The acquisition of all or substantially all of:

(1) The properties and assets of a group practice; or

(2) The capital stock, membership interests or other equity interest of a group practice or health carrier;

(c) The employment of all or substantially all of the practitioners in a group practice; and

(d) The acquisition of one or more insolvent group practices.

Sec. 5.9. “Specialty” means a subarea of medical practice that is recognized by the American Board of Medical Specialties.

Sec. 6. ~~1. At least 180 days before the consummation of a merger or acquisition, each person who is a party to the intended merger or acquisition shall submit a notice to the Attorney General if:~~

~~(a) Any person who is a party to the intended merger or acquisition is a person whose gross sales of commodities or services to consumers in this State has exceeded \$5,000,000 in any of the 3 years immediately preceding the merger or acquisition; and~~

~~(b) The aggregate value of the voting securities, assets and other interests to be acquired or merged exceeds \$25,000,000.~~

~~2. The notice required pursuant to subsection 1 must be in the form prescribed by the Attorney General and include, without limitation:~~

~~(a) The name and business address of each party to the intended merger or acquisition;~~

~~(b) A brief description of the nature and purpose of the intended merger or acquisition; and~~

~~(c) The anticipated effective date of the intended merger or acquisition.~~

~~3. The provisions of subsection 2 do not prohibit a person from voluntarily providing additional information to the Attorney General. (Deleted by amendment.)~~

Sec. 6.5. 1. Except as otherwise provided in subsection 2, any person conducting business in this State who is a party to a reportable health care or health carrier transaction shall, at least 30 days before the consummation of the reportable health care or health carrier transaction, submit to the Attorney General a notification on a form prescribed by the Attorney General. The notification must contain the following information, to the extent such information is applicable:

(a) A brief description of the nature of the proposed relationship among the parties to the proposed reportable health care or health carrier transaction;

(b) The names and specialties of each practitioner working for the group practice that is the subject of the reportable health care or health carrier transaction and who is anticipated to work with the resulting group practice following the effective date of the transaction;

(c) The names of the business entities that are anticipated to provide health care services or health carrier services following the effective date of the reportable health care or health carrier transaction;

(d) An identification of each anticipated location where health care services or health carrier services are to be provided following the effective date of the reportable health care or health carrier transaction;

(e) A description of the services to be provided by practitioners at each location identified pursuant to paragraph (d); and

(f) The primary service area to be served by each location identified pursuant to paragraph (d).

2. If a person who is a party to a reportable health care or health carrier transaction is required to:

(a) Submit a copy of a filing to the Attorney General pursuant to section 7 of this act regarding the transaction, the copy of the filing submitted

pursuant to section 7 of this act satisfies the requirement for notification pursuant to subsection 1.

(b) Submit a notification to the Commissioner of Insurance pursuant to NRS 692C.363 regarding the transaction, the person may satisfy the requirement for notification pursuant to subsection 1 by simultaneously submitting to the Attorney General a copy of the notification submitted to the Commissioner of Insurance.

Sec. 7. 1. Any person conducting business in this State that files a notification with the Federal Trade Commission or the United States Department of Justice pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. § 18a ~~++~~ regarding a transaction that involves any assets of a group practice or health carrier in this State shall simultaneously submit a copy of the filing to the Attorney General.

2. A person that submits a copy of a filing to the Attorney General pursuant to subsection 1 satisfies the requirement for notice set forth in section 6 of this act.

Sec. 8. ~~1. If, after receipt of a notice or filing submitted pursuant to section 6 or 7 of this act, the Attorney General requires additional information regarding the proposed merger or acquisition, the Attorney General may issue a written investigative demand upon any person who is a party to the proposed merger or acquisition in the manner provided in NRS 598A.100. All such demands must be made within 30 days after the date upon which the Attorney General received the notice or filing.~~

~~2. Nothing in ~~this section~~ sections 2 to 10, inclusive, of this act limits the power of the Attorney General to issue an investigative demand in connection with an investigation of a suspected violation of the provisions of this chapter pursuant to NRS 598A.100. ~~outside of the time period specified in subsection 1.~~~~

Sec. 9. ~~Any~~ All information received by the Attorney General pursuant to sections 2 to 10, inclusive, of this act must be kept confidential in the same manner and to the same extent as required in NRS 598A.110.

Sec. 10. 1. A person who willfully violates any provision of sections 2 to 10, inclusive, of this act is subject to a civil penalty not to exceed \$1,000 for each day of the violation.

2. The provisions of sections 2 to 10, inclusive, of this act do not establish a private right of action against any person.

Sec. 11. ~~1. Except as otherwise provided in this section, it is unlawful to enter into an agreement which restrains a natural person from engaging in a lawful profession, trade or business of any kind. Any such agreement is void and must not be given effect to the extent that it violates the provisions of this section.~~

~~2. A violation of this section constitutes a prohibited act under NRS 598A.060.~~

~~3. The provisions of this section do not prohibit:~~

~~—(a) A person who sells a business from agreeing with the buyer to refrain from carrying on a similar business in a specified geographic area in which the business is sold or in which the seller has been carrying on business, so long as the buyer, or any person deriving title to the business or its goodwill from the buyer, carries on a like business therein.~~

~~—(b) A member of a partnership, upon or in anticipation of the dissolution of the partnership or dissociation from the partnership, from agreeing that the member will not carry on a similar business within a specified geographic area where the business of the partnership was regularly carried on, so long as any other member of the partnership, or any person deriving title to the business or its goodwill from such a member, carries on a like business therein.~~

~~—(c) A member of a limited liability company, upon or in anticipation of the dissolution of the limited liability company or the termination of the interest of the member in the company, from agreeing that the member will not carry on a similar business within a specified geographic area where the business of the limited liability company was regularly carried on, so long as any other member of the limited liability company, or any person deriving title to the business or its goodwill, carries on a like business therein.~~

~~—4. For the purposes of paragraph (a) of subsection 3, a person “sells a business” when the person sells:~~

~~—(a) The goodwill of a business;~~

~~—(b) All of the person’s ownership interest in a business;~~

~~—(c) All or substantially all of the operating assets and goodwill of a business;~~

~~—(d) All or substantially all of the operating assets and goodwill of a subsidiary of the person; or~~

~~—(e) All of the person’s ownership interest in a subsidiary of the person.~~

~~(Deleted by amendment.)~~

Sec. 12. ~~1. Any provision in an:~~

~~—(a) Agreement between a provider or provider organization and hospital or hospital system which:~~

~~—(1) Grants the provider or provider organization the right to be the exclusive provider of a specified health care service for the hospital or hospital system; or~~

~~—(2) Prohibits a provider or provider organization from providing a specified health care service for a competitor of the hospital or hospital system;~~

~~—(b) Agreement or policy of a provider organization, hospital, hospital system or health carrier that prohibits:~~

~~—(1) A hospital, hospital system or health carrier from purchasing a health care service from a provider organization; or~~

~~—(2) A provider organization from selling a health care service to a hospital, hospital system or health carrier; or~~

~~—(c) Agreement between a hospital or hospital system and a health carrier that restricts the ability of the health carrier to encourage a person to obtain a health care service from a competitor of the hospital or hospital system, is void and unenforceable unless the agreement or policy is approved by the Attorney General in accordance with this section.~~

~~— 2. A person who wishes to enter into an agreement or adopt a policy containing a provision specified in subsection 1 shall submit the proposed agreement or policy to the Attorney General for approval. The proposed agreement or policy must be accompanied by the following information:~~

~~— (a) The name and business address of each party to the proposed agreement or policy;~~

~~— (b) An identification of each location at which any party to the agreement or policy provides health care services;~~

~~— (c) The anticipated date that the proposed agreement or policy will become effective; and~~

~~— (d) Such information as the Attorney General requires to demonstrate that the proposed agreement or policy will result in an increase in the welfare of consumers that cannot be accomplished through alternative means that are less restrictive.~~

~~— 3. The Attorney General shall approve a proposed agreement or policy submitted pursuant to subsection 2 if the Attorney General determines that:~~

~~— (a) The agreement or policy is likely to result in an increase in the welfare of consumers;~~

~~— (b) Such increase in the welfare of consumers cannot be accomplished through alternative means that are less restrictive; and~~

~~— (c) The agreement or policy does not constitute a contract, combination or conspiracy in restraint of trade as described in subsection 1 of NRS 598A.060.~~

~~— 4. The Attorney General shall provide written notice of the approval or disapproval of a proposed agreement or policy to each party to the agreement or policy within 180 days after its submission pursuant to subsection 2. If the Attorney General disapproves a proposed agreement or policy, the Attorney General shall include in the written notice the reasons for the disapproval.~~

~~— 5. The decision of the Attorney General to disapprove a proposed agreement or policy pursuant to this section is a final decision for the purposes of judicial review.~~

~~— 6. Each party to any agreement or policy approved pursuant to this section shall, on or before June 1 of each year in which the agreement or policy is in effect, submit to the Attorney General a copy of the approved agreement or policy. (Deleted by amendment.)~~

Sec. 13. [NRS 598A.020 is hereby amended to read as follows:

~~— 598A.020 When used in this chapter, unless the context otherwise requires:~~

~~— 1. “Commodity” means any goods, merchandise, wares, produce, chose in action, patents, trademarks, articles of commerce, or other tangible or~~

intangible property, real, personal, or mixed, for use, consumption, enjoyment or resale.

~~2. “Health care service” means any service for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.~~

~~3. “Health carrier” has the definition ascribed to it in NRS 695C.024.~~

~~4. “Hospital” has the meaning ascribed to it in NRS 449.012.~~

~~5. “Hospital system” means:~~

~~(a) A parent company of one or more hospitals and any person that is affiliated with the parent company through common ownership or control;~~

~~(b) A hospital and any person that is affiliated with the hospital through common ownership.~~

~~6. “Provider” means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, licensed physical therapist, occupational therapist, licensed psychologist or perfusionist.~~

~~7. “Provider organization” means a person engaged in the business of health care delivery or management that represents at least seven providers in contracting with health carriers or third party administrators for the payments for health care services. The term includes, without limitation, a physician organization, physician hospital organization, independent practice association, provider network and accountable care organization.~~

~~8. “Service” means any activity performed or benefit conferred for the purpose of economic gain.~~

~~[3.] 9. “Third party administrator” means a person that administers payments for health care services on behalf of a client in exchange for an administrative fee.~~

~~10. “Trade or commerce” includes all economic activity involving or relating to any commodity or service.] (Deleted by amendment.)~~

Sec. 14. [NRS 598A.040 is hereby amended to read as follows:

~~598A.040 The provisions of this chapter do not apply to:~~

~~1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.~~

~~2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.~~

~~3. Conduct which is expressly authorized, regulated or approved by:~~

~~(a) A statute of this State or of the United States;~~

~~(b) An ordinance of any city or county of this State, except for ordinances relating to video service providers; or~~

~~(c) An administrative agency of this State or of the United States or of a city or county of this State, having jurisdiction of the subject matter.~~

~~4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges, including charges between carriers and compensation~~

~~paid or received for the use of facilities and equipment, that are authorized, regulated or approved by the Nevada Transportation Authority pursuant to chapter 706 of NRS.~~

~~5. Restrictive covenants—~~

~~(a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or~~

~~(b) Which *which* are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 598A.060 is hereby amended to read as follows:~~

~~598A.060 1. Every activity enumerated in this subsection constitutes a contract, combination or conspiracy in restraint of trade, and it is unlawful to conduct any part of any such activity in this State:~~

~~(a) Price fixing, which consists of raising, depressing, fixing, pegging or stabilizing the price of any commodity or service, and which includes, but is not limited to:~~

~~— (1) Agreements among competitors to depress prices at which they will buy essential raw material for the end product.~~

~~— (2) Agreements to establish prices for commodities or services.~~

~~— (3) Agreements to establish uniform discounts, or to eliminate discounts.~~

~~— (4) Agreements between manufacturers to price a premium commodity a specified amount above inferior commodities.~~

~~— (5) Agreements not to sell below cost.~~

~~— (6) Agreements to establish uniform trade in allowances.~~

~~— (7) Establishment of uniform cost surveys.~~

~~— (8) Establishment of minimum markup percentages.~~

~~— (9) Establishment of single or multiple basing point systems for determining the delivered price of commodities.~~

~~— (10) Agreements not to advertise prices.~~

~~— (11) Agreements among competitors to fix uniform list prices as a place to start bargaining.~~

~~— (12) Bid rigging, including the misuse of bid depositories, foreclosures of competitive activity for a period of time, rotation of jobs among competitors, submission of identical bids, and submission of complementary bids not intended to secure acceptance by the customer.~~

~~— (13) Agreements to discontinue a product, or agreements with anyone engaged in the manufacture of competitive lines to limit size, styles or quantities of items comprising the lines.~~

~~— (14) Agreements to restrict volume of production.~~

~~— (b) Division of markets, consisting of agreements between competitors to divide territories and to refrain from soliciting or selling in certain areas.~~

~~— (c) Allocation of customers, consisting of agreements not to sell to specified customers of a competitor.~~

~~— (d) Tying arrangements, consisting of contracts in which the seller or lessor conditions the sale or lease of commodities or services on the purchase or leasing of another commodity or service.~~

~~— (e) Monopolization of trade or commerce in this State, including, without limitation, attempting to monopolize or otherwise combining or conspiring to monopolize trade or commerce in this State.~~

~~— (f) Except as otherwise provided in subsection 2, entering into agreements or policies that restrict:~~

~~— (1) The ability of a provider to provide a health care service to any person within a geographic area in this State delineated by the United States Office of Management and Budget as a core-based statistical area; or~~

~~— (2) The amount of a health care service provided within a geographic area in this State delineated by the United States Office of Management and Budget as a core-based statistical area,~~

~~— if, within that area, there is a sole provider of the health care service and there is no reasonable substitute for the health care service.~~

~~— (g) Except as otherwise provided in subsection [2,] 3, consolidation, conversion, merger, acquisition of shares of stock or other equity interest, directly or indirectly, of another person engaged in commerce in this State or the acquisition of any assets of another person engaged in commerce in this State that may:~~

~~— (1) Result in the monopolization of trade or commerce in this State or would further any attempt to monopolize trade or commerce in this State; or~~

~~— (2) Substantially lessen competition or be in restraint of trade.~~

~~2. The provisions of paragraph (f) of subsection 1 do not prohibit a provider from providing a health care service exclusively for a business organization in which the provider has a controlling or majority ownership interest.~~

~~3. The provisions of paragraph [(f)] (g) of subsection 1 do not:~~

~~— (a) Apply to a person who, solely for an investment purpose, purchases stock or other equity interest or assets of another person if the purchaser does not use his or her acquisition to bring about or attempt to bring about the substantial lessening of competition in this State.~~

~~— (b) Prevent a person who is engaged in commerce in this State from forming a subsidiary corporation or other business organization and owning and holding all or part of the stock or equity interest of that corporation or organization.] (Deleted by amendment.)~~

Sec. 16. NRS 598A.070 is hereby amended to read as follows:

598A.070 1. The Attorney General shall:

(a) Enforce the provisions of this chapter.

(b) Investigate suspected violations of the provisions of this chapter.

(c) Institute proceedings on behalf of the State, its agencies, political subdivisions, districts or municipal corporations, or as parens patriae of the persons residing in the State for:

(1) Injunctive relief to prevent and restrain a violation of any provision of this chapter ~~††~~ , ***including, without limitation, a temporary restraining order, preliminary injunction or permanent injunction.***

(2) Civil penalties for violations of the provisions of this chapter.

(3) Criminal penalties for violations of the provisions of this chapter.

(4) Other equitable relief for violations of the provisions of this chapter, including, without limitation, disgorgement or restitution.

2. Any district attorney in this State, with the permission or at the direction of the Attorney General, shall institute proceedings in the name of the State of Nevada for any violation of the provisions of this chapter.

Sec. 17. NRS 598A.090 is hereby amended to read as follows:

598A.090 The district courts have jurisdiction over actions and proceedings for violations of the provisions of this chapter and may:

1. Issue temporary restraining orders and injunctions to prevent and restrain violations of the provisions of this chapter.

2. Impose civil and criminal penalties and award damages as provided in this chapter.

3. Grant mandatory injunctions reasonably necessary to eliminate practices which are unlawful under the provisions of this chapter.

4. Grant other equitable relief the court considers appropriate for violations of the provisions of this chapter, including, without limitation, disgorgement or restitution.

Sec. 17.5. NRS 598A.110 is hereby amended to read as follows:

598A.110 1. Any procedure, testimony taken, document or other tangible evidence produced, or answer made under NRS 598A.100 shall be kept confidential by the Attorney General prior to the ~~institution of~~ ***entry of a protective order in*** an action brought under this chapter for the alleged violation of the provisions of this chapter under investigation, unless:

~~††~~ ***(a)*** Confidentiality is waived by the person upon whom the written investigative demand is made or pursuant to NRS 239.0115;

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

~~††~~ ***(c)*** Disclosure is made pursuant to NRS 598A.080.

2. The Attorney General is not required to provide the information described in subsection 1 to the Executive Director of the Patient Protection Commission upon a request of the Executive Director pursuant to NRS 439.914.

Sec. 18. NRS 598A.150 is hereby amended to read as follows:

598A.150 It is the duty of all public officers ~~††~~ ***of any state agency, board or commission, and*** their deputies, assistants, clerks, subordinates or employees, to render and furnish to the Attorney General, his or her deputy or other designated representative, when so requested, ***including, without limitation, during the time in which discovery is being conducted in a proceeding instituted by the Attorney General,*** all the information and assistance in their possession or within their power relating to investigations carried out ***and proceedings instituted*** under the provisions of this chapter.

Sec. 19. NRS 598A.160 is hereby amended to read as follows:

598A.160 1. The Attorney General may bring a civil action for any violation of the provisions of this chapter in the name of the State of Nevada and is entitled to recover damages and secure other relief provided by the provisions of this chapter:

(a) As parens patriae of the persons residing in this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; or

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any **agency or** political subdivision thereof.

2. In any action under this section, this State:

(a) May recover the aggregate damage sustained by the persons on whose behalf this State sues, without separately proving the individual claims of each such person. Proof of such damages must be based on:

(1) Statistical or sampling methods;

(2) The pro rata allocation of illegal overcharges of sales occurring within the State of Nevada; or

(3) Such other reasonable system of estimating aggregate damages as the court may permit.

(b) Shall distribute, allocate or otherwise pay the amounts so recovered in accordance with state law, or in the absence of any applicable state law, as the district court may authorize, subject to the requirement that any distribution procedure adopted afford each person on whose behalf this State sues a reasonable opportunity individually to secure the pro rata portion of such recovery attributable to his, her or its respective claims for damages, less litigation and administrative costs, including attorney fees, before any of the recovery is escheated.

Sec. 20. NRS 598A.210 is hereby amended to read as follows:

598A.210 ***Except as otherwise provided in section 10 of this act:***

1. Any person threatened with injury or damage to his or her business or property by reason of a violation of any provision of this chapter may institute a civil action or proceeding for injunctive ***or other equitable*** relief ~~††~~ , ***including, without limitation, a temporary restraining order, a preliminary or permanent injunction, restitution or disgorgement.*** If the court issues a permanent injunction, the plaintiff shall recover reasonable attorney fees, together with costs, as determined by the court.

2. Any person injured or damaged directly or indirectly in his or her business or property by reason of a violation of the provisions of this chapter may institute a civil action and shall recover treble damages, together with reasonable attorney fees and costs.

3. Any person commencing an action for any violation of the provisions of this chapter shall, simultaneously with the filing of the complaint with the court, mail a copy of the complaint to the Attorney General.

Sec. 21. 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 9 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 21.5. NRS 439.914 is hereby amended to read as follows:

439.914 1. The Governor shall appoint the Executive Director of the Commission within the Office of the Governor. The Executive Director:

(a) Must have experience in health care or health insurance;

(b) Is in the unclassified service of the State; and

(c) Serves at the pleasure of the Governor.

2. The Executive Director shall:

(a) Perform the administrative duties of the Commission and such other duties as are directed by the Commission; and

(b) To the extent that money is available for this purpose, appoint employees to assist the Executive Director in carrying out the duties prescribed in paragraph (a). Such employees serve at the pleasure of the Executive Director and are in the unclassified service of the State.

3. The Executive Director may request any information maintained by a state agency that is necessary for the performance of his or her duties, including, without limitation, information that is otherwise declared confidential by law. ~~For~~ **Except as otherwise provided in NRS 598A.110, to**

the extent authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, an agency from which such information is requested shall provide the information to the Executive Director.

4. The Executive Director:

(a) Shall maintain any information obtained pursuant to subsection 3 under the same conditions as the information is maintained by the agency that provided the information; and

(b) Except as otherwise provided in this paragraph, shall not disclose any confidential information obtained pursuant to subsection 3 to any other person or entity, including, without limitation, the Commission or a member thereof. The Executive Director may disclose or publish aggregated information in a manner that does not reveal the identity of any person.

Sec. 22. ~~NRS 450.440 is hereby amended to read as follows:~~

~~450.440 1. Except as otherwise provided in subsection 2, the board of hospital trustees shall organize a staff of physicians composed of each regular practicing physician, podiatric physician and dentist in the county in which the hospital is located who requests staff membership and meets the standards set forth in the regulations prescribed by the board of hospital trustees.~~

~~2. The board of hospital trustees may, after consulting with the chief of staff of the hospital and the deans of the University of Nevada School of Medicine and the University of Nevada, Las Vegas, School of Dental Medicine, organize a staff of physicians composed of physicians, podiatric physicians and dentists who are affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine who request staff membership and meet the requirements set forth in subsection 3. If the board of hospital trustees organizes a staff of physicians in accordance with this subsection, the board of hospital trustees may require:~~

~~(a) Not more than 60 percent of the staff of physicians to be so affiliated before January 1, 2013.~~

~~(b) Not more than 85 percent of the staff of physicians to be so affiliated on or after January 1, 2013, and before January 1, 2018.~~

~~(c) The staff of physicians to have such an affiliation in such a percentage as the board of hospital trustees deems appropriate on or after January 1, 2018.~~

~~3. Except as otherwise provided in subsection 4, if the board of hospital trustees decides to organize the staff of physicians in accordance with subsection 2, a physician, podiatric physician or dentist who requests staff membership must:~~

~~(a) Meet the standards set forth in the regulations prescribed by the board of hospital trustees; and~~

~~(b) Hold a faculty or clinical appointment with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine and maintain that appointment while he or she is on the staff of physicians.~~

~~4. If the board of hospital trustees decides to organize the staff of physicians in accordance with subsection 2, the board of hospital trustees may enter into a contract with a physician or group of physicians who do not meet the requirements of subsection 3 if [the]:~~

~~(a) The physician or group of physicians will be the exclusive provider of certain services for the hospital [. Such services may include,] , **including**, without limitation, radiology, pathology, emergency medicine and neonatology services [.] ; and~~

~~(b) The contract is approved by the Attorney General in accordance with section 12 of this act.~~

~~5. The provisions of subsections 2 and 3 shall not be deemed to prohibit a physician, podiatric physician or dentist who is on the staff of physicians from being affiliated with another institution of higher education.~~

~~6. The staff shall organize in a manner prescribed by the board so that there is a rotation of service among the members of the staff to give proper medical and surgical attention and service to the indigent sick, injured or maimed who may be admitted to the hospital for treatment.~~

~~7. The board of hospital trustees or the board of county commissioners may offer the following assistance to members of the staff to attract and retain them:~~

~~(a) Establishment of clinic or group practice;~~

~~(b) Malpractice insurance coverage under the hospital's policy of professional liability insurance;~~

~~(c) Professional fee billing; and~~

~~(d) The opportunity to rent office space in facilities owned or operated by the hospital, as the space is available, if this opportunity is offered to all members of the staff on the same terms and conditions.] **(Deleted by amendment.)**~~

Sec. 22.5. NRS 613.195 is hereby amended to read as follows:

613.195 1. A noncompetition covenant is void and unenforceable unless the noncompetition covenant:

- (a) Is supported by valuable consideration;
- (b) Does not impose any restraint that is greater than is required for the protection of the employer for whose benefit the restraint is imposed;
- (c) Does not impose any undue hardship on the employee; and
- (d) Imposes restrictions that are appropriate in relation to the valuable consideration supporting the noncompetition covenant.

2. A noncompetition covenant may not restrict **, and an employer may not bring an action to restrict,** a former employee of an employer from providing service to a former customer or client if:

- (a) The former employee did not solicit the former customer or client;
- (b) The customer or client voluntarily chose to leave and seek services from the former employee; and
- (c) The former employee is otherwise complying with the limitations in the covenant as to time, geographical area and scope of activity to be restrained,

other than any limitation on providing services to a former customer or client who seeks the services of the former employee without any contact instigated by the former employee.

↪ Any provision in a noncompetition covenant which violates the provisions of this subsection is void and unenforceable.

3. *A noncompetition covenant may not apply to an employee who is paid solely on an hourly wage basis, exclusive of any tips or gratuities.*

4. An employer in this State who negotiates, executes or attempts to enforce a noncompetition covenant that is void and unenforceable under this section does not violate the provisions of NRS 613.200.

~~4.1~~ 5. If the termination of the employment of an employee is the result of a reduction of force, reorganization or similar restructuring of the employer, a noncompetition covenant is only enforceable during the period in which the employer is paying the employee's salary, benefits or equivalent compensation, including, without limitation, severance pay.

~~5.1~~ 6. If an employer brings an action to enforce a noncompetition covenant *or an employee brings an action to challenge a noncompetition covenant* and the court finds the covenant is supported by valuable consideration but contains limitations as to time, geographical area or scope of activity to be restrained that are not reasonable, ~~impose~~ imposes a greater restraint than is necessary for the protection of the employer for whose benefit the restraint is imposed ~~and impose~~ or imposes undue hardship on the employee, the court shall revise the covenant to the extent necessary and enforce the covenant as revised. Such revisions must cause the limitations contained in the covenant as to time, geographical area and scope of activity to be restrained to be reasonable , to not impose undue hardship on the employee and to impose a restraint that is not greater than is necessary for the protection of the employer for whose benefit the restraint is imposed.

~~6.1~~ 7. *If an employer brings an action to enforce a noncompetition covenant or an employee brings an action to challenge a noncompetition covenant and the court finds that the noncompetition covenant applies to an employee described in subsection 3 or that the employer has restricted or attempted to restrict a former employee in the manner described in subsection 2, the court shall award the employee reasonable attorney's fees and costs. Nothing in this subsection shall be construed as prohibiting a court from otherwise awarding attorney's fees to a prevailing party pursuant to NRS 18.010.*

8. As used in this section:

(a) "Employer" means every person having control or custody of any employment, place of employment or any employee.

(b) "Noncompetition covenant" means an agreement between an employer and employee which, upon termination of the employment of the employee, prohibits the employee from pursuing a similar vocation in competition with or becoming employed by a competitor of the employer.

Sec. 23. ~~[NRS 613.200 is hereby amended to read as follows:~~

~~613.200 1. Except as otherwise provided in this section, [and NRS 613.195,] any person, association, company or corporation within this State, or any agent or officer on behalf of the person, association, company or corporation, who willfully does anything intended to prevent any person who for any cause left or was discharged from his, her or its employ from obtaining employment elsewhere in this State is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$5,000.~~

~~2. In addition to any other remedy or penalty, the Labor Commissioner may impose against each culpable party an administrative penalty of not more than \$5,000 for each such violation.~~

~~3. If a fine or an administrative penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Labor Commissioner.~~

~~4. The provisions of this section do not prohibit a person, association, company, corporation, agent or officer from negotiating, executing and enforcing an agreement with an employee of the person, association, company or corporation which, upon termination of the employment, prohibits the employee from disclosing any trade secrets, business methods, lists of customers, secret formulas or processes or confidential information learned or obtained during the course of his or her employment with the person, association, company or corporation if the agreement is supported by valuable consideration and is otherwise reasonable in its scope and duration.] (Deleted by amendment.)~~

Sec. 24. ~~[1. Except as otherwise provided in this section, the amendatory provisions of this act do not apply to any agreement entered into or policy adopted before October 1, 2021.~~

~~2. A person who is a party to an agreement or policy which contains a provision specified in subsection 1 of section 12 of this act that is in effect on October 1, 2021, shall, on or before June 1, 2022, submit the agreement or policy to the Attorney General for approval. The agreement or policy must be accompanied by the following information:~~

~~(a) The name and business address of each party to the agreement or policy;~~

~~(b) An identification of each location at which any party to the agreement or policy provides health care services; and~~

~~(c) Such information as the Attorney General requires to demonstrate that the proposed agreement or policy results in an increase in the welfare of consumers in this State that could not have been accomplished through alternative means that are less restrictive.~~

~~3. The Attorney General shall approve an agreement or policy submitted pursuant to subsection 2 if the Attorney General determines:~~

~~(a) The agreement or policy results in an increase in the welfare of consumers in this State;~~

~~(b) Such increase in the welfare could not have been accomplished through alternative means that are less restrictive; and~~

~~—(e) The agreement or policy does not constitute a contract, combination or conspiracy in restraint of trade as described in subsection 1 of NRS 598A.060, as amended by section 15 of this act.~~

~~—4. The Attorney General shall, on or before June 1, 2023, provide written notice of the approval or disapproval of an agreement or policy submitted pursuant to subsection 2 to each party to the agreement or policy. If the Attorney General disapproves an agreement or policy, the Attorney General shall include in the written notice the reasons for the disapproval.~~

~~—5. The decision of the Attorney General to disapprove an agreement or policy pursuant to this section is a final decision for the purposes of judicial review.~~

~~—6. Any provision of an agreement or policy specified in subsection 1 of section 12 of this act shall be deemed void and unenforceable on June 1, 2023, unless the agreement or policy has been approved by the Attorney General in accordance with the provisions of this section.~~

~~—7. The parties to any agreement or policy approved pursuant to this section shall, on or before June 1 of each year in which the agreement or policy is in effect, submit to the Attorney General a copy of the approved agreement or policy.~~

~~—8. As used in this section, “health care service” has the meaning ascribed to it in NRS 598A.020, as amended by section 13 of this act.} (Deleted by amendment.)~~

Sec. 25. ~~{NRS 613.195 is hereby repealed.} (Deleted by amendment.)~~

†

TEXT OF REPEALED SECTION

~~—613.195 Noncompetition covenants: Limitations; enforceability; revision by court.~~

~~—1. A noncompetition covenant is void and unenforceable unless the noncompetition covenant:~~

~~—(a) Is supported by valuable consideration;~~

~~—(b) Does not impose any restraint that is greater than is required for the protection of the employer for whose benefit the restraint is imposed;~~

~~—(c) Does not impose any undue hardship on the employee; and~~

~~—(d) Imposes restrictions that are appropriate in relation to the valuable consideration supporting the noncompetition covenant.~~

~~—2. A noncompetition covenant may not restrict a former employee of an employer from providing service to a former customer or client if:~~

~~—(a) The former employee did not solicit the former customer or client;~~

~~—(b) The customer or client voluntarily chose to leave and seek services from the former employee; and~~

~~—(c) The former employee is otherwise complying with the limitations in the covenant as to time, geographical area and scope of activity to be restrained, other than any limitation on providing services to a former customer or client~~

~~who seeks the services of the former employee without any contact instigated by the former employee.~~

~~Any provision in a noncompetition covenant which violates the provisions of this subsection is void and unenforceable.~~

~~3. An employer in this State who negotiates, executes or attempts to enforce a noncompetition covenant that is void and unenforceable under this section does not violate the provisions of NRS 613.200.~~

~~4. If the termination of the employment of an employee is the result of a reduction of force, reorganization or similar restructuring of the employer, a noncompetition covenant is only enforceable during the period in which the employer is paying the employee's salary, benefits or equivalent compensation, including, without limitation, severance pay.~~

~~5. If an employer brings an action to enforce a noncompetition covenant and the court finds the covenant is supported by valuable consideration but contains limitations as to time, geographical area or scope of activity to be restrained that are not reasonable, impose a greater restraint than is necessary for the protection of the employer for whose benefit the restraint is imposed and impose undue hardship on the employee, the court shall revise the covenant to the extent necessary and enforce the covenant as revised. Such revisions must cause the limitations contained in the covenant as to time, geographical area and scope of activity to be restrained to be reasonable and to impose a restraint that is not greater than is necessary for the protection of the employer for whose benefit the restraint is imposed.~~

~~6. As used in this section:~~

~~(a) "Employer" means every person having control or custody of any employment, place of employment or any employee.~~

~~(b) "Noncompetition covenant" means an agreement between an employer and employee which, upon termination of the employment of the employee, prohibits the employee from pursuing a similar vocation in competition with or becoming employed by a competitor of the employer.~~

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 55.

Bill read second time.

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

Amendment No. 347.

AN ACT relating to the City of North Las Vegas; **providing for the creation, membership and duties of a Charter Committee**; making certain grammatical and clarifying changes to the Charter of the City of North Las Vegas; revising provisions relating to special and emergency meetings of the City Council; revising the procedure for enacting city ordinances; making

various changes to the duties of the City Clerk; revising the powers of the City Council relating to animals; revising provisions relating to the removal of the City Attorney; authorizing the City Manager and City Attorney to take certain legal action for the collection and disposition of certain money; ~~authorizing the City Council to appoint one or more Hearing Commissioners;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill: (1) requires the City Council of the City of North Las Vegas to establish a Charter Committee, which is required to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the Charter; and (2) sets forth requirements for the creation, membership and duties of the Charter Committee.

~~Sections 1-1~~ **Sections 1.5, 2, 5, 7, 9 and 15-21** of this bill make grammatical and clarifying changes to various provisions of the Charter of the City of North Las Vegas.

The existing Charter of the City of North Las Vegas: (1) authorizes the City Council to hold a special meeting on the call of the Mayor or by a majority of the City Council; and (2) prohibits the City Council from making certain contracts involving the expenditure of money or allowing claims at a special meeting. (North Las Vegas City Charter § 2.050) **Section 3** of this bill eliminates this prohibition and authorizes the City Council to also hold an emergency meeting on the call of the Mayor or by a majority of the City Council.

The existing Charter of the City of North Las Vegas establishes the procedure for enacting an ordinance. (North Las Vegas City Charter § 2.100) **Section 4** of this bill provides that if action on an introduced ordinance is postponed ~~to a future meeting of the City Council;~~ the City Council is not required to introduce the ordinance again before taking action on the ordinance ~~at the next meeting of the City Council.~~

The existing Charter of the City of North Las Vegas authorizes the City Council to regulate and prevent in all public places: (1) the distribution and exhibition of handbills or signs; (2) any practice tending to annoy persons passing in such public places; and (3) public demonstrations and processions. (North Las Vegas City Charter § 2.200) **Section 6** of this bill : **(1) provides the City Council may regulate or prevent such behavior to the extent permissible under the Nevada Constitution and the United States Constitution; and (2) removes the provision authorizing the City Council to regulate practices tending to annoy persons. Section 6 also removes existing language authorizing the City Council to prevent riots or acts tending to promote riots.**

The existing Charter of the City of North Las Vegas gives the City Council certain powers related to animals and poultry. (North Las Vegas City Charter § 2.250) **Section 8** of this bill removes the reference to poultry and authorizes the City Council to establish an animal shelter rather than a pound.

The existing Charter of the City of North Las Vegas sets forth the duties of the City Clerk. (North Las Vegas City Charter § 3.040) **Section 10** of this bill revises the duties of the City Clerk.

The existing Charter of the City of North Las Vegas provides that the City Attorney may be removed by a vote of the majority of the entire City Council at any time. (North Las Vegas City Charter § 3.050) **Section 11** of this bill specifies that the removal of the City Attorney must also be in accordance with the terms of his or her employment contract.

The existing Charter of the City of North Las Vegas authorizes the City Council to take certain legal action for the collection and disposition of certain money. (North Las Vegas City Charter § 3.090) **Section 12** of this bill authorizes the City Manager and City Attorney to also take such legal action. ~~[Section 13 of this bill authorizes the City Council to appoint one or more Hearing Commissioners to hear and decide certain actions. Section 14 of this bill makes a conforming change related to such an appointment.]~~

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

Section 1. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto new sections to be designated as sections 1.100, 1.110 and 1.120, respectively, immediately following section 1.090, to read as follows:

Sec. 1.100 Charter Committee: Appointment; qualifications; compensation; terms; vacancies.

1. The City Council shall establish a Charter Committee. The Charter Committee must be appointed as follows:

(a) The Mayor shall appoint two members;

(b) The Mayor pro tempore shall appoint two members;

(c) The remaining members of the City Council shall each appoint one member;

(d) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(e) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(f) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(g) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) Must be a registered voter of the City;

(b) Must reside in the City during his or her term of office; and

(c) Serves without compensation.

3. The term of office of a member of the Charter Committee is concurrent with the term of the person or persons, as applicable, by whom the member was appointed. If the term of office of any person making an appointment ends by resignation or otherwise, the term of office of a member of the Charter Committee appointed by that person ends on the day that the person resigns or otherwise leaves office.

4. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 1.110 Charter Committee: Officers; meetings; duties.

The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee; and

3. Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter.

Sec. 1.120 Charter Committee: Removal of member.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including, without limitation:

(a) Failure or refusal to perform the duties of office;

(b) Absence from three consecutive regular meetings; or

(c) Ceasing to meet any qualification for appointment to the Charter Committee.

2. Any vacancy resulting from the removal of a member pursuant to this section must be filled pursuant to subsection 4 of section 1.100.

~~{Section 1.}~~ Sec. 1.5. Section 2.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 723, Statutes of Nevada 1973, at page 1437, is hereby amended to read as follows:

Sec. 2.020 City Council: Contracts; conflict of interest.

1. Members of the City Council may vote on any lease, contract or other agreement which extends beyond their terms of office.

2. No member of the City Council, including the Mayor, shall:

(a) Be pecuniarily interested, directly or indirectly, in any contract ~~let~~ **entered into** by the City, or in any transaction wherein the rights or liberties of the City are, or may be involved. This paragraph does not apply to contracts for utilities and other services provided for the public

by the City under this Charter and the ordinances thereunder, when the Council Member or Mayor applies for and receives such services in the same manner and pays the same established rates and charges as any member of the public.

(b) Be interested directly or indirectly in any public work or contract ~~let,~~ **entered into**, supervised or controlled, or which is paid wholly, or in part, by the City. This paragraph does not preclude or discharge a Council Member or the Mayor from paying his or her proportionate share of the cost of any public works when he or she has become obligated in the same manner as any member of the public, nor does it prohibit a Council Member or the Mayor from enjoying the benefits of a work constructed for the benefit of the public in the same manner as any other member of the public.

(c) Become the surety of any person on any bond or other obligation running to the City.

Sec. 2. Section 2.035 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1213, is hereby amended to read as follows:

Sec. 2.035 City Council: Discipline and subpoena power.

1. The City Council may order the attendance of witnesses and the production of all ~~papers~~ **documents and data** relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such order:

(a) The City Council or any member thereof may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) Such clerk may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why such person should not be held in contempt of court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.

Sec. 3. Section 2.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 301, Statutes of Nevada 1979, at page 451, is hereby amended to read as follows:

Sec. 2.050 Meetings: Special ~~or~~ **or emergency meetings.**

1. ~~Special~~ **In addition to regular meetings, special or emergency meetings of the City Council** may be held on call of the Mayor or by a majority of the City Council. **Notice of any special meeting must comply with the requirements of NRS 241.020.**

2. At a special meeting:

(a) ~~No contract involving the expenditure of money, except emergency purchases, may be made or claim allowed.~~

~~—(b)—~~ No business may be transacted except such as has been stated in the call of the meeting.

~~[(c)]~~ **(b)** No ordinance may be passed except an emergency ordinance, or one specified in section 7.040.

Sec. 4. Section 2.100 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 2005, at page 679, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first ~~proposed~~ **introduced** must be read to the City Council by title, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS ~~as amended from time to time, and published in the City~~ at least 10 days before the adoption of the ordinance.

2. Not later than the second regular meeting of the City Council following the ~~proposal~~ **introduction** of an ordinance, ~~the proposed ordinance~~ must be read by title as first introduced ~~and~~ any amendment ~~must to the proposed ordinance may~~ be proposed. ~~and voted upon and thereupon the proposed ordinance, with any adopted amendments.~~ **The proposed ordinance, with or without amendment, must be finally voted upon or action thereon postponed. If action on the proposed ordinance is postponed, any amendment may be proposed and the proposed ordinance may be finally voted upon** ~~at any future meeting of the City Council~~ **without having to introduce the ordinance again** ~~at the next meeting of the City Council.~~

3. Where the ordinance is of a kind specified in section 7.040, by unanimous consent a special **or emergency** meeting may be called **pursuant to section 2.050** for the purpose of taking final action, and by a majority vote of the City Council final action may be taken immediately and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published. It shall become effective immediately upon passage.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published ~~in the City~~ **at least** once, by title, together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS ~~as amended from time to time~~, before the ordinance, except as otherwise provided in subsection 3, becomes effective. The City Council may, by a majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall maintain a record of all ordinances, together with the affidavits of publication by the publisher, until disposed of in accordance with law.

Sec. 5. Section 2.120 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1215, is hereby amended to read as follows:

Sec. 2.120 Powers of City Council: Public property, buildings.

1. The City Council may:

(a) Control the property of the ~~corporation~~ **City**.

(b) Erect and maintain all buildings necessary for ~~the~~ use ~~of~~ **by** the City.

(c) Purchase, receive, hold, sell, lease, convey and dispose of property, wherever situated, for the benefit of the City, improve and protect such property, and do all other things in relation thereto which natural persons might do.

2. The City Council may not, except as otherwise specifically provided by this Charter or any other law, mortgage, hypothecate or pledge any property of the City for any purpose.

Sec. 6. Section 2.200 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1217, is hereby amended to read as follows:

Sec. 2.200 Powers of City Council: Rights-of-way, parks, public buildings and grounds and other public places. The City Council may:

1. Lay out, maintain, alter, control, improve or vacate all public rights-of-way in the City.

2. Acquire and regulate the use of public parks, buildings, grounds and rights-of-way and prevent the unlawful use thereof.

3. Require landowners to keep the adjacent streets, sidewalks and public parks, buildings and grounds free from encroachments or obstructions.

4. ~~Regulate and~~ **To the extent permissible under the Nevada Constitution and the United States Constitution, regulate or** prevent in all public places:

(a) The distribution and exhibition of handbills or signs.

(b) ~~Any practice tending to annoy persons passing in such public places.~~

~~(c) Public demonstrations and processions.~~

~~(5. Prevent riots or any act tending to promote riots.)~~

Sec. 7. Section 2.220 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1217, is hereby amended to read as follows:

Sec. 2.220 Powers of City Council: Parking meters; off-street public parking facilities.

1. The City Council may acquire, install, maintain, operate and regulate parking meters ~~at the curbs of~~ **on** the streets **of the City** or upon

publicly owned property made available for public parking. The parking fees to be charged for the use of the parking facilities regulated by parking meters shall be fixed by the City Council.

2. Except as otherwise provided by this Charter, the City Council may acquire property within the ~~city~~ **City** by any lawful means, including eminent domain, for the purpose of establishing off-street public parking facilities for vehicles. The City Council may authorize the issuance of general obligation revenue bonds or revenue bonds for the purpose of acquiring such property and erecting such improvements thereon as are permitted by the provisions of section 7.040. The City Council may, in such bonds, pledge the on-street parking revenues, the general credit of the City, or both, to secure the payment of the principal and interest thereon.

Sec. 8. Section 2.250 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1218, is hereby amended to read as follows:

Sec. 2.250 Powers of City Council: Animals . ~~and poultry.~~ The City Council may:

1. Fix, impose and collect an annual fee on all animals and provide for the capture and disposal of all animals on which the fee is not paid.

2. Regulate or prohibit the running at large and disposal of all kinds of animals . ~~and poultry.~~

3. Establish ~~a pound.~~ **an animal shelter.**

4. Prohibit cruelty to animals.

Sec. 9. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 301, Statutes of Nevada 1979, at page 452, is hereby amended to read as follows:

Sec. 3.020 City Manager: Powers and duties.

1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the **efficient and proper** administration of all City affairs placed in his or her charge by or under this Charter.

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

(2) For any department, office or agency whose head is not appointed by the City Manager.

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

(d) Be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City Manager or by his or her officers subject to his or her direction and supervision.

(e) Prepare and submit the annual budget and capital program to the City Council.

(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

Sec. 10. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 373, Statutes of Nevada 2005, at page 1416, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties.

1. The City Clerk shall:

~~1-1~~ *(a)* Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~1-2~~ *(b)* Keep the corporate seal and all **official** papers and records of the City , **including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes** and ~~keep~~ **official city election records.**

(c) **Keep** a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend. ~~Copies of all papers filed in his or her office, and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.~~

~~3. Supervise and coordinate administrative and responsible clerical work relating to the functions of the City Council.~~

~~4. Attend all meetings of the City Council.~~

~~5-1~~ *(d)* Record votes of members of the City Council.

~~16-1~~ *(e)* Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~7.1~~ (f) Countersign official contracts, bonds and other official City documents.

~~8. Be the custodian of all official City records, including contract and agreement documents, resolutions, ordinances, official minute book and the corporate seal.~~

~~9.1~~ (g) Make arrangements for **regular**, special or ~~informal~~ **emergency** meetings ~~other than the regular meetings~~ of the City Council.

~~10.1~~ (h) Supervise the operation and maintenance of ~~a central file system for all departments~~ **the records management system** of the City.

~~11.1~~ (i) Supervise ~~the recruitment of all election workers,~~ the printing of all ballots ~~and tally off~~ **for city elections**.

(j) **Certify the** election returns.

~~12. Serve as custodian of official election records for all City elections.~~

~~13.1~~ (k) Administer official oaths for the City.

2. Copies of all papers filed in the office of the City Clerk and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

Sec. 11. Section 3.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 146, Statutes of Nevada 2001, at page 748, is hereby amended to read as follows:

Sec. 3.050 City Attorney: Appointment; salary; qualifications; duties; removal; contract in lieu of or in addition to appointment.

1. Except as otherwise provided in subsection 6, the City Council shall appoint a City Attorney and fix his or her salary.

2. The City Attorney and any attorney with whom the City Council enters into a contract pursuant to subsection 6 must be a licensed member of the State Bar of Nevada.

3. The City Attorney is the Chief Legal Officer of the City and shall perform such duties as may be designated by the City Council or prescribed by ordinance.

4. The City Attorney is under the general direction and supervision of the City Council.

5. The City Attorney serves at the pleasure of the City Council and may be removed **at any time in accordance with the terms of the City Attorney's employment contract** by an affirmative vote of a majority of the entire membership of the City Council. ~~at any time.~~

6. In lieu of or in addition to appointing a City Attorney pursuant to subsection 1, the City Council may enter into a contract with one or more attorneys employed by or associated with a professional corporation, partnership or limited-liability company that engages in the practice of law in this ~~state~~ **State** to perform all or a portion of the duties of the City Attorney. If the City Council enters into such a contract, the City Council

shall ensure that the contract specifies the duties to be performed and the compensation payable for the performance of those duties.

7. An attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney pursuant to subsection 6 has, for each of the duties specified in the contract, all the powers and duties otherwise conferred upon a City Attorney who is appointed pursuant to subsection 1.

Sec. 12. Section 3.090 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1222, is hereby amended to read as follows:

Sec. 3.090 ~~{City officers;}~~ Collection and disposition of moneys.

1. All taxes, fines, forfeitures or other moneys collected or recovered by any ~~{officer}~~ **employee of the City** or **other** person pursuant to the provisions of this Charter or of any valid ordinance of the City shall be paid by the ~~{officer}~~ **employee** or person collecting or receiving them to the Director of Finance, who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.

2. The City Council, **City Manager or City Attorney** may by proper legal action:

- (a) Collect all moneys which are due and unpaid to the City or any office thereof; and
- (b) Pay from the General Fund all fees and expenses necessarily incurred by it in connection with the collection of such moneys.
- (c) Provide for the imposition of reasonable interest charges on any fees, debts, obligations or assessments owed to the City.

Sec. 13. ~~{The Charter of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 4.025, immediately following section 4.020, to read as follows:~~

~~**Sec. 4.025 Hearing Commissioners.**~~

~~**1. The City Council may appoint one or more Hearing Commissioners to hear and decide:**~~

~~**(a) Any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110; and**~~

~~**(b) Any action for a misdemeanor constituting a violation of the North Las Vegas Municipal Code, except sections 10.28.020 to 10.28.060, inclusive, of that Code.**~~

~~**2. Each Hearing Commissioner appointed pursuant to this section must:**~~

~~**(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;**~~

~~**(b) Be a resident of this State; and**~~

~~**(c) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.**~~

~~3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all of the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.~~
~~4. Hearing Commissioners appointed pursuant to this section shall receive such compensation as may be allowed by the City Council.~~
(Deleted by amendment.)

Sec. 14. ~~[Section 4.030 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1223, is hereby amended to read as follows:~~

~~Sec. 4.030 Intermittent periods of incarceration. If a sentence of imprisonment is imposed by the Municipal Judge [.] or a Hearing Commissioner, the Municipal Judge or Hearing Commissioner, as applicable, may order intermittent periods of incarceration so long as the entire sentence will be completed within 6 months from the date of sentence. The periods of incarceration may be varied from time to time with consent of the defendant, but the total time of incarceration may not be increased.] (Deleted by amendment.)~~

Sec. 15. Section 7A.010 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, as amended by chapter 404, Statutes of Nevada 2005, at page 1595, is hereby amended to read as follows:

Sec. 7A.010 Legislative declaration. The Legislature by the inclusion of this article in this Charter declares that:

1. All of the property which is to be acquired by the ~~[city]~~ City pursuant to this article must be owned, operated, administered and maintained for and on behalf of all of the people of the City.

2. The exercise by the City of the purposes, powers, rights, privileges, immunities and duties which are established, granted, conferred and imposed in this article promotes the public health, safety, prosperity, security, comfort, convenience and general welfare of all of the people of the State and will be of special benefit to the inhabitants of the City and the property within the City.

3. The provisions in this article which involve the purposes, powers, rights, privileges, immunities, liabilities, duties and disabilities with respect to the City will serve a public purpose.

4. The necessity for this article results from:

(a) The large population growth in the urban areas which are included within the City and its environs, which constitutes in the aggregate a significant portion of the State's population;

(b) The numerous capital improvements and large amount of improved real property which is ~~[situate]~~ **situated** within the urban areas;

(c) The need for capital improvements within certain areas within the City to provide needed services, facilities and other improvements for public use;

(d) The existence of blighted or deteriorating areas within the City which constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety and general welfare of the people of the State, and particularly of the City;

(e) The lack of municipally owned capital improvements and the blighted or deteriorating areas which present difficulties and handicaps beyond remedy and control solely by the regulatory processes in the exercise of the police power; and

(f) Deficiencies which also constitute an economic and social liability which imposes onerous municipal burdens which decrease the tax base and reduce tax revenues, aggravate traffic hazards and the improvement of the traffic facilities.

5. The menace which results from the foregoing factors is becoming increasingly direct and substantial in its significance and effect.

6. The benefits which the City will derive from the remedying of these deficiencies by making available additional revenues to defray indirectly the costs of undertakings within the City which are authorized by NRS 268.672 to 268.740, inclusive, the development of mixed-use and transit-oriented communities, and the redevelopment of blighted or deteriorating areas within the City will inure to the inhabitants and the property owners of the City as a whole, will be of general benefit to those people and will be of special benefit to the taxable real property within a tax increment area and to the owners of that property.

7. The method of paying the bond requirements of the securities which are issued pursuant to this article is equitable and enables the City to issue securities to defray the cost of any project.

8. A general law cannot be made applicable to the City or to the properties, powers, rights, privileges, immunities, liabilities, duties and disabilities which pertain to the City, as provided in this article, because of the number of atypical factors and special conditions with respect to them.

9. For the accomplishment of the purposes which are provided in this section, each of the provisions of this article must be broadly construed.

Sec. 16. Section 7A.040 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1852, is hereby amended to read as follows:

Sec. 7A.040 “Cost of *the* undertaking” defined. “Cost of the undertaking,” or any phrase of similar import, means the “cost of any project” as the latter phrase is defined in NRS 350.516.

Sec. 17. Section 7A.060 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1852, is hereby amended to read as follows:

Sec. 7A.060 “Facilities” defined.

1. “Facilities” means buildings, structures, utilities or other properties which pertain to any undertaking or project which is authorized in this article, including without limitation income-producing facilities and facilities which are acquired with the proceeds of bonds or other securities which are issued under that article.

2. The term includes all of the properties, real, personal, mixed or otherwise, which are acquired by the City or the public body, as the case may be, by any undertaking for any one or more projects through purchase, condemnation, construction or otherwise and are used in connection with any of those projects and related services or in any way which pertains to those projects or services, whether they are ~~located~~ **situated** within or without, or both within and without, the corporate boundaries of the City or the territorial limits of the public body, as the case may be.

Sec. 18. Section 7A.150 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1854, is hereby amended to read as follows:

Sec. 7A.150 Authorization of tax increment area.

1. Except as is provided in subsections 2 and 3, the City Council, on behalf of the City and in its name, may at any time designate a tax increment area within the City to create a special account for the payment of bonds or other securities which are issued to defray the cost of the acquisition, improvement or equipment (or any combination thereof) of any project which is authorized in NRS 268.672 to 268.740, inclusive, including without limitation the condemnation of property for the undertaking, as are supplemented by NRS 350.500 to 350.720, inclusive, except as is otherwise provided in this article.

2. A tax increment area may not be created by the City Council if the total land area of the tax increment area exceeds 10 percent of the total land area, or if the total initial assessed valuation of the tax increment area exceeds 10 percent of the total assessed valuation of the taxable property which is ~~located~~ **situated** within the City. As used in this subsection, “initial assessed valuation” means the assessed value as shown on the assessment roll which was last equalized before the designation of the area.

3. The right-of-way property of a railroad company which is under the jurisdiction of the Interstate Commerce Commission must not be included in a tax increment area unless the inclusion of that property is mutually agreed upon by the City Council and the railroad company.

Sec. 19. Section 7A.160 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1854, is hereby amended to read as follows:

Sec. 7A.160 Limitation upon acquisition of facilities.

1. The City may not acquire, as a part of its facilities, any property which, at the time of its acquisition, competes in any area with then-existing properties of a public body which provides the same or a similar function or service in the area, but the facilities of the City may complement the existing properties of a public body by providing in that area supplemental functions or services, if the existing properties provide inadequate functions or services.

2. The City may acquire properties of any public body which are ~~isitate~~ **situated** in the City as one undertaking or a project of the City or an interest in that undertaking or project.

Sec. 20. Section 7A.170 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1855, is hereby amended to read as follows:

Sec. 7A.170 Initiating procedure.

1. Whenever the City Council is of the opinion that the interests of the City require any undertaking which is to be financed under this article, the governing body by resolution shall direct the Engineer to prepare:

(a) Preliminary plans and a preliminary estimate of the cost of the undertaking, including without limitation all of the estimated financing costs which are to be capitalized with the proceeds of the City's securities and all other estimated incidental costs which relate to the undertaking;

(b) A statement of the proposed tax increment area which pertains to the undertaking, the last finalized amount of the assessed valuation of the taxable property in the area and the amount of taxes (including in the amount the sum of all unpaid taxes, whether or not they are delinquent) which resulted from the last taxation of the property, based upon the records of the County Assessor and the County Treasurer; and

(c) A statement of the estimated amount of the tax proceeds which are to be credited annually to the Tax Increment Account during the term of the proposed securities which will be payable from those tax proceeds.

2. The resolution must describe the undertaking in general terms.

3. The resolution must state:

(a) What part or portion of the expense of the undertaking must be paid with the proceeds of the securities which are issued by the City in anticipation of tax proceeds and are to be credited to the Tax Increment Account and payable wholly or in part from those tax proceeds;

(b) How the remaining part or portion of the expenses, if any, is to be financed; and

(c) The basic security and any additional security for the payment of the securities of the City which pertain to the undertaking.

4. The resolution need not describe minutely each particular tract of taxable real property which is proposed to be included within the tax increment area, but may simply designate the tax increment area or its location in such a manner that the various tracts of taxable real property and taxable personal property which are ~~located~~ *situated* within the tax increment area may be ascertained and determined to be either within or without the proposed tax increment area.

5. The Engineer shall forthwith file with the City Clerk the preliminary plans, estimate of cost and statements.

6. Upon the filing of the preliminary plans, estimate of cost and statements, the City Council shall examine them, and, if it finds them to be satisfactory, by resolution provisionally order the undertaking.

Sec. 21. Section 7A.240 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1860, is hereby amended to read as follows:

Sec. 7A.240 Municipal securities.

1. The City may issue, to defray, wholly or in part, the cost of the undertaking, the following securities:

- (a) Notes;
- (b) Warrants;
- (c) Interim debentures;
- (d) Bonds; and
- (e) Temporary bonds.

2. Any net revenue which is derived from the operation of the project which is acquired, improved or equipped, or any combination thereof, under the undertaking must be pledged for the payment of the securities, and those securities must be made payable from that net pledged revenue, as the bond requirements of the securities become due from time to time, in accordance with the bond ordinance, trust indenture or other proceedings which authorize the issuance of the securities or otherwise pertains to their issuance.

3. Additionally, the securities:

(a) Must be made payable from tax proceeds which are accounted for in the Tax Increment Account; and

(b) May, at the City's option, be made payable from the taxes which are levied by the City against all of the taxable property within the City, without limitation of rate or amount except for the limitation which is provided in Section 2 of Article 10 of the Nevada Constitution. The City may also issue general obligation securities which are authorized by any law other than this article and are made payable from taxes without also making those securities payable from the net pledged revenues or tax proceeds which are accounted for in a Tax Increment Account, or from both these revenue sources.

4. Securities which are payable only in the manner which is provided in either paragraph (a) of subsection 3 or both subsection 2 and paragraph

(a) of subsection 3 are special obligations of the City, are neither in their issuance subject to debt limitation which is specified in subsection 1 of section 7.010 of this Charter or is otherwise imposed by law, nor, while they are outstanding, do they exhaust the City's debt-incurring power under subsection 1 of section 7.010 of this Charter or other law and may be issued under the provisions of ~~the~~ NRS 350.500 to 350.720, inclusive, except as is otherwise provided in this article, without any compliance with the provisions of NRS 350.011 to 350.0165, inclusive, or NRS 350.020 to 350.070, inclusive, and without any approval or other preliminaries, except as is provided in NRS 350.500 to 350.720, inclusive.

5. Securities which are payable from taxes in the manner which is provided in paragraph (b) of subsection 3, regardless of whether or not they are also payable in the manner which is provided only in paragraph (a) of that subsection or in both subsection 2 and paragraph (a) of subsection 3, must be general obligations of the City, are in their issuance subject to the debt limitation which is specified in subsection 1 of section 7.010 of this Charter or is otherwise imposed by law and, while they are outstanding, exhaust the City's debt-incurring power under subsection 1 of section 7.010 of this Charter or other law, and those securities may be issued under NRS 350.500 to 350.720, inclusive, only after the issuance of City bonds is approved under the provisions of:

(a) NRS 350.011 to 350.0165, inclusive; and

(b) NRS 350.020 to 350.070, inclusive, except for the issuance of notes or warrants pursuant to NRS 350.500 to 350.720, inclusive, which are payable out of the current year's revenues and are not to be funded with the proceeds of interim debentures or bonds in the absence of approval under the provisions of the law which are designated in paragraphs (a) and (b).

6. In the proceedings for the making of loans or the acquisition of any advance of money or the incurring of any indebtedness, whether it is funded, refunded, assumed or otherwise, for the purpose of financing or refinancing, in whole or in part, the undertaking, wholly or in part, the City shall irrevocably pledge that portion of the taxes which is mentioned in subsection 2 of section 7A.230 of this Charter for the payment of the bond requirements of the loans, advances or indebtedness. The provisions in NRS 350.500 to 350.720, inclusive, which pertain to net pledged revenues apply to the pledge to secure the payment of the tax increment bonds.

Sec. 22. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

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

Amendment No. 240.

AN ACT relating to trade practices; increasing penalties for certain offenses relating to the use of a device for automatic dialing and announcing; establishing certain practices as deceptive trade practices; authorizing ~~to impose~~ the imposition of additional civil penalties for certain deceptive trade practices in certain actions and proceedings under certain circumstances; revising provisions relating to ~~the initiation of~~ certain administrative hearings; revising the penalties for willfully and knowingly engaging in a deceptive trade practice; revising provisions relating to credit service organizations; eliminating the statute of limitations for certain civil actions ~~and criminal prosecutions~~ involving deceptive trade practices ~~which are brought by the Attorney General~~; authorizing the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to have access to certain records; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) ~~Sections 1, 3, 4, 6.5, 7, and 19 and 20~~ of this bill establish certain additional activities as deceptive trade practices.

Existing law makes it a misdemeanor to use a device for automatic dialing and announcing to disseminate a prerecorded message in a telephone call under certain circumstances. (NRS 597.814, 597.818) ~~Section 1~~ of this bill ~~increases~~ revises the punishment for such action to make: (1) the first offense a misdemeanor; (2) the second offense a gross misdemeanor; and (3) the third or subsequent offense a category C E felony. ~~and provides for a maximum civil penalty of \$10,000.~~ Additionally, ~~section 1~~ provides that such action constitutes a deceptive trade practice. ~~and provides for a civil penalty of not more than \$10,000.~~

~~Section 3~~ of this bill makes it a deceptive trade practice to sell, rent or offer to sell or rent certain goods and services during a state of emergency or declaration of disaster that has been in effect for 75 days or less for a price that is grossly in excess of the usual price for that good or service. ~~Section 3~~ sets forth certain criteria for determining whether a price for a good or service is grossly in excess of its usual price. Section 3.5 of this bill requires the Attorney General to prepare a report for each state of emergency or declaration of disaster concerning complaints received by the Attorney General of deceptive trade practices of the type described in section 3.

Existing law makes it a deceptive trade practice to engage in certain actions during a solicitation by telephone or sales presentation. (NRS

598.0918) Section 6.5 of this bill: (1) expands the circumstances under which such actions constitute a deceptive trade practice to include a solicitation by text message; and (2) makes it a deceptive trade practice to engage in certain additional actions during a solicitation by telephone or text message or during a sales presentation. Section 7 of this bill makes it a deceptive trade practice to use an “unconscionable practice” in a transaction, which is generally defined to mean any act or practice which takes advantage of a consumer to a grossly unfair degree.

~~The federal Pallone Thune Robocall Abuse Criminal Enforcement and Deterrence Act requires the Federal Communications Commission to adopt certain regulations and take certain other actions to deter the use of automated and unauthenticated telephone calls. (Pub. L. No. 116-105) Section 4 of this bill makes it a deceptive trade practice to violate any provision of the Act or the regulations adopted pursuant thereto.~~ **Sections 32-35 of this bill make conforming changes to reflect the addition of the provisions of section 7.**

Existing law imposes certain requirements on certain entities that handle personal nonpublic information relating to the security of such information. (NRS 603A.010-603A.290) ~~Similarly, existing law imposes certain requirements on operators of Internet websites or online services relating to the collection and sale of personal information. (NRS 603A.300-603A.360) Sections 19 and 20 of this bill make~~ **Section 19 and 20 of this bill make it a deceptive trade practice to violate any of these provisions of existing law. requirements.**

Existing law authorizes the Director of the Department of Business and Industry to impose certain penalties upon a person who has engaged in a deceptive trade practice after a hearing that is initiated by the Commissioner of Consumer Affairs serving an order upon the person. (NRS 598.0971) **Section 12 of this bill authorizes the Attorney General to also initiate such a hearing before the Director and provides additional means for serving an order upon a person. If a person fails to comply with an order issued by the Director or his or her designee, existing law authorizes the Commissioner or the Director, through the Attorney General, to bring an action requesting a court enforce the order and requires the court to issue an order enforcing the order of the Director or his or her designee if the court makes certain findings. (NRS 598.0971) Section 12: (1) additionally authorizes the Attorney General to bring an action requesting a court to enforce an order issued by the Director or his or her designee; and (2) requires the court to issue an order enforcing the order of the Director or his or her designee if the court finds that the person has failed to comply with the order.**

Existing law authorizes a court, in certain actions relating to the enforcement of the provisions prohibiting deceptive trade practices, to impose an additional maximum civil penalty of \$12,500 if the court finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) **Section 13 of this bill authorizes a court to impose such a civil penalty in certain additional actions. to be imposed by**

the Director or his or her designee in a proceeding before the Director or his or her designee. Section 5 of this bill similarly authorizes ~~the court to impose an~~ the imposition of an additional maximum civil penalty in certain actions or proceedings if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward a person who is 17 years of age or younger.

Section 17 of this bill revises the criminal penalties imposed for engaging in a deceptive trade practice. Under **section 17**, knowingly and willfully engaging in a deceptive trade practice is a misdemeanor, except if the offense involves a loss of property or services of at least \$1,200. For those offenses, **section 17** establishes a tier of penalties based on the value of the property or services which generally mirror the penalties for theft. (NRS 205.0835, 598.0999)

Sections 17.3-17.9 of this bill transfer authority for the registration and regulation of credit service organizations from the Division of Mortgage Lending of the Department of Business and Industry and the Commissioner of Mortgage Lending to the Consumer Affairs Division of the Department of Business and Industry and the Commissioner of Consumer Affairs, respectively.

Existing law ~~sets forth limitations on the time in which certain civil actions and criminal prosecutions relating to deceptive trade practices are required~~ requires, in general, a civil action against a person alleged to have committed a deceptive trade practice to be commenced ~~to~~ within 4 years. (NRS ~~111.190, NRS 171.085, 171.090~~) 11.190 Sections ~~25, 26 and 28, 30~~ of this bill ~~eliminate these limitations and instead provide~~ create an exception to this requirement for actions brought by the Attorney General. Section 25 provides that there is no limitation on the time in which ~~such~~ a civil action ~~for criminal prosecution~~ brought by the Attorney General against a person alleged to have committed a deceptive trade practice is required to be commenced.

Section 31 of this bill authorizes the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to have access to all records in the possession of any agency , board or commission of this State that he or she determines are necessary to exercise his or her powers relating to consumer protection.

Sections 6, 8-11, 14-16, 21, ~~24~~, 22 and 27 ~~and 32-35~~ of this bill make conforming changes to indicate the proper placement of language added to the Nevada Revised Statutes by this bill.

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

Section 1. NRS 597.818 is hereby amended to read as follows:

597.818 1. A person who violates any provision of NRS 597.814 is guilty of:

(a) For a first offense, a misdemeanor.

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

(c) For a third and any subsequent offense, a category ~~FC~~ E felony and shall be punished as provided in NRS 193.130.

2. If a person is found guilty or guilty but mentally ill of, or has pleaded guilty, guilty but mentally ill or nolo contendere to, violating any provision of NRS 597.814, his or her telephone service to which a device for automatic dialing and announcing has been connected must be suspended for a period determined by the court.

3. *In addition to any other penalty, a person who violates any provision of NRS 597.814 is subject to a civil penalty of not more than \$10,000 for each violation.*

4. *A violation of any provision of NRS 597.814 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive, and sections 3, ~~4~~ 3.5 and 5 of this act.*

Sec. 2. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, ~~4~~ 3.5 and 5 of this act.

Sec. 3. 1. *A person engages in a “deceptive trade practice” when, during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 ~~if~~ that has been in effect for 75 days or less, the person sells, rents or offers to sell or rent any of the following goods or services in an emergency or disaster area for a price that is grossly in excess of the usual price for that good or service:*

(a) Consumer goods and services used, bought or rendered primarily for personal, family or household purposes;

(b) Medical supplies and services used for the care, cure, mitigation, treatment or prevention of any illness or disease;

(c) Services related to the repair or reconstruction of property; or

(d) Any other goods or services that are commonly used in responding to the type of emergency or disaster for which the state of emergency or declaration of disaster was proclaimed.

2. *Whether a price for a good or service is grossly in excess of the usual price for that good or service for the purposes of subsection 1 is a question of law to be determined by considering all relevant circumstances, including, without limitation, the price of the good or service prevailing in the emergency or disaster area in the 30 days before the state of emergency or declaration of disaster was proclaimed.*

3. *A price for a good or service is not grossly in excess of the usual price for that good or service for the purposes of subsection 1 if the price is:*

(a) Related to an additional or increased cost imposed by a supplier of a good or other costs of providing the good or service, including, without limitation, an additional or increased cost for labor or materials used to provide a service;

(b) ~~For~~ For a good or service which is sold, rented or offered to be sold or rented for a price that:

(1) Does not exceed \$250, 15 percent or less above the usual price for the good or service;

(2) Exceeds \$250 but does not exceed \$750, 10 percent or less above the usual price for the good or service; or

(3) Exceeds \$750, 5 percent or less above the usual price of the good or service;

(c) Ten percent or less above the sum of the costs ~~to~~ to the person and the normal markup for a good or service;

(d) Generally consistent with seasonal fluctuations or fluctuations in applicable commodity, regional, national or international markets; or

(e) A contract price, or the result of a price formula, established before the state of emergency or declaration of disaster was proclaimed.

4. A person who offers to sell or rent a good or service for a price that would otherwise violate subsection 1 does not commit a “deceptive trade practice” if the offer states that the good or service is not offered for sale or rent in the emergency or disaster area.

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

(a) A transaction for the sale or rental of a good or service which occurs wholly outside the State; or

(b) A person who does not control the location or price at which a good or service is sold or rented.

6. As used in this section:

(a) “Emergency or disaster area” means a particular geographic area that is described in a proclamation of a state of emergency or declaration of disaster by the Governor or Legislature pursuant to NRS 414.070.

(b) “Usual price” means:

(1) If a person sold, rented or offered to sell or rent a good or service at a price other than as described in subparagraph (2) in an emergency or disaster area within the 30 days before the state of emergency or declaration of disaster was proclaimed pursuant to NRS 414.070, the price at which the person sold, rented or offered to sell or rent the good or service.

(2) If a person sold, rented or offered to sell or rent a good or service at a reduced price in an emergency or disaster area within the 30 days before the state of emergency or declaration of disaster was proclaimed pursuant to NRS 414.070, the price at which the person usually sells, rents or offers to sell or rent the good or service in the emergency or disaster area.

(3) If a person did not sell, rent or offer to sell or rent a good or service in an emergency or disaster area within the 30 days before the state of emergency or declaration of disaster was proclaimed pursuant to NRS 414.070, the price at which the good or service was generally available in the emergency or disaster area in the 30 days before the state of emergency or declaration of disaster was proclaimed.

Sec. 3.5. For each state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070, the Attorney General shall prepare a report containing aggregate data or information concerning the number and

type of complaints received by the Attorney General during the emergency or disaster that relate to the commission of a deceptive trade practice of the type described in section 3 of this act. The Attorney General shall cause the report to be posted on the Internet website of the Attorney General not later than 30 days after the earlier of:

1. The termination of the state of emergency or declaration of disaster by the Governor or the Legislature pursuant to NRS 414.070; or

2. The 75th day that the state of emergency or declaration of disaster is in effect.

Sec. 4. ~~¶4~~ ~~A person engages in a deceptive trade practice when he or she violates any provision of the federal Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Public Law 116-105, or any regulation adopted pursuant thereto.~~ (Deleted by amendment.)

Sec. 5. 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to this section and NRS 598.0903 to 598.0999, inclusive, and sections 3 and ~~¶¶~~ 3.5 of this act, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward a minor person, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than \$12,500 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the minor person;

(b) The person knew or should have known that his or her conduct was directed toward a minor person;

(c) The minor person was more vulnerable to the conduct of the person because of the age of the minor person;

(d) The conduct of the person caused the minor person to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the minor person to suffer:

(1) Mental or emotional anguish;

(2) ~~¶The loss of the principal employment or source of income or support of the minor person;~~

~~—(3)¶~~ (3) The loss of money or financial support received from any source;

~~¶(4)¶~~ (3) The loss of property that had been set aside for education or for personal or family care and maintenance;

~~¶(5)¶~~ (4) The loss of assets which are essential to the health and welfare of the minor person; or

~~¶(6)¶~~ (5) Any other interference with the economic well-being of the minor person; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

3. *As used in this section “minor person” means a person who is 17 years of age or younger.*

Sec. 6. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and sections 3, ~~4~~ 3.5 and 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and ~~sections~~ section 3 ~~and 4~~ of this act* have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 598.0918 is hereby amended to read as follows:

598.0918 A person engages in a “deceptive trade practice” if, during a solicitation by telephone or text message or during a sales presentation, he or she:

1. Uses threatening, intimidating, profane or obscene language;
2. Repeatedly or continuously conducts the solicitation or presentation in a manner that is considered by a reasonable person to be annoying, abusive or harassing;
3. Solicits a person by telephone at his or her residence between 8 p.m. and 9 a.m.;
4. Blocks or otherwise intentionally circumvents any service used to identify the caller when placing an unsolicited telephone call; ~~for~~
5. Places an unsolicited telephone call that does not allow a service to identify the caller by the telephone number or name of the business, unless such identification is not technically feasible. ~~It~~; or

6. Defrauds a person of any valuable thing, wrongfully obtains from a person any valuable thing or otherwise causes harm to a person by knowingly causing, directly or indirectly, any service used in connection with a voice service or text messaging service to identify the caller or sender of the text message to display inaccurate or misleading information.

Sec. 7. NRS 598.0923 is hereby amended to read as follows:

598.0923 **1.** A person engages in a “deceptive trade practice” when in the course of his or her business or occupation he or she knowingly:

~~It~~ **(a)** Conducts the business or occupation without all required state, county or city licenses.

~~It~~ **(b)** Fails to disclose a material fact in connection with the sale or lease of goods or services.

~~It~~ **(c)** Violates a state or federal statute or regulation relating to the sale or lease of goods or services.

~~It~~ **(d)** Uses coercion, duress or intimidation in a transaction.

~~It~~ **(e) Uses an unconscionable practice in a transaction.**

(f) As the seller in a land sale installment contract, fails to:

~~It~~ **(I)** Disclose in writing to the buyer:

~~It~~ **(I)** Any encumbrance or other legal interest in the real property subject to such contract; or

~~It~~ **(II)** Any condition known to the seller that would affect the buyer’s use of such property.

~~[(b)]~~ (2) Disclose the nature and extent of legal access to the real property subject to such agreement.

~~[(c)]~~ (3) Record the land sale installment contract pursuant to NRS 111.315 within 30 calendar days after the date upon which the seller accepts the first payment from the buyer under such a contract.

~~[(d)]~~ (4) Pay the tax imposed on the land sale installment contract pursuant to chapter 375 of NRS.

~~[(e)]~~ (5) Include terms in the land sale installment contract providing rights and protections to the buyer that are substantially the same as those under a foreclosure pursuant to chapter 40 of NRS.

~~[(f)]~~

2. As used in this ~~subsection, “land~~ **section:**

(a) “*Land* sale installment contract” has the meaning ascribed to it in paragraph (d) of subsection 1 of NRS 375.010.

(b) “*Unconscionable practice*” means an act or practice which, to the detriment of a consumer ~~it takes~~ :

(1) Takes advantage of the lack of knowledge, ability, experience or capacity of the consumer to a grossly unfair degree ~~it~~ ;

(2) Results in a gross disparity between the value received and the consideration paid, in a transaction involving transfer of consideration; or

(3) Arbitrarily or unfairly excludes the access of a consumer to a good or service.

Sec. 8. NRS 598.0953 is hereby amended to read as follows:

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

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ~~and sections section 3 and 4 of this act~~ are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 9. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ~~and sections 3, 3.5 and 5 of this act~~ do not apply to:

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

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

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

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ~~and sections 3, 3.5 and 5 of this act~~ do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the

use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~††~~, ***and sections 3, ~~††~~ 3.5 and 5 of this act.***

Sec. 10. NRS 598.0963 is hereby amended to read as follows:

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

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~††~~, ***and sections 3, ~~††~~ 3.5 and 5 of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

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

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

Sec. 11. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and sections 3, ~~††~~ 3.5 and 5 of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~††~~, ***and sections 3, ~~††~~ 3.5 and 5 of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 3, ~~††~~ 3.5 and 5 of this act*** to particular persons or circumstances.

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

Sec. 12. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner ***or Attorney General*** has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to

598.0999, inclusive, *and sections 3, ~~44~~ 3.5 and 5 of this act*, the Commissioner *or Attorney General* may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly, ~~to~~ by certified or registered mail, return receipt requested ~~to~~, *or in any other manner permitted by the Nevada Rules of Civil Procedure for the service of process in civil actions.*

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

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 3, ~~44~~ 3.5 and 5 of this act* or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

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

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~to~~, *and sections 3, ~~44~~ 3.5 and 5 of this act;*

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

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

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

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

5. If a person fails to comply with any provision of an order issued *by the Director or his or her designee* pursuant to subsection 3, the *Attorney*

General, or the Commissioner or ~~the~~ Director ~~may,~~ through the Attorney General, **may,** at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that ~~the~~

~~(a) The violation complained of is a deceptive trade practice;~~
~~(b) The proceedings by the Director or his or her designee concerning the written report and any~~ **the person has failed to comply with an** order issued **by the Director or his or her designee** pursuant to subsection 3, ~~are in the interest of the public; and~~
~~(c) The findings of the Director or his or her designee are supported by the weight of the evidence;~~

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

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

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

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

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

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

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

Sec. 13. NRS 598.0973 is hereby amended to read as follows:

598.0973 1. Except as otherwise provided in NRS 598.0974, in any action **or proceeding** brought pursuant to NRS ~~598.0979~~ **598.0903** to ~~598.0999~~ **598.0999**, inclusive, **and sections 3, ~~4~~ 3.5 and 5 of this act**, if the court **or the Director or his or her designee** finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability, the court **or the Director or his or her designee** may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than \$12,500 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court **or the Director or his or her designee** shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly person or person with a disability;

(b) The person knew or should have known that his or her conduct was directed toward an elderly person or a person with a disability;

(c) The elderly person or person with a disability was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly person or person with a disability;

(d) The conduct of the person caused the elderly person or person with a disability to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly person or person with a disability to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly person or person with a disability;

(3) The loss of the principal employment or source of income of the elderly person or person with a disability;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly person or person with a disability; or

(7) Any other interference with the economic well-being of the elderly person or person with a disability, including the encumbrance of his or her primary residence or principal source of income; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

Sec. 14. NRS 598.0974 is hereby amended to read as follows:

598.0974 A civil penalty must not be imposed against any person who engages in a deceptive trade practice pursuant to NRS 598.0903 to 598.0999, inclusive, **and sections 3, ~~4~~ 3.5 and 5 of this act** in a civil proceeding brought by the Commissioner, Director or Attorney General if a fine has previously been imposed against that person by the Department of Motor Vehicles pursuant to NRS 482.554 for the same act.

Sec. 15. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, **and sections 3, ~~4~~ 3.5 and 5 of this act**, whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 16. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional

orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, **and sections 3, ~~44~~ 3.5 and 5 of this act** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 17. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, **and sections 3, ~~44~~ 3.5 and 5 of this act** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~44~~ , **and sections 3, ~~44~~ 3.5 and 5 of this act.**

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, **and sections 3, ~~44~~ 3.5 and 5 of this act**, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

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

(a) For ~~the first~~ **an offense ~~44~~ involving a loss of property or services valued at \$1,200 or more but less than \$5,000**, is guilty of a ~~misdemeanor~~ **category D felony and shall be punished as provided in NRS 193.130.**

(b) For ~~the second~~ **an offense ~~44~~ involving a loss of property or services valued at \$5,000 or more but less than \$25,000**, is guilty of a ~~gross misdemeanor~~ **category C felony and shall be punished as provided in NRS 193.130.**

(c) For ~~the third and all subsequent offenses~~ **an offense involving a loss of property or services valued at \$25,000 or more but less than \$100,000**, is guilty of a category ~~D~~ **B felony and shall be punished ~~as provided in NRS 193.130~~ by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.**

(d) **For an offense involving a loss of property or services valued at \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

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

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

~~—5.†~~ If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and sections 3, ~~††~~ 3.5 and 5 of this act*, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

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

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

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

~~{6.†~~ 5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

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

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

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

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Division of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) *“Value” means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.*

Sec. 17.3. NRS 598.706 is hereby amended to read as follows:

598.706 “Commissioner” means the Commissioner of ~~[Mortgage Lending of the Department of Business and Industry.]~~ **Consumer Affairs.**

Sec. 17.6. NRS 598.711 is hereby amended to read as follows:

598.711 “Division” means the **Consumer Affairs** Division ~~[of Mortgage Lending]~~ of the Department of Business and Industry.

Sec. 17.9. NRS 598.741 is hereby amended to read as follows:

598.741 As used in NRS 598.741 to 598.787, inclusive, unless the context otherwise requires:

1. “Buyer” means a natural person who is solicited to purchase or who purchases the services of an organization which provides credit services.

2. “Commissioner” means the Commissioner ~~[of Mortgage Lending.]~~ **of Consumer Affairs.**

3. “Division” means the **Consumer Affairs** Division ~~[of Mortgage Lending]~~ of the Department of Business and Industry.

4. “Extension of credit” means the right to defer payment of debt or to incur debt and defer its payment, offered or granted primarily for personal, family or household purposes.

5. “Organization”:

(a) Means a person who, with respect to the extension of credit by others, sells, provides or performs, or represents that he or she can or will sell, provide or perform, any of the following services, in return for the payment of money or other valuable consideration:

(1) Improving a buyer’s credit record, history or rating.

(2) Obtaining an extension of credit for a buyer.

(3) Providing counseling or assistance to a person in establishing or effecting a plan for the payment of his or her indebtedness, unless that counseling or assistance is provided by and is within the scope of the authorized practice of a provider of debt-management services registered pursuant to chapter 676A of NRS.

(4) Providing advice or assistance to a buyer with regard to subparagraph (1) or (2).

(b) Does not include:

(1) A person organized, chartered or holding a license or authorization certificate to make loans or extensions of credit pursuant to the laws of this

state or the United States who is subject to regulation and supervision by an officer or agency of this state or the United States.

(2) A bank, credit union, savings and loan institution or savings bank whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 672.755.

(3) A person licensed as a real estate broker by this state where the person is acting within the course and scope of that license, unless the person is rendering those services in the course and scope of employment by or other affiliation with an organization.

(4) A person licensed to practice law in this state where the person renders services within the course and scope of his or her practice as an attorney at law, unless the person is rendering those services in the course and scope of employment by or other affiliation with an organization.

(5) A broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission where the broker-dealer is acting within the course and scope of such regulation.

(6) A person registered as a provider of debt-management services pursuant to chapter 676A of NRS.

(7) A reporting agency.

6. “Reporting agency” means a person who, for fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the business of assembling or evaluating information regarding the credit of or other information regarding consumers to furnish consumer reports to third parties, regardless of the means or facility of commerce used to prepare or furnish the consumer reports. The term does not include:

(a) A person solely for the reason that he or she conveys a decision regarding whether to guarantee a check in response to a request by a third party;

(b) A person who obtains or creates a consumer report and provides the report or information contained in it to a subsidiary or affiliate; or

(c) A person licensed pursuant to chapter 463 of NRS.

Sec. 18. ~~[Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 20 of this act.] (Deleted by amendment.)~~

Sec. 19. Chapter 603A of NRS is hereby amended by adding thereto a new section to read as follows:

A violation of the provisions of this section and NRS 603A.010 to 603A.290, inclusive, constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive, and sections 3, ~~4~~ 3.5 and 5 of this act.

Sec. 20. ~~[A violation of the provisions of this section and NRS 603A.300 to 603A.360, inclusive, constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive, and sections 3, 4 and 5 of this act.] (Deleted by amendment.)~~

Sec. 21. NRS 603A.010 is hereby amended to read as follows:

603A.010 As used in NRS 603A.010 to 603A.290, inclusive, **and section 19 of this act**, unless the context otherwise requires, the words and terms defined in NRS 603A.020, 603A.030 and 603A.040 have the meanings ascribed to them in those sections.

Sec. 22. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, **and section 19 of this act** do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive ~~and section 20 of this act.~~

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, **and section 19 of this act** is contrary to public policy, void and unenforceable.

Sec. 23. ~~NRS 603A.300 is hereby amended to read as follows:~~

~~603A.300 As used in NRS 603A.300 to 603A.360, inclusive, **and section 20 of this act**, unless the context otherwise requires, the words and terms defined in NRS 603A.310 to 603A.337, inclusive, have the meanings ascribed to them in those sections.~~ **(Deleted by amendment.)**

Sec. 24. ~~NRS 603A.360 is hereby amended to read as follows:~~

~~603A.360 1. The Attorney General shall enforce the provisions of NRS 603A.300 to 603A.360, inclusive [], **and section 20 of this act.**~~

~~2. If the Attorney General has reason to believe that an operator, either directly or indirectly, has violated or is violating NRS 603A.340 or 603A.345, the Attorney General may institute an appropriate legal proceeding against the operator. The district court, upon a showing that the operator, either directly or indirectly, has violated or is violating NRS 603A.340 or 603A.345, may:~~

~~(a) Issue a temporary or permanent injunction; or~~

~~(b) Impose a civil penalty not to exceed \$5,000 for each violation.~~

~~3. The provisions of NRS 603A.300 to 603A.360, inclusive, **and section 20 of this act** do not establish a private right of action against an operator.~~

~~4. The provisions of NRS 603A.300 to 603A.360, inclusive, **and section 20 of this act** are not exclusive and are in addition to any other remedies provided by law.~~ **(Deleted by amendment.)**

Sec. 25. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

There is no limitation on the time in which an action brought by the Attorney General against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, and sections 3, ~~4~~ 3.5 and 5 of this act may be commenced.

Sec. 26. NRS 11.190 is hereby amended to read as follows:

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

1. Within 6 years:

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

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

2. Within 4 years:

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

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) ~~Am~~ Except as otherwise provided in section 25 of this act, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, and sections 3, 3.5 and 5 of this act, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term “livestock,” which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner’s fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 27. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, “consumer fraud” means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~and, and ~~sections~~ section 3 and 4 of this act.~~

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant’s costs in the action and reasonable attorney’s fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 28. ~~[NRS 171.080 is hereby amended to read as follows:~~

~~171.080 There is no limitation of the time within which a prosecution for:~~
~~1. Murder, or a sexual assault arising out of the same facts and~~
~~circumstances as a murder, must be commenced. It may be commenced at any~~
~~time after the death of the person killed.~~

~~2. A violation of NRS 202.445 must be commenced. It may be~~
~~commenced at any time after the violation is committed.~~

~~3. A violation punishable pursuant to subsection 3 of NRS 598.0999~~
~~must be commenced. It may be commenced at any time after the violation is~~
~~committed.] (Deleted by amendment.)~~

Sec. 29. ~~[NRS 171.085 is hereby amended to read as follows:~~

~~171.085 Except as otherwise provided in NRS 171.080 to 171.084,~~
~~inclusive, and 171.095, an indictment for:~~

~~1. Theft, robbery, burglary, forgery, arson, sex trafficking, a violation of~~
~~NRS 90.570 [a violation punishable pursuant to paragraph (c) of subsection~~
~~3 of NRS 598.0999] or a violation of NRS 205.377 must be found, or an~~
~~information or complaint filed, within 4 years after the commission of the~~
~~offense.~~

~~2. Sexual assault must be found, or an information or complaint filed,~~
~~within 20 years after the commission of the offense.~~

~~3. Any felony other than the felonies listed in subsections 1 and 2 must be~~
~~found, or an information or complaint filed, within 3 years after the~~
~~commission of the offense.] (Deleted by amendment.)~~

Sec. 30. ~~[NRS 171.090 is hereby amended to read as follows:~~

~~171.090 Except as otherwise provided in NRS 171.085, 171.095, 202.885~~
~~and 624.800, an indictment for:~~

~~1. A gross misdemeanor must be found, or an information or complaint~~
~~filed, within 2 years after the commission of the offense.~~

~~2. Any other misdemeanor must be found, or an information or complaint~~
~~filed, within 1 year after the commission of the offense.] (Deleted by~~
~~amendment.)~~

Sec. 31. NRS 228.380 is hereby amended to read as follows:

228.380 1. Except as otherwise provided in this section, the Consumer's Advocate may exercise the power of the Attorney General in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C, 599B and 711 of NRS.

2. The Consumer's Advocate may not exercise any powers to enforce any criminal statute set forth in:

(a) Chapter 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any transaction or activity that involves a proceeding before the Public Utilities Commission of Nevada if the Consumer's Advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities; or

(b) Chapter 711 of NRS.

3. *The Consumer's Advocate may have access to all records in the possession of any agency, board or commission of this State that he or she determines are necessary for the exercise of the powers set forth in subsection 1.*

4. The Consumer's Advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

~~4.1~~ 5. The powers of the Consumer's Advocate do not extend to proceedings before the Public Utilities Commission of Nevada directly relating to discretionary or competitive telecommunication services.

Sec. 32. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

→ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

→ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and

(k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of **paragraph (f) of** subsection ~~1~~ 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless the subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of **paragraph (f) of** subsection ~~1~~ 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest. Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 33. NRS 278.461 is hereby amended to read as follows:

278.461 1. Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four lots or less shall:

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body,
↪ unless those requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid, and by the affidavit of the person who proposes to divide the land stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of **paragraph (f) of** subsection ~~1~~ 1 of NRS 598.0923, if applicable, by the person who proposes to divide the land or any successor in interest.

2. In addition to any other requirement set forth in this section, a person who is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:

(a) Any parcel included in the parcel map:

(1) Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring the approval of the parcel map by the State Engineer; and

(2) Will be served by a domestic well; and

(b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.

3. If the parcel map is submitted to the clerk of the governing body, the clerk shall submit the parcel map to the governing body at its next regular meeting.

4. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

5. A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right-of-way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

6. A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

8. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land

by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

9. As used in this section, “domestic well” has the meaning ascribed to it in NRS 534.350.

Sec. 34. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, within 45 days; or
(b) In a county whose population is less than 700,000, within 60 days,
➔ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, within 45 days; or
(b) In a county whose population is less than 700,000, within 60 days,
➔ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 700,000 or more, within 45 days; or
(b) In a county whose population is less than 700,000, within 60 days,
➔ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of *paragraph (f) of* subsection ~~1~~ *1* of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

- (a) In a county whose population is 700,000 or more, within 45 days; or
 - (b) In a county whose population is less than 700,000, within 60 days,
- ➔ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 35. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, a person who proposes to make a division of land pursuant to NRS 278.471 to 278.4725, inclusive, must first:

(a) File a tentative map for the area in which the land is located with the planning commission or its designated representative or with the clerk of the governing body if there is no planning commission;

(b) Submit an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of *paragraph (f) of* subsection ~~15~~ **1** of NRS 598.0923, if applicable, by the person who proposes to make a division of land or any successor in interest; and

(c) Pay a filing fee of no more than \$750 set by the governing body.

2. This map must be:

- (a) Entitled “Tentative Map of Division into Large Parcels”; and
- (b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) Any roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network in that area.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

(e) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(f) An indication of any existing road or easement which the owner does not intend to dedicate.

(g) The name and address of the owner of the land.

4. The planning commission and the governing body or its authorized representative shall not approve the tentative map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of *paragraph (f) of* subsection ~~4~~ 1 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

Sec. 35.5. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

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

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

Sec. 35.7. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 394.

AN ACT relating to taxation; revising requirements for agreements between the Office of Economic Development and applicants for an abatement or partial abatement of certain taxes; **requiring the Department of Taxation to issue a document certifying an abatement or partial abatement of sales and use taxes to businesses for which the Office has approved certain abatements or partial abatements of sales and use taxes; authorizing a business for which the Office has approved certain abatements or partial abatements of sales and use taxes to apply for a refund of sales and use taxes paid for which the business was entitled to an abatement or partial abatement;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to approve an abatement or partial abatement of certain property taxes, business taxes and sales and use taxes in certain circumstances. (NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754, 360.889, 360.945) The Office is prohibited from approving an application for such an abatement unless the applicant has entered into an agreement with the Office establishing certain terms for the abatement, which, in certain cases, includes the date on which the abatement becomes effective. (NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754, 360.889, 360.945) **Sections ~~1-6~~ 1.5-6 and 9-11** of this bill prohibit the effective date of an abatement or partial abatement, as established by the agreement, from being later than 1 year after the date on which the application for the abatement is approved. **Sections ~~1-6~~ 1.5-6 and 9-11** also require an applicant to enter into the agreement with the Office within 1 year after the application is received by the Office and, if the applicant

fails to do so, requires the applicant to submit a new application to be eligible to receive approval for an abatement or partial abatement.

Section 1 of this bill provides that if the Office approves an application submitted by a business for certain abatements or partial abatements of sales and use taxes, the Department of Taxation is required to issue to the business a document: (1) certifying the abatement or partial abatement; and (2) clearly stating that the business is not required to pay sales and use taxes or the rate of sales and use tax that the business is required to pay. Section 1 authorizes a business for which the Office has approved certain abatements or partial abatements of sales and use taxes to seek a refund of the amount of sales and use taxes paid for which the business was entitled to an abatement if the business failed to present the certifying document. However, under section 1, if the failure of a business to present the certifying document results in a refund for 50 percent or more of the purchases for which the business is eligible for an abatement or partial abatement, the business is required to pay a penalty equal to 10 percent of the amount of sales and use taxes abated, and that penalty is required to be distributed proportionally to local governments affected by the refunds. Section 1 additionally authorizes a business to apply to the Department for a refund of an amount of sales and use taxes paid on purchases for which the business was entitled to an abatement if the purchase is made after the application for the abatement or partial abatement is submitted and before the document certifying the partial abatement is issued. Finally, section 1 provides that no interest may be paid on any refunds issued pursuant to section 1.

Section 12 of the bill provides that the amendatory provisions of this bill apply only to applications for an abatement that are submitted on or after July 1, 2021.

~~[Sections 7 and 8 of this bill make conforming changes to refer to subsections that have been renumbered by this bill.]~~

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

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Office of Economic Development approves an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753, 360.754 or 360.890, the Department shall issue to the business a document certifying the abatement or partial abatement which can be presented to retailers and customers of the business at the time of sale. The document must clearly state that the business is not required to pay sales and use taxes or the rate of sales and use tax that the business is required to pay.

2. If the Office of Economic Development has issued to a business the document issued pursuant to subsection 1 and the business pays an amount of sales and use taxes for which the business was entitled to an abatement because the business fails to present the document, the business may apply to the Department for a refund of the amount of sales and use tax paid for which the business was entitled to an abatement. If the Office of Economic Development has issued to a business the document issued pursuant to subsection 1 and the failure of the business to present the document results in the business paying the full amount of sales and use tax on 50 percent or more of the purchases for which the business was eligible for the abatement:

(a) The business shall be deemed to be out of compliance with the abatement agreement entered into by the business; and

(b) The Department shall impose on the business a penalty equal to 10 percent of the total amount of the abatement. The Department shall distribute the proceeds of any penalty imposed pursuant to this paragraph to each local government affected by a refund issued pursuant to this subsection in proportion to the amount of the refunds for which the affected local government is responsible for paying.

3. If, after submitting an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 360.750, 360.753, 360.754 or 360.890 and before receiving the document issued pursuant to subsection 1, a business pays an amount of sales and use tax for which the business is entitled to an abatement, the business may apply to the Department for a refund of the amount of sales and use tax which the applicant paid for which the business is entitled to an abatement.

4. Notwithstanding any other provision of law, no interest is allowed on a refund made pursuant to subsection 2 or 3.

~~{Section 1.}~~ **Sec. 1.5.** NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the:

(a) New business pursuant to chapter 361, 363B or 374 of NRS.

(b) Expanded business pursuant to chapter 361 or 363B of NRS or **a partial abatement of** the local sales and use taxes ~~that~~ **imposed on the expanded business**. As used in this paragraph, “local sales and use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) ~~The~~ ***Not later than 1 year after the date on which the application was received by the Office, the*** applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~to~~ ***and not later than 1 year after the date on which the Office approves the application;***

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$1,000,000 in this State in capital

assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) For a business in:

(I) Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement

becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the

Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

(e) The applicant has changed the name or identity of the business to evade the provisions of paragraph (c) or (d).

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. ***If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.***

9. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the requirements set forth in subsection 2; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

↪ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~{9}~~ **10.** A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection ~~{8}~~ **9** in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

~~{10}~~ **11.** The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

~~{11}~~ **12.** The Nevada Tax Commission:

- (a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

~~12.1~~ **13.** An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~13.1~~ **14.** For the purposes of this section, an employee is a “full-time employee” if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 2. NRS 360.752 is hereby amended to read as follows:

360.752 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor’s Workforce Investment Board described in NRS 232.935.

(b) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(c) ~~The~~ ***Not later than 1 year after the date on which the application was received by the Office, the*** applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~11~~ ***and not later than 1 year after the date on which the Office approves the application;***

(5) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in

operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(6) Bind the successors in interest of the business for the specified period.

(d) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(e) The business does not receive:

(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(f) The average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(g) The business will offer a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both, and the benefits the business offers to its employees in this State will meet the minimum requirements for benefits established by the Office.

(h) The business meets the following requirements:

(1) The business makes a capital investment of at least \$1,000,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis during years 2 through 5, inclusive, of the abatement.

(4) The business submits with its application for a partial abatement:

(I) A letter of support from the institution in which the capital investment is made, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a

summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

(i) In lieu of meeting the requirements of paragraph (h), the business meets the following requirements:

(1) The business makes a capital investment of at least \$500,000 in the Nevada State College or an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph (h), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.

(4) The business submits with its application for a partial abatement:

(I) A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

(b) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved or deemed approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny

the application within 30 days after the board of county commissioners receives a copy of the application, the application shall be deemed approved.

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business, whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. ***If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (c) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.***

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant

to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

~~18.1~~ **9.** A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection ~~17.1~~ **8** in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

~~19.1~~ **10.** The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

~~110.1~~ **11.** The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

~~111.1~~ **12.** An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~112.1~~ **13.** Except as otherwise provided in this subsection, as used in this section, “capital investment” includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or personal property or assets that are included within the definition of “capital investment.”

Sec. 3. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) ~~The~~ ***Not later than 1 year after the date on which the application was received by the Office, the*** applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~to~~ ***and not later than 1 year after the date on which the Office approves the application;***

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement;

(g) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least \$250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement;

(2) The business will maintain and possess in this State tangible personal property having a value of not less than \$5,000,000 during the period of partial abatement;

(3) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21; and

(h) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 10 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. *If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.*

8. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

→ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~18.1~~ 9. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

~~19.1~~ 10. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

~~110.1~~ 11. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

~~111.12. If the Office of Economic Development approves an application for a partial abatement of local sales and use taxes pursuant to this section, the Department shall issue to the business a document certifying the partial abatement which can be presented to retailers and customers of the business at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2 percent.~~

12. ~~113.1~~ As used in this section:

(a) “Aircraft” means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) “Component of an aircraft” means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) “Full-time employee” means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) “Local sales and use taxes” means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

(e) “Personal property taxes” means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 4. NRS 360.754 is hereby amended to read as follows:

360.754 1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) ~~Not later than 1 year after the date on which the application was received by the Office,~~ ***the*** applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application ~~and~~ ***and not later than 1 year after the date on which the Office approves the application;***

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Bind the successors in interest of the applicant for the specified period.

(c) The applicant is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by each county, city or town in which the data center operates.

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 10 or more full-time employees who are residents of Nevada and who will be employed

at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least \$25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection ~~12.1~~ 13.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least \$100,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly

wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection ~~12.1~~ **13**.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

(g) If the applicant is seeking a partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraphs (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a state business license issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection ~~7~~ 8 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. *If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.*

8. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

↳ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~18-1~~ **9.** A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or ~~17-1~~ **8** in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

~~19-1~~ **10.** An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~10-1~~ **11.** For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

~~11-1~~ **12.** For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

~~12-1~~ **13.** The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

~~13.1~~ **14.** The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

~~14.1~~ **15.** As used in this section, unless the context otherwise requires:

(a) “Colocated business” means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) “Data center” means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.

(c) “Full-time employee” means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 5. NRS 360.889 is hereby amended to read as follows:

360.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

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

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

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and the partial abatement of the taxes described

in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

- (a) Submit an application that meets the requirements of subsection 5;
- (b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;
- (c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least \$1 billion in this State within the 10-year period immediately following approval of the application;
- (d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;
- (e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site or sites;
- (f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;
- (g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;
- (h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;
- (i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;
- (j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;
- (k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;
- (l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:
 - (1) Shows the amount of money invested in this State by each participant in the project;
 - (2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

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

(m) Pay the cost of the audit required by paragraph (l);

(n) Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds issued pursuant to NRS 360.991; and

(o) Meet any other requirements prescribed by the Office.

3. In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 5 on or before June 30, 2019, and provide documentation satisfactory to the Office that:

(a) The initial project will have a total of 500 or more full-time employees employed at the site of the initial project and the average hourly wage that will be paid to employees of the initial project in this State is at least 120 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(b) Each participant in the project must be a subsidiary or affiliate of the lead participant; and

(c) Each participant offers primary jobs and:

(1) Except as otherwise provided in subparagraph (2), satisfies the requirements of paragraph (f) or (g) of subsection 2 of NRS 360.750, regardless of whether the business is a new business or an existing business; and

(2) If a participant owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft, that the participant satisfies the applicable requirements of paragraph (f) or (g) of subsection 2 of NRS 360.753.

➡ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the participants in the project collectively will make a total new capital investment of at least \$1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

4. In addition to meeting the requirements set forth in subsection 2, a project is eligible for the transferable tax credits described in paragraph (a) of subsection 1 only if the Interim Finance Committee approves a written request for the issuance of the transferable tax credits. Such a request may only be submitted by the Office and only after the Office has approved the application submitted for the project pursuant to subsection 2. The Interim Finance Committee may approve a request submitted pursuant to this subsection only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053.

5. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site or sites;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least \$1 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project ***not later than 1 year after the date on which the application was received by the Office*** which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the partial abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~†~~ ***and not later than 1 year after the date on which the Office approves the application***;

(3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

(4) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

6. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

(1) Current and valid Nevada driver's license of the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee or a current and valid identification card for the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or

(2) If the employee is a veteran of the Armed Forces of the United States, a current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

7. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

8. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

9. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

10. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

11. If an applicant for one or more partial abatements pursuant to this section fails to enter into the agreement described in paragraph (e) of subsection 5 within 1 year after the date on which the application was

received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

Sec. 6. NRS 360.945 is hereby amended to read as follows:

360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

- (1) Any tax imposed by chapters 363A and 363B of NRS;
- (2) The gaming license fees imposed by the provisions of NRS 463.370;
- (3) Any tax imposed by chapter 680B of NRS; or
- (4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

- (a) Submit an application that meets the requirements of subsection 3;
- (b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;
- (c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least \$3.5 billion in this State within the 10-year period immediately following approval of the application;
- (d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;
- (e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;
- (f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;
- (g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;
- (h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;
- (i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance

and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

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

(m) Pay the cost of the audit required by paragraph (l);

(n) Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds of the State of Nevada issued pursuant to NRS 360.991; and

(o) Meet any other requirements prescribed by the Office.

3. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make

a total new capital investment of at least \$3.5 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project ***not later than 1 year after the date on which the application was received by the Office*** which:

(1) Complies with the requirements of NRS 360.755;

(2) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and

(3) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the

requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

9. If an applicant for one or more abatements pursuant to this section fails to enter into the agreement described in paragraph (e) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for an abatement pursuant to this section unless the applicant submits a new application.

Sec. 7. ~~NRS 372.7261 is hereby amended to read as follows:~~

~~372.7261 1. In administering the provisions of this chapter:~~

~~(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:~~

~~— (1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.~~

~~— (2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.~~

~~(b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.~~

~~2. As used in this section:~~

~~(a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection [12] 13 of NRS 360.753.~~

~~(b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection [12] 13 of NRS 360.753.~~

~~(c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business. (Deleted by amendment.)~~

Sec. 8. ~~NRS 374.7261 is hereby amended to read as follows:~~

~~374.7261 1. In administering the provisions of this chapter:~~

~~(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:~~

~~— (1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.~~

~~— (2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.~~

~~— (b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.~~

~~— 2. As used in this section:~~

~~— (a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection [12] 13 of NRS 360.753.~~

~~— (b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection [12] 13 of NRS 360.753.~~

~~— (c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business. (Deleted by amendment.)~~

Sec. 9. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597, ➔ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 of NRS or the local sales and use taxes. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) ~~The~~ ***Not later than 1 year after the date on which the application was received by the Office, the*** applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~+~~ ***and not later than 1 year after the date on which the Office approves the application;*** and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of \$500,000 in capital assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department of Taxation;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

- (a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.
- (b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. ***If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.***

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the eligibility requirements for the partial abatement; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~17-1~~ 8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

~~18-1~~ 9. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 10. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

- (a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;
- (b) A redevelopment area created pursuant to chapter 279 of NRS;
- (c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or
- (d) An enterprise community established pursuant to 24 C.F.R. Part 597, ➤ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the local sales and use taxes imposed on capital equipment. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, “local sales and use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

- (a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.
- (b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

- (a) The business is consistent with:
 - (1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and
 - (2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) ~~The~~ ***Not later than 1 year after the date on which the application was received by the Office, the*** applicant has executed an agreement with the Office which states:

- (1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~+~~ ***and not later than 1 year after the date on which the Office approves the application;*** and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of \$250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department of Taxation; and
- (b) The Nevada Tax Commission.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. ***If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.***

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the eligibility requirements for the partial abatement; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~{7.}~~ **8.** The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

~~{8.}~~ **9.** An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 11. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 of NRS or the local sales and use taxes. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, “local sales and use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) ~~The~~ ***Not later than 1 year after the date on which the application was received by the Office, the*** applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~+~~ ***and not later than 1 year after the date on which the Office approves the application;*** and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents which meet the minimum requirements for medical benefits established by the Office.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. ***If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.***

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~7.7~~ 8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

~~7.8~~ 9. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~7.9~~ 10. As used in this section, “dislocated worker” means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 12. The amendatory provisions of this act apply only to an application for an abatement from taxation for which a person applies on or after July 1, 2021.

Sec. 13. 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. 90.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 257.

SUMMARY—~~Requires counties to pay impact fees to certain local governments for projects of intercounty significance.~~ Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the impacts of projects of intercounty significance.
(BDR ~~{22-883}~~) **S-883**

~~{CONTAINS UNFUNDED MANDATE (§§ 9-12)}~~
~~(Not Requested by Affected Local Government)}~~

AN ACT relating to local governments; ~~requiring counties to determine whether projects are projects of intercounty significance; requiring counties to pay impact fees to certain local governments for certain costs incurred as a result of projects of intercounty significance;~~ **directing the Legislative Commission to appoint a committee to conduct an interim study concerning the impacts of projects of intercounty significance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{ Existing law authorizes, under certain circumstances, certain local governments to impose an impact fee on new development to finance the costs of capital improvement or facility expansion necessitated by and attributable to the new development. (Chapter 278B of NRS) This bill sets forth a process for a county to pay an impact fee to certain local governments that are impacted by a project of intercounty significance.~~

~~— Section 9 of this bill requires a county to determine if a project is a project of intercounty significance before the county takes any final action to approve the development, construction or expansion of a project. Section 9 also sets forth a process for a local government to dispute a county's finding that a project is not a project of intercounty significance.~~

~~— Section 10 of this bill provides that before a county may take any final action to approve the development, construction or expansion of a project of intercounty significance, the county must: (1) notify and request an impact statement from every affected local government; and (2) allow every affected~~

~~local government a reasonable amount of time to submit an impact statement. An impact statement must include, without limitation, supporting documentation and set forth the costs that the affected local government reasonably expects to incur for the development, creation, construction, expansion or improvement of the following as a result of the project: (1) housing units; (2) transportation infrastructure and facilities; (3) educational facilities for kindergarten through grade 12; (4) facilities for water or sewer services; (5) facilities for flood control; (6) facilities and services related to public safety, health and criminal justice; and (7) social services.~~

~~Section 11 of this bill sets forth: (1) the methods by which a county must compensate an affected local government for the impacts caused by a project of intercounty significance; and (2) if the county and affected local government disagree on the amount of impact costs, the process for determining such costs.~~

~~Section 12 of this bill authorizes an affected local government to submit an impact statement to and request compensation from a county for not more than one project of intercounty significance that is already developed, constructed or in operation on July 1, 2021.~~

This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning state, regional and local impacts from projects of intercounty significance initiated in response to state-approved economic development incentives. This bill requires the committee to: (1) examine the impacts of such projects on local governments, the State and sources of state and local revenue; and (2) submit a report of its findings and any recommendations to the Legislature.

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

Section 1. ~~{Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.}~~ (Deleted by amendment.)

Sec. 2. ~~{As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.}~~ (Deleted by amendment.)

Sec. 3. ~~{“Affected local government” means:~~

~~1. A county that is adjacent to the county where a project of intercounty significance is located or proposed to be located;~~

~~2. A city located in a county that is adjacent to the county where a project of intercounty significance is located or proposed to be located; and~~

~~3. A school district located in a county that is adjacent to the county where a project of intercounty significance is located or proposed to be located.}~~ (Deleted by amendment.)

Sec. 4. ~~{“Mining operation” means the activities and facilities involved in the extraction of metallic ores from the earth.}~~ (Deleted by amendment.)

Sec. 5. ~~1. “Project of intercounty significance,” with respect to a project of any person other than a public utility, means a project which:~~

~~— (a) Required or will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land and had or will have an effect of increasing in the region:~~

~~— (1) Employment by at least 938 employees;~~

~~— (2) Housing by at least 625 units;~~

~~— (3) Hotel accommodations by at least 625 rooms;~~

~~— (4) Sewage by at least 187,500 gallons a day;~~

~~— (5) Water usage, except for the use of treated effluent for irrigation, by at least 625 acre feet per year;~~

~~— (6) Traffic by an average of at least 6,250 trips daily; or~~

~~— (7) The student population for kindergarten through grade 12 by at least 325 students; or~~

~~— (b) Required or will require a change in zoning, a special use permit, an amendment to a master plan, a tentative map or other approval for the use of land and which resulted in or will result in:~~

~~— (1) The creation of a geothermal field and a facility for the production of geothermal energy;~~

~~— (2) The creation of a mining operation;~~

~~— (3) The alteration of a stream channel or watercourse of any portion of a river of this State or any tributary of a river of this State;~~

~~— (4) The alteration of a wetland in a manner requiring a permit pursuant to the provisions of section 404 of the Clean Water Act, 33 U.S.C. § 1344;~~

~~— (5) A new or significantly expanded landfill or other similar facility;~~

~~— (6) A new or significantly expanded facility for the management of hazardous waste; or~~

~~— (7) The loss or significant degradation of a paleontological site, if the paleontological site has been identified in a master plan.~~

~~2. “Project of intercounty significance,” with respect to a project of a public utility, means:~~

~~— (a) An electric substation;~~

~~— (b) A transmission line that carries 60 kilovolts or more;~~

~~— (c) A facility that generates electricity greater than 5 megawatts;~~

~~— (d) Natural gas storage and peak shaving facilities; or~~

~~— (e) Gas regulator stations and mains that operate over 100 pounds per square inch.~~ (Deleted by amendment.)

Sec. 6. ~~1. “Public utility” means a public utility as defined in NRS 704.020.~~

~~2. The term does not include the persons excluded by NRS 704.021.~~ (Deleted by amendment.)

Sec. 7. ~~1. “Region” means:~~

~~1. The county where a project of intercounty significance is located or proposed to be located; and~~

~~2. Every affected local government.~~ (Deleted by amendment.)

Sec. 8. ~~{The Legislature hereby finds and declares that:~~

~~1. The provisions of this chapter are intended to ensure that the county in which a project of intercounty significance is located or proposed to be located coordinates with affected local governments in order to mitigate the impact that the project of intercounty significance may have on education, conservation, land use, transportation, public safety, public facilities and public services in the region.~~

~~2. The provisions of this chapter are intended to ensure the long term safety, health and welfare of residents of the county in which a project of intercounty significance is located and affected local governments.~~

~~3. The provisions of this chapter are not intended to limit development or the expansion of development.} (Deleted by amendment.)~~

Sec. 9. ~~{1. Before a county takes any final action to approve the development, construction or expansion of a project, the county must determine if the project is a project of intercounty significance. If the county determines that a project is not a project of intercounty significance, any local government may dispute that determination if the local government:~~

~~— (a) Reasonably believes that the project is a project of intercounty significance; and~~

~~— (b) Would be an affected local government if the project is a project of intercounty significance.~~

~~2. If a local government disputes the finding of the county that a project is not a project of intercounty significance:~~

~~— (a) The local government must submit documentation to the county explaining why the project is a project of intercounty significance; and~~

~~— (b) The county must consider the documentation submitted pursuant to paragraph (a) and determine if the documentation supports a finding that the project is a project of intercounty significance.~~

~~3. If the county determines pursuant to paragraph (b) of subsection 2 that the documentation submitted by the local government supports a finding that the project is a project of intercounty significance, the county must comply with the provisions of sections 10 and 11 of this act before the county takes any final action to approve the development, construction or expansion of the project.~~

~~4. If the county determines pursuant to paragraph (b) of subsection 2 that the documentation submitted by the local government does not support a finding that the project is a project of intercounty significance, the local government may file an action in a court of competent jurisdiction requesting the court to determine if the project is a project of intercounty significance. If the court finds that the project is a project of intercounty significance, the county must comply with the provisions of sections 10 and 11 of this act before the county takes any final action to approve the development, construction or expansion of the project.} (Deleted by amendment.)~~

Sec. 10. ~~1. Before a county takes any final action to approve the development, construction or expansion of a project of intercounty significance, the county must:~~

~~(a) Notify and request an impact statement from every affected local government; and~~

~~(b) Allow every affected local government a reasonable amount of time to submit to the county an impact statement.~~

~~2. An impact statement submitted pursuant to subsection 1 must include, without limitation, supporting documentation and set forth the costs that the affected local government reasonably expects to incur for the development, creation, construction, expansion or improvement of the following as a direct result of the project of intercounty significance:~~

~~(a) Housing units.~~

~~(b) Transportation infrastructure and facilities.~~

~~(c) Educational facilities for kindergarten through grade 12.~~

~~(d) Facilities for water and sewer services.~~

~~(e) Facilities for flood control.~~

~~(f) Facilities and services related to public safety, health and criminal justice.~~

~~(g) Social services.~~

~~3. An affected local government may submit an impact statement to a county pursuant to this section even if the county does not request an impact statement from the affected local government.~~ (Deleted by amendment.)

Sec. 11. ~~1. If the county finds that the project of intercounty significance will impact the affected local government to the extent set forth in the impact statement, the county must compensate the affected local government for such impacts using one or more of the following methods:~~

~~(a) The county may pay the affected local government from any unrestricted funds available to the county.~~

~~(b) The county and the affected local government may enter into an agreement for the county to provide to the affected local government a portion of any revenue that the county will receive from the project of intercounty significance.~~

~~(c) The county and the affected local government may enter into an interlocal agreement for the county to mitigate the impact of the project of intercounty significance on the affected local government.~~

~~(d) The county may assess an impact fee on the project of intercounty significance for the purpose of using the impact fees collected to compensate the affected local government.~~

~~2. If the county does not find that the project of intercounty significance will impact the affected local government to the extent set forth in the impact statement, the county must notify the affected local government that the county wishes to enter immediately into negotiations to determine the amount, if any, that the county must pay to the affected local government for the impacts caused by the project of intercounty significance. If the county~~

~~and the affected local government do not reach an agreement after 60 days of negotiations;~~

~~— (a) The county and the affected local government may by mutual agreement continue negotiations for any number of 60-day periods;~~

~~— (b) The county and the affected local government may mutually agree to engage in a method of alternative dispute resolution, which may be binding if agreed to by both parties; or~~

~~— (c) The county or the affected local government may file an action in a court of competent jurisdiction requesting the court to determine the amount, if any, that the county must pay to the affected local government for the impacts caused by the project of intercounty significance. Such an action takes precedence over other civil proceedings.~~

~~3. If the amount that the county must pay to the affected local government for the impacts that will be caused by the project of intercounty significance is determined pursuant to subsection 2, the county shall provide such compensation using one or more of the methods set forth in subsection 1. (Deleted by amendment.)~~

Sec. 12. ~~1. An affected local government may request compensation from the county where a project of intercounty significance is located by submitting an impact statement requesting payment for the impacts caused by not more than one project of intercounty significance that is developed, constructed or in operation in the county on July 1, 2021.~~

~~2. The impact statement must include, without limitation, supporting documentation and set forth the costs that the affected local government incurred for the development, creation, construction, expansion or improvement of the following as a direct result of the project of intercounty significance:~~

~~— (a) Housing units;~~

~~— (b) Transportation infrastructure and facilities;~~

~~— (c) Educational facilities for kindergarten through grade 12;~~

~~— (d) Facilities for water and sewer services;~~

~~— (e) Facilities for flood control;~~

~~— (f) Facilities and services related to public safety, health and criminal justice;~~

~~— (g) Social services.~~

~~3. If the county finds that the project of intercounty significance impacted the affected local government to the extent set forth in the impact statement, the county shall compensate the affected local government for such impacts using one or more of the following methods:~~

~~— (a) The county may pay the affected local government from any unrestricted funds available to the county;~~

~~— (b) The county and the affected local government may enter into an agreement for the county to provide a portion of any revenue that the county receives as a result of the project of intercounty significance.~~

~~—(c) The county and the affected local government may enter into an interlocal agreement for the county to mitigate the impact of the project of intercounty significance on the affected local government.~~

~~—4. If the county does not find that the project of intercounty significance impacted the affected local government to the extent set forth in the impact statement, the county must notify the affected local government that the county wishes to enter immediately into negotiations to determine the amount, if any, that the county must pay to the affected local government for the impacts caused by the project of intercounty significance. If the county and the affected local government do not reach an agreement after 60 days of negotiations:~~

~~—(a) The county and the affected local government may by mutual agreement continue negotiations for any number of successive 60-day periods;~~

~~—(b) The county and the affected local government may mutually agree to engage in a method of alternative dispute resolution, which may be binding if agreed to by both parties; or~~

~~—(c) The county or the affected local government may file an action in a court of competent jurisdiction requesting the court to determine the amount, if any, that the county must pay to the affected local government for the impacts caused by the project of intercounty significance. Such an action takes precedence over other civil proceedings.~~

~~—5. If the amount that the county must pay the affected local government for the impacts caused by the project of intercounty significance is determined pursuant to subsection 4, the county must provide such compensation using one or more of the methods set forth in subsection 3.~~

~~—6. Nothing in this section requires or authorizes a county to violate any written agreement that it has entered into before July 1, 2021, relating to a project of intercounty significance.] (Deleted by amendment.)~~

~~Sec. 13. [1. Except as otherwise provided in subsection 2, if on July 1, 2021, a county has not taken any final action to approve the development, construction or expansion of a proposed project of intercounty significance, the county must comply with the provisions of sections 10 and 11 of this act before taking such final action.~~

~~—2. Nothing in this section requires or authorizes a county to violate any written agreement that it has entered into before July 1, 2021, relating to a project of intercounty significance.~~

~~—3. As used in this section, “project of intercounty significance” has the meaning ascribed to it in section 5 of this act.] (Deleted by amendment.)~~

~~Sec. 14. [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. 14.5. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the state, regional and local

impacts of projects of intercounty significance initiated in response to state-approved economic development incentives.

2. The committee must be composed of six Legislators as follows:

(a) One member appointed by the Chair of the Senate Committee on Revenue and Economic Development during the preceding regular session;

(b) One member appointed by the Majority Leader of the Senate;

(c) One member appointed by the Speaker of the Assembly;

(d) One member appointed by the Chair of the Assembly Committee on Revenue during the preceding regular session;

(e) One member appointed by the Minority Leader of the Senate; and

(f) One member appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and a Vice Chair from among the members of the interim committee.

4. In conducting the study, the committee shall examine, without limitation:

(a) Existing projects of intercounty significance that were developed in response to state-approved economic development incentives;

(b) The impact of existing projects of intercounty significance on the State, as a whole, and local governments, including, without limitation:

(1) The impact on population growth and housing in the counties and cities in which projects of intercounty significance are located and in the immediately adjacent counties and cities;

(2) The cost to the State for employees and dependents of employees who received Medicaid benefits while employed by any employer that received state-approved economic development incentives;

(c) The impact to state and local sources of revenue caused by tax abatements and other state-approved economic incentives awarded to projects of intercounty significance by the Office of Economic Development, including, without limitation, an analysis of the amounts of state and local sources of revenue that will be generated after any tax abatements end; and

(d) Any data or information relevant to analyzing the impacts of projects of intercounty significance, including, without limitation:

(1) State and local tax reports and assessments;

(2) Demographic information; and

(3) County and regional master plans.

5. The committee shall submit a report of its findings, including, without limitation, any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The 82nd Session of the Legislature;

(b) The Chair of the Senate Committee on Revenue and Economic Development during the 82nd Session of the Legislature; and

(c) The Chair of the Assembly Committee on Revenue during the 82nd Session of the Legislature.

Sec. 15. 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. 116.

Bill read second time and ordered to third reading.

Assembly Bill No. 133.

Bill read second time.

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

Amendment No. 291.

~~{CONTAINS UNFUNDED MANDATE (§§ 1, 3)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)}~~

AN ACT relating to peace officers; ~~requiring a law enforcement agency to provide training to~~ **revising provisions governing the standards for programs of continuing education for peace officers;** ~~in approaching and interacting with a person who is openly carrying a firearm; requiring all uniformed peace officers to wear a portable event recording device while interacting with the public on duty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires ~~a peace officer to receive certain training. (NRS 289.550-289.605) Section 1 of this bill requires each law enforcement agency to provide training to peace officers in approaching and interacting with a person who is openly carrying a firearm.~~

~~Existing law requires uniformed peace officers who routinely interact with the public to wear a portable event recording device while on duty. (NRS 289.830) Section 3 of this bill requires, instead, uniformed peace officers to wear a portable event recording device while interacting with the public on duty.~~ **the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations adopted by the Commission must establish, among other things, standards for programs for the continuing education of peace officers, including minimum courses of study, and must require all peace officers to complete not less than 12 hours of continuing education courses annually that address: (1) racial profiling; (2) mental health; (3) the well being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms. (NRS 289.510) This bill requires, instead, that the regulations adopted by the Commission require that all category I peace officers annually complete: (1) not less than 6 hours of professional development and training in a course on firearms, which must be**

completed in person; and (2) not less than 48 hours of professional development and training in certain courses, at least half of which, must be completed in person. This bill also expands the courses in which such professional development and training may be offered to include courses that address: (1) individuals with intellectual or developmental disabilities; (2) issues relating to lesbian, gay, bisexual, transgender and questioning persons; (3) domestic terrorism; (4) emergency vehicle operations; (5) crisis intervention; and (6) riot control. Lastly, this bill requires the Commission to adopt regulations establishing standards for how the completion of the required programs for professional development and training will be accounted for in any promotions and performance evaluations of a peace officer.

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

Section 1. ~~[Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*Each law enforcement agency shall, based on best practices, provide to peace officers who are employed by the agency training for approaching and interacting with a person who is openly carrying a firearm.*~~ (Deleted by amendment.)

Sec. 1.5. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(2) Standards for programs for the ~~[continuing education]~~ professional development and training of all categories of peace officers, including minimum courses of study and requirements concerning attendance. ~~[, which]~~ The minimum courses of study and requirements for category I peace officers must require that all category I peace officers annually complete not less than ~~[12]~~ 6 hours of ~~[continuing education]~~ in person professional development and training each year in a course that addresses firearms and not less than 48 hours of professional development and training each year in courses that address:

- (I) Racial profiling;
- (II) Mental health;
- (III) The well being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; ~~and~~

(VII) ~~Firearms.~~ Individuals with intellectual or developmental disabilities;

(VIII) Issues relating to lesbian, gay, bisexual, transgender and questioning persons;

(IX) Domestic terrorism;

(X) Emergency vehicle operations;

(XI) Crisis intervention in accordance with the standard curriculum developed pursuant to paragraph (i); and

(XII) Riot control.

↪ At least half of the 48 required hours of professional development and training in courses described in sub-subparagraphs (I) to (XII), inclusive, must be completed in person. Any remaining hours may be completed in person or online.

(3) Qualifications for instructors of peace officers; ~~and~~

(4) Requirements for the certification of a course of training ~~;~~ ; and

(5) Standards for how completion of the programs for the professional development and training of peace officers must be accounted for in any promotions or performance evaluations of peace officers.

(d) Shall, when necessary, present courses of training , professional development and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 2. ~~NRS 289.450 is hereby amended to read as follows:~~

~~289.450 As used in NRS 289.450 to 289.680, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

Sec. 3. ~~NRS 289.830 is hereby amended to read as follows:~~

~~289.830 1. A law enforcement agency shall require uniformed peace officers that it employs [and who routinely interact with the public] to wear a portable event recording device while *interacting with the public* on duty. Each law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices, which must include, without limitation:~~

~~— (a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;~~

~~— (b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;~~

~~— (c) Prohibiting the recording of general activity;~~

~~— (d) Protecting the privacy of persons:~~

~~— (1) In a private residence;~~

~~— (2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or~~

~~— (3) Claiming to be a victim of a crime;~~

~~— (e) Requiring that any video recorded by a portable event recording device must be retained by the law enforcement agency for not less than 15 days; and~~

~~— (f) Establishing disciplinary rules for peace officers who:~~

~~— (1) Fail to operate a portable event recording device in accordance with any departmental policies;~~

~~— (2) Intentionally manipulate a video recorded by a portable event recording device; or~~

~~— (3) Prematurely erase a video recorded by a portable event recording device.~~

~~2. Any record made by a portable event recording device pursuant to this section is a public record which may be:~~

~~(a) Requested only on a per incident basis; and~~
~~(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.~~

~~3. As used in this section:~~

~~(a) "Law enforcement agency" means:~~

~~(1) The sheriff's office of a county;~~

~~(2) A metropolitan police department;~~

~~(3) A police department of an incorporated city;~~

~~(4) A department, division or municipal court of a city or town that employs marshals;~~

~~(5) The Nevada Highway Patrol; or~~

~~(6) A board of trustees of any county school district that employs or appoints school police officers.~~

~~(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.~~

(Deleted by amendment.)

Sec. 4. [The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]

(Deleted by amendment.)

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.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

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

Amendment No. 336.

AN ACT relating to local governments; authorizing the governing body of a county or city to transfer money from certain enterprise funds to pay the costs for constructing a fire station; **requiring, under certain circumstances, the Committee on Local Government Finance to submit a report related to certain enterprise funds to the Director of the Legislative Counsel Bureau;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires, under certain circumstances, a local government to create an enterprise fund exclusively for building permit fees and fees imposed for the issuance of barricade permits and encroachment permits. Under existing law, money in such an enterprise fund must not be used for any purpose other than the actual direct and indirect costs of the program for the issuance of barricade permits, encroachment permits and building permits, including the cost of checking plans, issuing permits, inspecting buildings and administering the program. (NRS 354.59891)

Section 1 of this bill authorizes the governing body of a county or city to transfer money from the enterprise fund to pay the capital costs of constructing one ~~for more~~ fire ~~stations~~ **station** if: (1) the transfer does not cause the balance of the unreserved working capital in the enterprise fund to be less than 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits; and (2) the governing body finds that the construction of the fire station is necessary based on an analysis of the need for infrastructure prepared between January 1, 2020, and December 31, 2021. **Section 1** also creates an exception to the requirement for the county or city to reduce the fees it charges for barricade permits, encroachment permits and building permits when the balance in the enterprise fund exceeds a certain amount. **Section 1** further: (1) prohibits the transfer of money from the enterprise fund after December 31, 2021; (2) prohibits money transferred from the enterprise fund from being committed for expenditure after December 31, 2023; and (3) requires any portion of such money remaining to be reverted to the enterprise fund on January 1, 2024. **Additionally, section 1 requires the Committee on Local Government Finance to: (1) review the fees imposed for the issuance of a building permit, barricade permit or encroachment permit by any local governing body that transfers money from an enterprise fund for the construction of a fire station to determine whether such fees are excessive; and (2) submit a report to the Director of the Legislative Counsel Bureau.**

Section 2 of this bill indicates the placement of **section 1** in the Nevada Revised Statutes.

Sections 3 and 4 of this bill create exceptions to existing provisions that restrict the transfer and use of money from an enterprise fund.

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

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The governing body of a county or city that has created an enterprise fund pursuant to NRS 354.59891 may transfer an amount of money from the enterprise fund to pay the capital costs of constructing one ~~for more~~ fire ~~stations~~ station if:*

(a) *The transfer from the enterprise fund does not cause the balance of unreserved working capital in the enterprise fund to be less than 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits; and*

(b) *The governing body finds that the construction of the fire station is necessary based on an analysis of the need for infrastructure prepared pursuant to NRS 278.02591 between January 1, 2020, and December 31, 2021.*

2. Money transferred from an enterprise fund pursuant to subsection 1 must only be used to pay the capital costs of constructing one fire station.

3. The provisions of subsection 6 of NRS 354.59891 do not apply to a county or city that uses money from the enterprise fund to the extent that the excess of the amount authorized pursuant to paragraph (d) of subsection 4 of NRS 354.59891 is transferred from the enterprise fund to pay the capital costs of constructing ~~for~~ one fire station pursuant to subsection 1.

~~3.~~ 4. No money may be transferred from an enterprise fund pursuant to subsection 1 after December 31, 2021. Any remaining balance of the money transferred from the enterprise fund pursuant to subsection 1 must not be committed for expenditure after December 31, 2023, and any portion of the money remaining must be reverted to the enterprise fund on January 1, 2024.

5. If the governing body of a county or city transfers money from an enterprise fund pursuant to subsection 1, the Committee on Local Government Finance must review the fees imposed by the governing body for the issuance of building permits, barricade permits and encroachment permits and determine whether the fees are excessive. The Committee shall submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission. The report must include, without limitation, the findings of the Committee on whether the fees are excessive and any recommendations for additional limitations for the use of money from an enterprise fund created pursuant to NRS 354.59891. Any report required pursuant to this subsection is due one year after the date on which the governing body of the county or city transfers money from an enterprise fund pursuant to subsection 1.

Sec. 2. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, **and section 1 of this act** may be cited as the Local Government Budget and Finance Act.

Sec. 3. NRS 354.59891 is hereby amended to read as follows:

354.59891 1. As used in this section:

(a) “Barricade permit” means the official document issued by the building officer of a local government which authorizes the placement of barricade appurtenances or structures within a public right-of-way.

(b) “Building permit” means the official document or certificate issued by the building officer of a local government which authorizes the construction of a structure.

(c) “Building permit basis” means the combination of the rate and the valuation method used to calculate the total building permit fee.

(d) “Building permit fee” means the total fees that must be paid before the issuance of a building permit, including, without limitation, all permit fees and inspection fees. The term does not include, without limitation, fees relating to water, sewer or other utilities, residential construction tax, tax for the improvement of transportation imposed pursuant to NRS 278.710, any fee imposed pursuant to NRS 244.386 or 268.4413 or any amount expended to change the zoning of the property.

(e) “Current asset” means any cash maintained in an enterprise fund and any interest or other income earned on the money in the enterprise fund that, at the end of the current fiscal year, is anticipated by a local government to be consumed or converted into cash during the next ensuing fiscal year.

(f) “Current liability” means any debt incurred by a local government to provide the services associated with issuing building permits that, at the end of the current fiscal year, is determined by the local government to require payment within the next ensuing fiscal year.

(g) “Encroachment permit” means the official document issued by the building officer of a local government which authorizes construction activity within a public right-of-way.

(h) “Operating cost” means the amount paid by a local government for supplies, services, salaries, wages and employee benefits to provide the services associated with issuing building permits.

(i) “Working capital” means the excess of current assets over current liabilities, as determined by the local government at the end of the current fiscal year.

2. Except as otherwise provided in subsections 3 and 4, a local government shall not increase its building permit basis by more than an amount equal to the building permit basis on June 30, 1989, multiplied by a percentage equal to the percentage increase in the Western Urban Nonseasonally Adjusted Consumer Price Index, as published by the United States Department of Labor, from January 1, 1988, to the January 1 next preceding the fiscal year for which the calculation is made.

3. A local government may submit an application to increase its building permit basis by an amount greater than otherwise allowable pursuant to subsection 2 to the Nevada Tax Commission. The Nevada Tax Commission may allow the increase only if it finds that:

(a) Emergency conditions exist which impair the ability of the local government to perform the basic functions for which it was created; or

(b) The building permit basis of the local government is substantially below that of other local governments in the State and the cost of providing the services associated with the issuance of building permits in the previous fiscal

year exceeded the total revenue received from building permit fees, excluding any amount of residential construction tax collected, for that fiscal year.

4. Upon application by a local government, the Nevada Tax Commission shall exempt the local government from the limitation on the increase of its building permit basis if:

(a) The local government creates an enterprise fund pursuant to NRS 354.612 exclusively for building permit fees, fees imposed for the issuance of barricade permits and fees imposed for encroachment permits; *and*

(b) ***Except as otherwise provided in section 1 of this act:***

(1) The purpose of the enterprise fund is to recover the costs of operating the activity for which the fund was created, including overhead;

~~((e))~~ (2) Any interest or other income earned on the money in the enterprise fund is credited to the enterprise fund;

~~((d))~~ (3) The local government maintains a balance of unreserved working capital in the enterprise fund that does not exceed 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits of the local government, as determined by the annual audit of the local government conducted pursuant to NRS 354.624; and

~~((e))~~ (4) The local government does not use any of the money in the enterprise fund for any purpose other than the actual direct and indirect costs of the program for the issuance of barricade permits, encroachment permits and building permits, including, without limitation, the cost of checking plans, issuing permits, inspecting buildings and administering the program. The Committee on Local Government Finance shall adopt regulations governing the permissible expenditures from an enterprise fund pursuant to this ~~paragraph.~~ ***subparagraph.***

5. Any amount in an enterprise fund created pursuant to this section that is designated for special use, including, without limitation, prepaid fees and any other amount subject to a contractual agreement, must be identified as a restricted asset and must not be included as a current asset in the calculation of working capital.

6. ~~((f))~~ ***Except as otherwise provided in section 1 of this act, if*** a balance in excess of the amount authorized pursuant to ***subparagraph (3) of paragraph ((d)) (b)*** of subsection 4 is maintained in an enterprise fund created pursuant to this section at the close of 2 consecutive fiscal years, the local government shall reduce the fees for barricade permits, encroachment permits and building permits it charges by an amount that is sufficient to ensure that the balance in the enterprise fund at the close of the fiscal year next following those 2 consecutive fiscal years does not exceed the amount authorized pursuant to ***subparagraph (3) of paragraph ((d)) (b)*** of subsection 4.

Sec. 4. NRS 354.613 is hereby amended to read as follows:

354.613 1. Except as otherwise provided in this section ~~((f))~~ ***and section 1 of this act,*** the governing body of a local government may, on or after July 1, 2011, loan or transfer money from an enterprise fund, money collected from

fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund only if the loan or transfer is made:

(a) In accordance with a medium-term obligation issued by the recipient in compliance with the provisions of chapter 350 of NRS, the loan or transfer is proposed to be made and the governing body approves the loan or transfer under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and:

(1) The money is repaid in full to the enterprise fund within 5 years; or
(2) If the recipient will be unable to repay the money in full to the enterprise fund within 5 years, the recipient notifies the Committee on Local Government Finance of:

(I) The total amount of the loan or transfer;
(II) The purpose of the loan or transfer;
(III) The date of the loan or transfer; and
(IV) The estimated date that the money will be repaid in full to the enterprise fund;

(b) To pay the expenses related to the purpose for which the enterprise fund was created;

(c) For a cost allocation for employees, equipment or other resources related to the purpose of the enterprise fund which is approved by the governing body under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body; or

(d) Upon the dissolution of the enterprise fund.

2. Except as otherwise provided in this section, the governing body of a local government may increase the amount of any fee imposed for the purpose for which an enterprise fund was created only if the governing body approves the increase under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and the governing body determines that:

(a) The increase is not prohibited by law;
(b) The increase is necessary for the continuation or expansion of the purpose for which the enterprise fund was created; and
(c) All fees that are deposited in the enterprise fund are used solely for the purposes for which the fees are collected.

3. Upon the adoption of an increase in any fee pursuant to subsection 2, the governing body shall, except as otherwise provided in this subsection, provide to the Department of Taxation an executed copy of the action increasing the fee. This requirement does not apply to the governing body of a federally regulated airport.

4. The provisions of subsection 2 do not limit the authority of the governing body of a local government to increase the amount of any fee imposed upon a public utility in compliance with the provisions of NRS 354.59881 to 354.59889, inclusive, for a right-of-way over any public area if

the public utility is billed separately for that fee. As used in this subsection, “public utility” has the meaning ascribed to it in NRS 354.598817.

5. This section must not be construed to:

(a) Prohibit a local government from increasing a fee or using money in an enterprise fund to repay a loan lawfully made to the enterprise fund from another fund of the local government; or

(b) Prohibit or impose any substantive or procedural limitations on any increase of a fee that is necessary to meet the requirements of an instrument that authorizes any bonds or other debt obligations which are secured by or payable from, in whole or in part, money in the enterprise fund or the revenues of the enterprise for which the enterprise fund was created.

6. The Department of Taxation shall provide to the Committee on Local Government Finance a copy of each report submitted to the Department on or after July 1, 2011, by a county or city pursuant to NRS 354.6015. The Committee shall:

(a) Review each report to determine whether the governing body of the local government is in compliance with the provisions of this section; and

(b) On or before January 15 of each odd-numbered year, submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

7. A fee increase imposed in violation of this section must not be invalidated on the basis of that violation. The sole remedy for a violation of this section is the penalty provided in NRS 354.626. Any person who pays a fee for the enterprise for which the enterprise fund is created may file a complaint with the district attorney or Attorney General alleging a violation of this section for prosecution pursuant to NRS 354.626.

8. For the purposes of paragraph (c) of subsection 1, the Committee on Local Government Finance shall adopt regulations setting forth the extent to which general, overhead, administrative and similar expenses of a local government of a type described in paragraph (c) of subsection 1 may be allocated to an enterprise fund. The regulations must require that:

(a) Each cost allocation makes an equitable distribution of all general, overhead, administrative and similar expenses of the local government among all activities of the local government, including the activities funded by the enterprise fund; and

(b) Only the enterprise fund’s equitable share of those expenses may be treated as expenses of the enterprise fund and allocated to it pursuant to paragraph (c) of subsection 1.

9. Except as otherwise provided in subsections 10 and 11, if a local government has subsidized its general fund with money from an enterprise fund for the 5 fiscal years immediately preceding the fiscal year beginning on July 1, 2011, the provisions of subsection 1 do not apply to transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund if the local government:

(a) Does not increase the amount of the transfers to subsidize the general fund in any fiscal year beginning on or after July 1, 2011, above the amount transferred in the fiscal year ending on June 30, 2011, except for loans and transfers that comply with the provisions of subsection 1; and

(b) Does not, on or after July 1, 2011, increase any fees for any enterprise fund used to subsidize the general fund except for increases described in paragraph (b) of subsection 5.

10. On and after July 1, 2021, the provisions of subsection 1 apply to transfers from an enterprise fund described in subsection 9 to the general fund of a local government for the purpose of subsidizing the general fund unless:

(a) On or before July 1, 2018, the Committee on Local Government Finance has approved a plan adopted by the governing body of the local government to eliminate transfers from an enterprise fund to subsidize the general fund of the local government that are not made in compliance with subsection 1, which must include, without limitation, a plan to reduce, by at least 3.3 percent each fiscal year during the term of the plan, the amount of the transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund; and

(b) In accordance with the plan approved by the Committee on Local Government Finance pursuant to paragraph (a), for each fiscal year during the term of the plan, the local government reduces by at least 3.3 percent the amount of the transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund.

11. Each plan approved by the Committee on Local Government Finance pursuant to subsection 10 is subject to annual review by the Committee.

12. After the expiration of the term of a plan approved by the Committee on Local Government Finance pursuant to subsection 10, the provisions of subsection 1 apply to the local government that adopted the plan.

13. The provisions of this section do not apply to an enterprise fund created by the governing body of a local government for the purpose of providing telecommunication services pursuant to the provisions of NRS 710.010 to 710.159, inclusive.

Sec. 4.5. 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. 5. 1. This act becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act expire by limitation on June 30, 2024.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 338.

AN ACT relating to water; ~~requiring~~ **authorizing** the State Department of Conservation and Natural Resources to ~~establish a program regulating~~ **develop plans, recommendations and policies to address** water pollution resulting from diffuse sources; ~~establishing requirements for applicants for certain permits relating to water pollution to post a bond or other surety;~~ revising requirements for regulations adopted by the State Environmental Commission relating to water pollution; revising notice requirements relating to regulations adopted by the Commission; revising various provisions relating to the control of water pollution by the Director of the Department; revising requirements relating to the control of diffuse sources of water pollution; ~~revising various requirements for permits to discharge a pollutant or inject fluids through a well;~~ requiring the Director to consult or notify Indian tribes of certain actions relating to water pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements to control water pollution in this State, including authorizing the State Environmental Commission to prescribe controls for diffuse sources of water pollution. (NRS 445A.570) ~~[Section 11 of this bill requires the Commission to prescribe controls for diffuse sources.]~~ **Section 1.5** of this bill ~~requires~~ **authorizes** the State Department of Conservation and Natural Resources to ~~establish a program~~ **develop plans, recommendations and policies** to ~~reduce,~~ **manage,** control and mitigate water pollution from diffuse sources in this State ~~and sets forth requirements for the program,~~ which **may** include identifying the major categories of diffuse sources that contribute to water pollution in this State. ~~[Section 10 of this bill provides that the water quality standards adopted by the Commission must include numeric water quality criteria for the major categories of diffuse sources identified by the Department. Section 12 of this bill requires the Department to include in its continuing planning process for the waters of this State procedures to address water pollution resulting from diffuse sources.]~~

~~Existing law provides for the issuance of a general permit or an individual permit for discharges or injections of fluids through a well. (NRS 445A.475, 445A.480) Section 3 of this bill requires: (1) an applicant for a general permit or individual permit to file a bond or other surety with the Department as a condition for approval of the permit; and (2) the Commission to adopt regulations relating to this bond requirement.]~~

Section 3.5 of this bill sets forth a legislative declaration that the people of this State have a right to clean water and that it is the policy of this State to mitigate the degradation of the waters of the State.

Section 4 of this bill requires the Commission to adopt regulations for controlling the infiltration of contaminants into underground water resulting

from contaminated fluids or soil, if the underground water supplies, or may be reasonably expected to supply, a public water system ~~that~~ **, which must address, without limitation, sewage treatment and effluent disposal, wastewater management and community planning and the management of fluids, effluent and septic systems. Section 1 of this bill makes conforming changes to require the State Board of Health to adopt regulations consistent with the regulations adopted by the Commission, if such regulations impact residential individual systems for the disposal of sewage.**

Section 4 also requires the Commission to consider any disproportionate impacts on ~~the marginalized or historically oppressed~~ **underserved** communities when adopting regulations, standards of water quality and effluent limitations.

Existing law requires the Commission to publish notice of a hearing on a regulation that provides a standard of water quality or waste discharge at least once in a newspaper of general circulation in the area to which the standard will apply, if adopted. (NRS 445A.435) **Section 5** of this bill requires the Commission to also publish notice of such a hearing at least once in a digital format that is generally accessible in the area and to any community impacted.

Existing law authorizes the Director of the Department to: (1) perform any acts consistent with the requirements of state and federal legislation concerning the control of the injection of fluids through a well and the control of water pollution; and (2) advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and certain other persons to further certain purposes related to the control of water pollution. (NRS 445A.450) **Section 6** of this bill authorizes the Director to also perform any acts necessary to control the infiltration of contaminants into underground water resulting from contaminated fluids or soil. **Section 6** further authorizes the Director to consult and cooperate with Indian tribes when working to control water pollution.

~~Existing law prohibits, under certain circumstances, the issuance of a permit which authorizes any discharge or injection of fluids through a well into waters of the State. (NRS 445A.490) Section 7 of this bill prohibits, with certain exceptions, the Department from issuing a permit to discharge a pollutant or inject fluids through a well if the discharge or injection will result in the degradation of biological, wildlife or cultural resources.~~

~~Section 8 of this bill provides that any permit issued by the Department must, with certain exceptions, ensure that the discharge or injection does not disproportionately impact historically oppressed or marginalized communities.~~

Section 9 of this bill requires the holders of certain permits whose production increases, process modifications or facility expansions result in the infiltration of contaminants into underground waters to report the contamination to the Department.

Existing law requires the Department to notify each interested person and appropriate governmental agency of each complete application for a permit.

(NRS 445A.590) **Section 13** of this bill requires the Department to notify affected Indian tribes upon receiving a complete application for a permit. **Section 14** of this bill requires the Commission to adopt regulations to provide for Indian tribes to request a public hearing on a permit application.

~~{ Existing law requires the Commission to establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State. (NRS 445A.520) Section 10 of this bill provides that in addition to any other designated beneficial use that the Commission finds applicable to a stream segment or other body of surface water, the Commission is required to establish water quality standards to protect the beneficial uses of propagation of wildlife and municipal or domestic supply for each stream segment or other body of surface water. }~~

Sections 15-22 of this bill provide that the provisions of this bill are subject to the existing enforcement authority of the Department.

Section 23 of this bill provides that the provisions of this bill do not amend, modify or supersede the provisions of existing law relating to the appropriation of water.

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

Section 1. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant to those provisions. **If any regulations adopted by the State Environmental Commission pursuant to paragraph (d) of subsection 1 of NRS 445A.425 impact residential individual systems for disposal of sewage, the State Board of Health shall adopt regulations consistent with such regulations adopted by the State Environmental Commission.**

4. As used in this section, “residential individual system for disposal of sewage” means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.

~~{Section 1.}~~ **Sec. 1.5.** Chapter 445A of NRS is hereby amended by adding thereto ~~{the provisions set forth as sections 2 and 3 of this act.}~~ **a new section to read as follows:**

1. In addition to any controls prescribed by the Commission pursuant to NRS 445A.570, the Department may develop plans, recommendations and policies consistent with any applicable federal requirements for diffuse sources to manage, control and mitigate water pollution resulting from diffuse sources. Such plans, recommendations and policies may, without limitation:

(a) Identify surface waters of this State that cannot reasonably be expected to attain or maintain state water quality standards and goals without additional action by the State to control water pollution resulting from diffuse sources;

(b) Identify the major categories of diffuse sources that contribute significant pollution to the surface waters of the State;

(c) Determine methods to facilitate the implementation of the best management practices, projects and measures to control each category of diffuse sources identified pursuant to paragraph (b); and

(d) Identify public and private sources of expertise, technical assistance, financial assistance, education assistance, training and technological resources to address water pollution resulting from diffuse sources.

2. The Department shall make any information received pursuant to paragraph (d) of subsection 1 available to the public upon request.

~~Sec. 2. 1. The Department shall establish a program to reduce, control and mitigate water pollution resulting from diffuse sources.~~

~~2. The diffuse source program established pursuant to subsection 1 must, without limitation:~~

~~(a) Comply with any applicable federal requirements for the management and control of diffuse sources;~~

~~(b) Develop plans, recommendations and policies to manage, control and mitigate water pollution resulting from diffuse sources in this State;~~

~~(c) Identify surface waters of this State that cannot reasonably be expected to attain or maintain state water quality standards and goals without additional action by the State to control water pollution resulting from diffuse sources;~~

~~(d) Identify the major categories of diffuse sources that contribute significant pollution to the surface waters of the State;~~

~~(e) Facilitate implementation of the best management practices, programs and measures to control each category of diffuse sources identified pursuant to paragraph (d); and~~

~~(f) Identify public and private sources of expertise, technical assistance, financial assistance, education assistance, training and technological resources to address water pollution resulting from diffuse sources.~~

~~3. The Department shall make information received pursuant to paragraph (f) of subsection 2 available to the public upon request. (Deleted by amendment.)~~

~~Sec. 3. 1. As a condition for approval of an application for a permit pursuant to NRS 445A.475 or 445A.480, the Department shall require the~~

~~applicant to file with the Department a bond or other surety in an amount and form fixed by the Commission, conditioned upon the faithful performance by the applicant of the provisions of this section and NRS 445A.300 to 445A.730, inclusive, and section 2 of this act.~~

~~2. The Commission shall adopt regulations to carry out the provisions of this section.~~ (Deleted by amendment.)

Sec. 3.5. NRS 445A.305 is hereby amended to read as follows:

445A.305 1. The Legislature finds that pollution of water in this State:

- (a) Adversely affects public health and welfare;
- (b) Is harmful to wildlife, fish and other aquatic life; and
- (c) Impairs domestic, agricultural, industrial, recreational and other beneficial uses of water.

2. The Legislature declares that the people of this State have a right to clean water and it is the policy of this State and the purpose of NRS 445A.300 to 445A.730, inclusive, ~~it~~, and section 1.5 of this act:

(a) To maintain the quality of the waters of the State consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, the pursuit of agriculture, and the economic development of the State; ~~and~~

(b) To mitigate the degradation of the waters of the State; and

(c) To encourage and promote the use of methods of waste collection and pollution control for all significant sources of water pollution (including point and diffuse sources).

Sec. 4. NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2 and 3 ~~section 1.5 of this act~~, including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, and sections 2 and 3 ~~section 1.5 of this act~~ to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Adopt regulations for controlling the infiltration of contaminants into underground water through contaminated fluids or soil where:

(1) The underground water directly supplies a public water system or could be reasonably expected to supply a public water system through a surface-to-groundwater connection; and

(2) *The infiltration of contaminants into the public system may result in:*

(I) The public water system not complying with any standard or regulation regarding primary drinking water; or

(II) A danger to the health and safety of persons.

(e) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~††~~, and ~~†sections 2 and 3†~~ section 1.5 of this act.

~~†(e)†~~ (f) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. *The regulations adopted by the Commission pursuant to paragraph (d) of subsection 1 must address, without limitation, sewage treatment and effluent disposal, wastewater management and community planning and the management of fluids, effluent and septic systems. The Commission shall notify the State Board of Health if any regulations proposed to be adopted by the Commission would impact residential individual systems for the disposal of sewage.*

3. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

~~†3.†~~ 4. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, and ~~†sections 2 and 3†~~ section 1.5 of this act, the Commission shall recognize ~~†the†~~ and consider:

(a) *The historical irrigation practices in the respective river basins of this State, the economy thereof and their effects* ~~††~~; and

(b) *Any disproportionate impact on* ~~†historically oppressed or marginalized†~~ underserved communities in the respective river basins of this State.

~~†4.†~~ 5. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

~~†5.†~~ 6. As used in this section, “plant for sewage treatment” means any facility for the treatment, purification or disposal of sewage.

~~†6.†~~ 7. As used in this section ~~†, “public”:~~

(a) “Public water system” has the meaning ascribed to it in NRS 445A.840.

(b) “Underserved community” means:

(1) A census tract in which, in the immediately preceding census:

(I) The median household income was less than 60 percent of the median household income in this State;

(II) At least 25 percent of the households had a household income below the federally designated level signifying poverty; or

(III) At least 20 percent of households were not proficient in the English language.

(2) A community in this State with at least one public school:

(I) In which 75 percent or more of the enrolled pupils during the immediately preceding school year were eligible for free or reduced-price lunches under the National School Lunch Act, 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296.

Sec. 5. NRS 445A.435 is hereby amended to read as follows:

445A.435 If a regulation which is to be considered by the Commission provides a standard of water quality or waste discharge, notice of the hearing on the regulation must be published at least once in ~~the~~ :

1. A newspaper of general circulation in the area to which the standard, if adopted, will apply ~~the~~ ; and

2. A digital format that is generally accessible in the area and to any affected communities to which the standard, if adopted, will apply. As used in this subsection, “digital format” includes, without limitation, an online newspaper or community forum.

Sec. 6. NRS 445A.450 is hereby amended to read as follows:

445A.450 The Director may:

1. Perform any acts consistent with the requirements of state and federal legislation concerning the control of the injection of fluids through a well and the control of water pollution and conditions thereof relating to participation in and administration by this State of the National Pollutant Discharge Elimination System;

2. Perform any acts necessary to control the infiltration of contaminants into underground water resulting from contaminated fluids or soils ~~the~~ , including, without limitation, submitting a recommendation to the Commission for the adoption of regulations pursuant to NRS 445A.425;

3. Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies , *Indian tribes* and with other persons in furthering the purposes of NRS 445A.300 to 445A.730, inclusive ~~the~~ , ~~and sections 2 and 3~~ section 1.5 of this act;

~~the~~ 4. Take the steps necessary to qualify for, accept and administer loans and grants from the Federal Government and from other sources, public or private, for carrying out any functions under NRS 445A.300 to 445A.730, inclusive ~~the~~ , ~~and sections 2 and 3~~ section 1.5 of this act;

~~{4.}~~ 5. Award subgrants to eligible persons to assist the Director in carrying out any functions under NRS 445A.300 to 445A.730, inclusive ~~{.}~~, ~~and sections 2 and 3~~ section 1.5 of this act;

~~{5.}~~ 6. Encourage, request, participate in or conduct studies, surveys, investigations, research, experiments, demonstrations and pilot programs by contract, grant or other means;

~~{6.}~~ 7. Maintain or require supervisors and operators of treatment plants which are privately owned or owned by a municipality or other public entity to maintain records and devices for continuing observation and establish or require these supervisors and operators to establish procedures for making inspections and obtaining samples necessary to prepare reports;

~~{7.}~~ 8. Collect and disseminate information to the public as the Director considers advisable and necessary for the discharge of his or her duties under NRS 445A.300 to 445A.730, inclusive ~~{.}~~, ~~and sections 2 and 3~~ section 1.5 of this act;

~~{8.}~~ 9. Hold hearings and issue subpoenas requiring the attendance of witnesses and the production of evidence as the Director finds necessary to carry out the provisions of NRS 445A.300 to 445A.730, inclusive ~~{.}~~, ~~and sections 2 and 3~~ section 1.5 of this act;

~~{9.}~~ 10. Exercise all incidental powers necessary to carry out the purposes of NRS 445A.300 to 445A.730, inclusive ~~{.}~~, ~~and sections 2 and 3~~ section 1.5 of this act; and

~~{10.}~~ 11. Delegate to the Division any function or authority granted to the Director under NRS 445A.300 to 445A.730, inclusive ~~{.}~~, ~~and sections 2 and 3~~ section 1.5 of this act.

Sec. 7. ~~NRS 445A.490 is hereby amended to read as follows:~~

~~445A.490 No permit may be issued which authorizes any discharge or injection of fluids through a well into any waters of the State:~~

~~1. Of any radiological, chemical or biological warfare agent or high level radioactive waste;~~

~~2. Which would substantially impair anchorage and navigation in any waters of the State;~~

~~3. Which would result in the degradation of existing or potential underground sources of drinking water;~~

~~4. Which is inconsistent with an applicable areawide plan for management of the treatment of waste; {or}~~

~~5. Which the Director determines is inconsistent with the regulations and guidelines adopted by the Commission pursuant to NRS 445A.300 to 445A.730, inclusive, and sections 2 and 3 of this act, including those relating to standards of water quality and injections of fluids through a well ~~[.]~~; or~~

~~6. Except as otherwise provided in this subsection, which would result in the degradation of biological, cultural or wildlife resources. The provisions of this subsection do not apply to the extent that federal law prohibits the denial of the permit on the grounds that the issuance of the~~

~~permit would result in the degradation of biological, cultural or wildlife resources.] (Deleted by amendment.)~~

Sec. 8. ~~NRS 445A.500 is hereby amended to read as follows:~~

~~445A.500 1. Each permit issued by the Department must ensure [compliance]:~~

~~— (a) *Compliance* with the following factors whenever applicable to the discharge or the injection of fluids through a well for which the permit is sought:~~

~~— [(a)] (1) Effluent limitations;~~

~~— [(b)] (2) Standards of performance for new sources;~~

~~— [(c)] (3) Standards for pretreatment;~~

~~— [(d)] (4) Standards for injections of fluids through a well; and~~

~~— [(e)] (5) Any more stringent limitations, including any necessary to meet or effectuate standards of water quality, standards of treatment or schedules of compliance developed by the Department as part of a continuing planning process or areawide plan for the management of the treatment of waste under NRS 445A.580 or in furthering the purposes and goals of NRS 445A.300 to 445A.730, inclusive [], and sections 2 and 3 of this act; and~~

~~— (b) *Except as otherwise provided in this paragraph, that the discharge or the injection of fluids through a well for which the permit is sought does not disproportionately impact historically oppressed or marginalized communities. The provisions of this paragraph do not apply to the extent that the requirement would conflict with federal law.*~~

~~— 2. Each permit must specify average and maximum daily or other appropriate quantitative limitations for the level of pollutants or contaminants in the authorized discharge or injection.~~

~~— 3. If an application is made to discharge from a point source into any waters of this State which flow directly or ultimately into an irrigation reservoir upstream from which are located urban areas in two or more counties and if each county has a population of 55,000 or more, the Department must give notice of the application to each city, county, unincorporated town and irrigation district located downstream from the point of discharge. Notice to an unincorporated town must be given to the town board or advisory council if there is one.] (Deleted by amendment.)~~

Sec. 9. NRS 445A.505 is hereby amended to read as follows:

445A.505 1. A holder of a permit for a publicly owned treatment works shall notify and supply the Department with information concerning any new or increased introduction of pollutants into the treatment works.

2. All holders of permits issued under NRS 445A.465 to 445A.510, inclusive, whose production increases, or whose process modifications or facility expansion result in new or increased discharges or injections of fluids through a well shall report such changes by submitting a new application for a permit to the Department.

3. *All holders of permits issued under NRS 445A.465 to 445A.510, inclusive, whose production increases, or whose process modifications or*

facility expansion result in the infiltration of contaminants to underground waters of this State as a result of contaminated fluids or contaminated soils shall report the contamination to the Department.

Sec. 10. ~~[NRS 445A.520 is hereby amended to read as follows:~~

~~445A.520 1. The Commission shall establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State. ***In addition to any other designated beneficial use that the Commission finds applicable to a stream segment or other body of surface water, the Commission shall establish water quality standards to protect the beneficial uses of propagation of wildlife and municipal or domestic supply for each stream segment or other body of surface water.***~~

~~2. The Commission shall base its water quality standards on water quality criteria which numerically or descriptively define the conditions necessary to maintain the designated beneficial use or uses of the water. The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.~~

~~3. The Commission may establish water quality standards for individual segments of streams or for other bodies of surface water which vary from standards based on recognized criteria if such variations are justified by the circumstances pertaining to particular places, as determined by biological monitoring or other appropriate studies.~~

~~4. ***The water quality standards established by the Commission must include, without limitation, numeric water quality criteria for the major categories of diffuse sources that contribute to water pollution in this State as identified by the Department pursuant to section 2 of this act.***~~ (Deleted by amendment.)

Sec. 11. ~~[NRS 445A.570 is hereby amended to read as follows:~~

~~445A.570 1. The Commission [may] ***shall*** prescribe controls for diffuse sources as follows:~~

~~(a) To any diffuse source existing on July 1, 1979, if the Director determines that the source is significantly causing or adding to water pollution in violation of a water quality standard.~~

~~(b) To any diffuse source created after July 1, 1979, if controls are necessary to prevent the degradation of any water of high quality in the waters of the State.~~

~~2. The Department shall delegate, to each county or city which so requests, other than a county to which NRS 244A.571 and 244A.573 apply or a city within such a county, the Administration of the Department's controls of diffuse sources, if the Director finds that the county or city has the necessary money and staff to administer the program effectively. If such a delegation is made both to a county and to a city within it, the city has authority within its~~

~~corporate limits and the county has authority outside those limits.] (Deleted by amendment.)~~

~~Sec. 12. NRS 445A.580 is hereby amended to read as follows:~~

~~445A.580 The Department shall establish a continuing planning process consistent with all applicable federal requirements which results in plans for all waters of the State and includes:~~

- ~~1. Adequate effluent limitations and schedules of compliance;~~
- ~~2. The incorporation of all elements of any applicable areawide plans for management of waste and plans for basins under NRS 445A.300 to 445A.730, inclusive [;], **and sections 2 and 3 of this act;**~~
- ~~3. Total maximum daily load for pollutants and contaminants;~~
- ~~4. Procedures for revision of the plans;~~
- ~~5. Adequate authority for intergovernmental cooperation;~~
- ~~6. Adequate implementation, including schedules of compliance, for revised or new standards of water quality;~~
- ~~7. **Procedures for addressing the major categories of water pollution from diffuse sources;**~~
- ~~8. Controls over the disposition of all residual waste from any treatment of water;~~
- ~~[8.] 9. An inventory and ranking, in order of priority, of needs for construction of treatment works; and~~
- ~~[9.] 10. Controls over the injection of fluids through a well to prevent the degradation of underground water.] (Deleted by amendment.)~~

~~Sec. 13. NRS 445A.590 is hereby amended to read as follows:~~

~~445A.590 1. The Department shall notify each interested person , ~~and~~ appropriate governmental agency **and affected Indian tribe** of each complete application for a permit, and shall provide them an opportunity to submit their written views and recommendations thereon. The provisions of this subsection do not apply to an application for a temporary permit issued pursuant to NRS 445A.485.~~

~~2. Notification must be in the manner provided in the regulations adopted by the Commission pursuant to applicable federal law.~~

~~3. If the treatment works are to discharge into any waters of this State which flow directly or ultimately into an irrigation reservoir upstream from which are located urban areas in two or more counties and if each county has a population of 55,000 or more, the Department must include in its notification each city, county, unincorporated town and irrigation district located downstream from the point of discharge. Notice to an unincorporated town must be given to the town board or advisory council if there is one.~~

~~Sec. 14. NRS 445A.595 is hereby amended to read as follows:~~

~~445A.595 The Commission shall provide by regulation:~~

~~1. An opportunity for each permit applicant, interested agency, city, county , **Indian tribe** or irrigation district located downstream from the point of discharge, or any person to request a public hearing conducted by the Director with respect to each permit application; and~~

2. For public notice of the hearing, at least 30 days before the date of the hearing.

↪ The provisions of this section do not apply to an application for a temporary permit issued pursuant to NRS 445A.485.

Sec. 15. NRS 445A.655 is hereby amended to read as follows:

445A.655 To enforce the provisions of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ **section 1.5 of this act** or any regulation, order or permit issued thereunder, the Director or authorized representative of the Department may, upon presenting proper credentials:

1. Enter any premises in which any act violating NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ **section 1.5 of this act** originates or takes place or in which any required records are required to be maintained;

2. At reasonable times, have access to and copy any records required to be maintained;

3. Inspect any equipment or method for continuing observation; and

4. Have access to and sample any discharges or injection of fluids into waters of the State which result directly or indirectly from activities of the owner or operator of the premises where the discharge originates or takes place or the injection of fluids through a well takes place.

Sec. 16. NRS 445A.675 is hereby amended to read as follows:

445A.675 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ **section 1.5 of this act**, any standard or other regulation adopted by the Commission pursuant to those sections, or any permit issued by the Department pursuant to those sections, except for any violation of a provision concerning a diffuse source, the Director may:

(a) Issue an order pursuant to NRS 445A.690;

(b) Commence a civil action pursuant to NRS 445A.695 or 445A.700; or

(c) Request that the Attorney General institute by indictment or information a criminal prosecution pursuant to NRS 445A.705 and 445A.710.

2. The remedies and sanctions specified in subsection 1 are cumulative, and the institution of any proceeding or action seeking any one of the remedies or sanctions does not bar any simultaneous or subsequent action or proceeding seeking any other of the remedies or sanctions.

Sec. 17. NRS 445A.680 is hereby amended to read as follows:

445A.680 Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or about to engage in any act or practice which violates any provision of NRS 445A.565 and 445A.570, ~~and section 1.5 of this act~~ **section 1.5 of this act**, or any standard or other regulation adopted pursuant thereto, with respect to a diffuse source:

1. The Director may issue an order:

(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ **section 1.5 of this act** or the regulation or order alleged to be violated or about to be violated;

- (b) Indicating the facts alleged which constitute a violation thereof; and
- (c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action,

➡ but no civil or criminal penalty may be imposed for failure to obey the order.

2. If the corrective action is not taken or completed, or without the Director first issuing an order:

- (a) The Director may commence a civil action pursuant to NRS 445A.695;
- or

(b) The Department may compel compliance by injunction or other appropriate remedy pursuant to subsection 4 of NRS 445A.700.

Sec. 18. NRS 445A.690 is hereby amended to read as follows:

445A.690 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act, or of any rule, regulation or standard promulgated by the Commission, or of any permit or order issued by the Department pursuant to NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act, the Director may issue an order:

(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act or the regulation or order alleged to be violated or about to be violated;

(b) Indicating the facts alleged which constitute a violation thereof; and

(c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action.

2. Any compliance order is final and is not subject to review unless the person against whom the order is issued, within 30 days after the date on which the order is served, requests by written petition a hearing before the Commission.

Sec. 19. NRS 445A.695 is hereby amended to read as follows:

445A.695 1. Except as otherwise provided in NRS 445A.707, the Director may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act or any permit, rule, regulation or order issued pursuant thereto.

2. On a showing by the Director that a person is engaged, or is about to engage, in any act or any practice which violates or will violate any of the provisions of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act or any rule, regulation, standard, permit or order issued pursuant to those provisions, the court may issue, without bond, any prohibitory and mandatory injunctions that the facts may warrant, including temporary restraining orders issued ex parte or, after notice and hearing, preliminary injunctions or permanent injunctions.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

Sec. 20. NRS 445A.700 is hereby amended to read as follows:

445A.700 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates or aids or abets in the violation of any provision of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act or of any permit, regulation, standard or final order issued thereunder, except a provision concerning a diffuse source, shall pay a civil penalty of not more than \$25,000 for each day of the violation. The civil penalty imposed by this subsection is in addition to any other penalties provided pursuant to NRS 445A.300 to 445A.730, inclusive ~~1~~, ~~and sections 2 and 3~~ section 1.5 of this act.

2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, in addition to the penalty provided in subsection 1, the Department may recover from the person actual damages to the State resulting from the violation of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act, any regulation or standard adopted by the Commission, or permit or final order issued by the Department, except the violation of a provision concerning a diffuse source.

3. Damages may include:

(a) Any expenses incurred in removing, correcting and terminating any adverse effects resulting from a discharge or the injection of contaminants through a well; and

(b) Compensation for any loss or destruction of wildlife, fish or aquatic life.

4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act, or of any permit, regulation, standard or final order adopted or issued thereto, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 21. NRS 445A.710 is hereby amended to read as follows:

445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross

misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment in the county jail for not more than 364 days, or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive ~~11~~, ~~and sections 2 and 3~~ section 1.5 of this act.

Sec. 22. NRS 445A.715 is hereby amended to read as follows:

445A.715 Hearings initiated pursuant to NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act shall be held before the Commission and comply with the provisions of such rules and regulations as the Commission may prescribe.

Sec. 23. NRS 445A.725 is hereby amended to read as follows:

445A.725 Nothing in NRS 445A.300 to 445A.730, inclusive, ~~and sections 2 and 3~~ section 1.5 of this act shall be construed to amend, modify or supersede the provisions of title 48 of NRS or any rule, regulation or order promulgated or issued thereunder by the State Engineer.

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 23, 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; and
- (b) On January 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. 158.

Bill read second time and ordered to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 96.

AN ACT relating to higher education; **establishing provisions relating to recruitment activities of certain institutions of higher education;** requiring certain institutions of higher education to ~~have a policy for refunds that requires the institution to refund a student all the money the student has paid if the institution impairs the ability of the student to complete a training program agreed upon in an enrollment agreement;~~ **provide certain information to students;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation to license privately owned institutions of higher

education which are located in Nevada and, with certain exceptions, branches of public or private institutions of higher education of another state which are located in Nevada. (NRS 394.383, 394.415) Under existing law, institutions licensed by the Commission are required to have a policy for refunds that requires the institution to refund a student all the money that the student has paid if the institution has substantially failed to furnish a training program agreed upon in an enrollment agreement. (NRS 394.449) ~~[This] Section 1.6 of this bill [requires the policy to provide for a refund in circumstances where the institution has impaired the ability of a student to complete the training program within the period of time agreed to in the enrollment agreement by, without limitation, reducing the number of courses offered, reducing the authorized enrollment in courses or increasing the number of required courses.]~~ defines when an institution has substantially failed to furnish a training program.

Section 1 of this bill: (1) prohibits a postsecondary educational institution from engaging in recruiting activities in certain circumstances; and (2) authorizes a postsecondary educational institution to engage in recruiting activities at certain locations.

Existing law sets forth various requirements for postsecondary educational institutions, including, without limitation, providing students with a catalog or brochure of information related to the institution and a copy of the agreement to enroll in the institution. (NRS 394.441) Section 1.3 of this bill sets forth additional requirements for postsecondary educational institutions, which include, without limitation: (1) requiring a postsecondary educational institution to provide a current and complete copy of a catalog or brochure to a student before signing an agreement to enroll; (2) various requirements for an agreement to enroll; (3) including a disclosure page or prominent link to the disclosure page on the main page of the Internet website of the postsecondary educational institution; and (4) including a statement indicating where a person can access the complaint policy of the postsecondary educational institution.

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

Section 1. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

A postsecondary educational institution:

1. Shall not engage in recruiting activities where prospective students cannot reasonably be expected to make informed decisions regarding enrollment.

2. May engage in recruiting activities at a center for employment opportunities operated by or with the support of the local, state or Federal Government and with the permission of the center for employment opportunities.

Sec. 1.3. NRS 394.441 is hereby amended to read as follows:

394.441 1. A postsecondary educational institution shall:

~~{1.}~~ (a) Provide students and other interested persons with a **current and complete** catalog or brochure containing information describing the programs offered, objectives of the program, length of the program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, policies concerning cancellations and refunds, an explanation of the Account for Student Indemnification and other material facts concerning the institution and the program or course of instruction that are likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the Administrator or defined in the regulations of the Commission. The information must be provided before ~~{enrollment.}~~ **signing an agreement to enroll.**

~~{2.}~~ (b) Provide each student who satisfactorily completes the training with appropriate educational credentials indicating:

~~{(a)}~~ (1) That the course of instruction or study has been satisfactorily completed by the student; and

~~{(b)}~~ (2) If the training does not lead to a degree, the number of hours of instruction or credits required of the student to complete the training.

~~{3.}~~ (c) Unless otherwise authorized by the Commission, maintain adequate records at the licensed facility to reflect the attendance, progress and performance of each student at the facility.

~~{4.}~~ (d) Provide each student with a **current and complete** copy of the agreement to enroll, dated and signed by the student or the student's guardian and an officer of the institution ~~{.}~~, **which must:**

(1) Include a statement that the student or the student's guardian and the officer of the institution have reviewed each section of the agreement and had the opportunity to ask questions;

(2) Be printed in at least 10-point font; and

(3) Include a cancellation policy that:

(I) Provides that an agreement to enroll may be cancelled not later than 3 days after signing the agreement; and

(II) Contains clear language explaining the process to cancel an agreement to enroll.

~~{5.}~~ (e) For each program offered at the institution that does not lead to a degree, collect and maintain information concerning:

~~{(a)}~~ (1) The number of students enrolled in the program and the number and names of students who have obtained employment in related fields, with their locations of placement;

~~{(b)}~~ (2) The number of:

~~{(1)}~~ (I) Students enrolled in the program;

~~{(2)}~~ (II) Students who have graduated from the program; and

~~{(3)}~~ (III) Graduates who have obtained employment in fields related to the instruction offered in the program, with the average compensation of such graduates; or

~~[(c)]~~ **(3)** For each such program offered to prepare students for a licensing examination:

~~[(1)]~~ **(I)** The number of students enrolled in the program;

~~[(2)]~~ **(II)** The number of such students who have graduated from the program; and

~~[(3)]~~ **(III)** The number of such graduates who have passed the examination.

~~[(6)]~~ **(f)** Select, from the information collected pursuant to ~~[subsection 5,]~~ **paragraph (e)**, the information relating to any 6-month period within the 18-month period preceding its next date for enrollment. The information for the period selected must be set forth in written form and posted conspicuously at the institution.

(g) Include a disclosure page or prominent link to the disclosure page on the main page of the Internet website of the postsecondary educational institution.

(h) Include a statement indicating where a person can access the complaint policy of the postsecondary educational institution in the catalog or brochure of the institution or on the main page of the Internet website of the postsecondary educational institution.

2. The Commission shall adopt regulations imposing a fine against a postsecondary educational institution that fails to comply with paragraph (g) of subsection 1.

~~[Section 1.]~~ **Sec. 1.6.** NRS 394.449 is hereby amended to read as follows:

394.449 1. Each postsecondary educational institution shall have a policy for refunds which at least provides:

(a) That if the institution has substantially failed to furnish the training program agreed upon in the enrollment agreement ~~, for otherwise impaired the ability of a student to complete the training program within the period of time agreed to in the enrollment agreement, including, without limitation, by reducing the number of courses offered, reducing the authorized enrollment in courses or increasing the number of required courses,~~ the institution shall refund to a student all the money the student has paid.

(b) That if a student cancels his or her enrollment before the start of the training program, the institution shall refund to the student all the money the student has paid, minus 10 percent of the tuition agreed upon in the enrollment agreement or \$150, whichever is less, and that if the institution is accredited by a regional accrediting agency recognized by the United States Department of Education, the institution may also retain any amount paid as a nonrefundable deposit to secure a position in the program upon acceptance so long as the institution clearly disclosed to the applicant that the deposit was nonrefundable before the deposit was paid.

(c) That if a student withdraws or is expelled by the institution after the start of the training program and before the completion of more than 60 percent of the program, the institution shall refund to the student a pro rata amount of the

tuition agreed upon in the enrollment agreement, minus 10 percent of the tuition agreed upon in the enrollment agreement or \$150, whichever is less.

(d) That if a student withdraws or is expelled by the institution after completion of more than 60 percent of the training program, the institution is not required to refund the student any money and may charge the student the entire cost of the tuition agreed upon in the enrollment agreement.

2. If a refund is owed pursuant to subsection 1, the institution shall pay the refund to the person or entity who paid the tuition within 15 calendar days after the:

- (a) Date of cancellation by a student of his or her enrollment;
 - (b) Date of termination by the institution of the enrollment of a student;
 - (c) Last day of an authorized leave of absence if a student fails to return after the period of authorized absence; or
 - (d) Last day of attendance of a student,
- ↪ whichever is applicable.

3. Books, educational supplies or equipment for individual use are not included in the policy for refund required by subsection 1, and a separate refund must be paid by the institution to the student if those items were not used by the student. Disputes must be resolved by the Administrator for refunds required by this subsection on a case-by-case basis.

4. For the purposes of this section:

(a) The period of a student's attendance must be measured from the first day of instruction as set forth in the enrollment agreement through the student's last day of actual attendance, regardless of absences.

(b) The period of time for a training program is the period set forth in the enrollment agreement.

(c) Tuition must be calculated using the tuition and fees set forth in the enrollment agreement and does not include books, educational supplies or equipment that is listed separately from the tuition and fees.

5. As used in this section, "substantially failed to furnish" includes cancelling or changing a training program agreed upon in the enrollment agreement without:

(a) Offering the student a fair chance to complete the same program or another program with a demonstrated possibility of placement equal to or higher than the possibility of placement of the program in which the student is enrolled within approximately the same period at no additional cost; or

(b) Obtaining the written agreement of the student to the specified changes and a statement that the student is not being coerced or forced into accepting the changes,

↪ unless the cancellation or change of a program is in response to a change in the requirements to enter an occupation.

Sec. 2. ~~This act becomes effective on July 1, 2021.~~ (Deleted by amendment.)

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 180.

Bill read second time.

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

Amendment No. 368.

SUMMARY—Revises provisions governing policies ~~of insurance which provide for the payment of expenses which are not covered by~~ **to supplement** Medicare. (BDR 57-857)

AN ACT relating to insurance; requiring the adoption of certain regulations ~~to require insurers offering~~ **governing** policies ~~of insurance which provide for the payment of expenses which are not covered by~~ **to supplement** Medicare ~~to offer at least one such policy to provide coverage to~~ **for** certain persons with ~~in a disability~~ **disabilities**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides for the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are less than 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing law ~~requires~~ **authorizes** the Commissioner of Insurance to adopt regulations relating to the form, content and sale of policies of insurance which provide for the payment of expenses which are not covered by Medicare. (NRS 687B.430) **This bill defines the term "policy to supplement Medicare" to refer to such policies and requires the Commissioner to adopt such regulations.**

~~This bill requires those regulations to require an insurer offering such a policy~~ **policies to supplement Medicare to offer at least one such policy to all policies that: (1) provide coverage for persons who are less than 65 years of age and who qualify for Medicare because of a** ~~by reason of disability~~ **; and (2) are guaranteed to be issued under federal law. This bill additionally requires the Commissioner to adopt regulations that authorize insurers to develop rates for premiums that are specific to such persons.**

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

Section 1. NRS 687B.430 is hereby amended to read as follows:

687B.430 1. The Commissioner ~~may~~ **shall** adopt regulations relating to the form, content and sale of policies ~~of insurance which provide for the payment~~

of expenses which are not covered by] to supplement Medicare. *The regulations must ~~require~~ :*

(a) Require each insurer offering ~~such a policy~~ policies to supplement Medicare to offer ~~at least one such policy to provide~~ all policies that:

(1) Provide coverage for persons ~~with a disability~~ who are less than 65 years of age and eligible for Medicare ~~if~~ by reason of disability, as prescribed by 42 U.S.C. § 426(b); and

(2) The insurer is required to issue on a guaranteed issue basis under the provisions of 42 U.S.C. § 1395ss.

(b) Authorize insurers to develop rates for premiums that are specific to the persons described in paragraph (a).

2. The Commissioner may adopt regulations relating to the sale of more than one policy of health insurance to the same person.

3. As used in this section ~~[]~~ :

(a) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act (42 U.S.C. §§ 1395 et seq.).

(b) “Policy to supplement Medicare” means a group or individual policy of insurance, or a subscriber contract, other than a policy issued pursuant to section 1876 of the Social Security Act, 42 U.S.C. § 1395mm, or pursuant to a demonstration project that is advertised, marketed or designed primarily as a supplement to the reimbursements provided under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. The term does not include Medicare Advantage plans established under Medicare Part C, 42 U.S.C. §§ 1395w-21 et seq., Outpatient Prescription Drug plans established under Medicare Part D, 42 U.S.C. § 1396r-8, or any Health Care Prepayment Plan that provides benefits pursuant to an agreement under section 1833(a)(1)(A) of the Social Security Act, 42 U.S.C. § 1395l(a)(1)(A).

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 184.

Bill read second time.

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

Amendment No. 61.

SUMMARY—~~[Creates]~~ **Temporarily creates** the Office of Small Business Advocacy within the Office of the Lieutenant Governor. (BDR 18-213)

AN ACT relating to small businesses; **temporarily** creating the Office of Small Business Advocacy within the Office of the Lieutenant Governor; setting forth the powers and duties of the Office of Small Business Advocacy; authorizing the Office of Small Business Advocacy to accept gifts, grants and contributions; providing that the records of the Office of Small Business Advocacy are confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Lieutenant Governor to perform certain duties relating to economic development. (NRS 231.033) **Section 8** of this bill creates the Office of Small Business Advocacy within the Office of the Lieutenant Governor and authorizes state agencies to cooperate with and assist the Office of Small Business Advocacy. **Section 8 authorizes the Lieutenant Governor to employ any necessary personnel within the limits of money available other than from the State General Fund for this purpose.** **Section 9** of this bill requires the Office of Small Business Advocacy to provide certain information to small businesses and to coordinate with certain state agencies and local governments to facilitate interactions between such entities and small businesses. **Section 10** of this bill requires the Office of Small Business Advocacy to: (1) receive, review and attempt to resolve a complaint from a small business; (2) compile and analyze data on such complaints; (3) assist small businesses to understand their rights and responsibilities; (4) provide certain information regarding small businesses to the public, governmental agencies and the Legislature; (5) analyze, monitor and make recommendations concerning laws, regulations and policies relating to small businesses; and (6) disseminate certain information to small businesses. **Section 11** of this bill authorizes, with certain exceptions, the Office of Small Business Advocacy to review a request for assistance made by a small business regarding an interaction with a state agency. **Section 12** of this bill prescribes the protocol for the Office of Small Business Advocacy to follow when it receives a request for assistance from a small business. **Section 13** of this bill ~~requires~~ **authorizes** the Office of Small Business Advocacy to establish and maintain an education course for small businesses. **Section 14** of this bill : **(1) creates the Account for Small Business Advocacy in the State General Fund; (2) authorizes the Office of Small Business Advocacy to accept gifts, grants and contributions for deposit in the Account; and (3) requires that money in the Account only be used** to carry out the provisions governing the Office ~~for~~ **and** to defray expenses incurred by the Office in the discharge of its duties. **Section 15** of this bill requires the Lieutenant Governor to report to the Legislature concerning the activities and effectiveness of the Office of Small Business Advocacy. **Sections 16 and 18** of this bill provide that the records, files and communications of the Office of Small Business Advocacy are

confidential and are not public records. **Section 20 of this bill provides that the provisions of this bill expire by limitation on June 30, 2023.**

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

Section 1. Chapter 224 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Business” means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.*

Sec. 4. *“Local government” means a political subdivision of the State, including, without limitation, a county, city, irrigation district, water district or water conservancy district.*

Sec. 5. *“Office of Small Business Advocacy” means the Office of Small Business Advocacy created by section 8 of this act within the Office of the Lieutenant Governor.*

Sec. 6. *“Small business” means a prospective, new or established business with not more than 100 employees that is or will be located in this State.*

Sec. 7. *“State agency” means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.*

Sec. 8. 1. *The Office of Small Business Advocacy is hereby created within the Office of the Lieutenant Governor.*

2. *The Lieutenant Governor may, within the limits of money ~~appropriated or authorized to be expended~~ available other than from the State General Fund for such purpose, employ such personnel as are necessary to perform the functions and duties of the Office of Small Business Advocacy set forth in sections 2 to 17, inclusive, of this act. To be employed by the Lieutenant Governor pursuant to this section, a person must have the necessary training and experience to perform the duties for which he or she is hired. An employee of the Office of Small Business Advocacy is in the unclassified service of the State and serves at the pleasure of the Lieutenant Governor.*

3. *A state agency may cooperate with and assist the Office of Small Business Advocacy in the performance of its duties and functions.*

Sec. 9. *The Office of Small Business Advocacy shall:*

1. *Refer a small business with an inquiry relating to any aspect of starting, operating or winding up a small business to an appropriate resource to assist the small business;*

2. *Work with small businesses and local governments to:*

(a) Facilitate interactions between a small business and a local government, including, without limitation, resolving issues that arise in the administrative, regulatory and enforcement functions of the local government with respect to small businesses; and

(b) Identify and recommend any improvement to the processes and functions of local governments with respect to interactions between small businesses and local governments, including, without limitation, by conducting general studies, holding conferences and meetings and making inquiries;

3. Assist state agencies with regulatory authority over small businesses to ensure a small business is able to provide comment or feedback on any interaction the small business has with a state agency; and

4. Coordinate with state agencies to:

(a) Facilitate interactions between small businesses and state agencies;

(b) Develop processes that ensure a small business receives a timely response to any inquiry or request made to a state agency;

(c) Resolve issues that arise in the administrative, regulatory or enforcement functions of a state agency with respect to small businesses; and

(d) Identify and recommend efficient, responsive and nonretaliatory procedures for:

(1) Receiving comments or feedback from a small business regarding an interaction with a state agency;

(2) Promoting and facilitating the participation of a small business in general studies, conferences, inquiries and meetings that would improve the function of a state agency with regulatory authority over small businesses;

(3) Identifying causes of unnecessary delays, inconsistencies and inefficient uses of state resources in the administrative, regulatory and enforcement functions of a state agency with respect to small businesses; and

(4) Making recommendations for resolving an issue or dispute that arises from an interaction between a state agency and a small business.

Sec. 10. The Office of Small Business Advocacy shall:

1. Receive, review and attempt to resolve any complaint from a small business.

2. Compile and analyze data on complaints from small businesses.

3. Assist small businesses to understand their rights and responsibilities.

4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of small businesses and make recommendations for resolving those problems and concerns.

5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to small businesses and recommend any changes the Office of Small Business Advocacy deems necessary.

6. Disseminate information to small businesses concerning the availability of the Office of Small Business Advocacy to assist small businesses with any concerns relating to small businesses.

7. Take any other actions necessary to fulfill the duties of the Office of Small Business Advocacy as set forth in this section.

Sec. 11. 1. Except as otherwise provided in subsection 2, the Office of Small Business Advocacy may review any request for assistance filed by a small business relating to an interaction with a state agency relating to the small business.

2. The Office of Small Business Advocacy shall not take action on a request for assistance made pursuant to subsection 1 if the Office of Small Business Advocacy determines that:

(a) The person who filed the request for assistance could reasonably be expected to pursue, or is pursuing, an alternative remedy or recourse;

(b) The request for assistance relates to a matter outside the jurisdiction of the Office of Small Business Advocacy;

(c) The request for assistance was not filed in a timely manner, as determined by the Office of Small Business Advocacy;

(d) The person who filed the request for assistance does not have a sufficient personal interest in or is not personally aggrieved or affected by the subject matter of the request;

(e) The request for assistance is trivial, frivolous, vexatious or not made in good faith;

(f) The resources of the Office of Small Business Advocacy are insufficient for adequate review of the request for assistance; or

(g) The request for assistance is the subject of pending litigation, a pending contested case, as defined in NRS 233B.032, a proceeding pursuant to chapter 233B of NRS or an agency action that could result in a contested case proceeding pursuant to chapter 233B of NRS.

3. Not later than 30 days after receipt of a request for assistance made pursuant to subsection 1, the Office of Small Business Advocacy shall notify the person who filed the request whether the Office of Small Business Advocacy will provide assistance to the person.

4. If the Office of Small Business Advocacy undertakes the review of a request for assistance made pursuant to subsection 1, the Office of Small Business Advocacy:

(a) May make recommendations to a state agency for the resolution of the issues set forth in the request for assistance;

(b) May contact and discuss the issues with the administrative head of a state agency, the Governor or a member of the public for the purposes of obtaining the cooperation and assistance of a state agency with the review of the request for assistance;

(c) Shall inform the complainant of the status of the review upon request; and

(d) Shall, upon the conclusion of the review:

(1) Prepare a preliminary report regarding the review, including, without limitation, the conclusion reached by the Office of Small Business Advocacy and recommendations for the resolution of the issues, if any;

(2) Provide any state agency named in the request for assistance with a copy of the preliminary report prepared pursuant to subparagraph (1) indicating that the state agency may, within 15 days, submit to the Office of Small Business Advocacy a comment regarding the report;

(3) Prepare a final report that includes, without limitation, any comment submitted by an agency pursuant to subparagraph (2); and

(4) Provide a copy of the final report to the Lieutenant Governor and the person who filed the request for assistance.

5. A person who files a request for assistance or who participates in a review and investigation is not subject to a penalty, sanction or restriction in connection with the employment of that person, and may not be denied any right, privilege or benefit because of the request for assistance or because of any review and investigation of such request.

Sec. 12. 1. When the Office of Small Business Advocacy receives a request for assistance from a small business, the Office of Small Business Advocacy shall:

(a) Notify the small business whether the Office of Small Business Advocacy will open a file regarding the issue not later than 30 days after receipt of the request;

(b) Inform the requester of the status of the file upon request; and

(c) Notify the requester when the file is closed.

2. The Office of Small Business Advocacy may compile statistical data regarding requests for assistance and other communications received by the Office of Small Business Advocacy from small businesses.

Sec. 13. The Office of Small Business Advocacy ~~shall~~ may establish and maintain an education course for small businesses which provides educational presentations and materials regarding small businesses.

Sec. 14. 1. The Account for Small Business Advocacy is hereby created in the State General Fund. The Lieutenant Governor shall administer the Account.

2. The Office of Small Business Advocacy may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons for deposit in the Account.

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

4. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

5. The money in the Account may only be used to carry out the provisions of sections 2 to 17, inclusive, of this act and to defray expenses

incurred by the Office of Small Business Advocacy in the discharge of its duties.

Sec. 15. *On or before February 1 of each odd-numbered year, the Lieutenant Governor shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning:*

- 1. The implementation of sections 2 to 17, inclusive, of this act; and*
- 2. The overall effectiveness of the Office of Small Business Advocacy.*

Sec. 16. *All records, files and communications of the Office of Small Business Advocacy made or received pursuant to sections 2 to 17, inclusive, of this act are confidential and not a public record.*

Sec. 17. *The Lieutenant Governor may adopt any regulations necessary to carry out the provisions of sections 2 to 17, inclusive, of this act.*

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 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 16 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act ~~becomes~~ :

(a) Become effective ~~on~~ :

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

(2) On July 1, 2021, ~~1~~, for all other purposes.

(b) Expire by limitation on June 30, 2023.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 117.

AN ACT relating to education; requiring the annual report of accountability to include certain information relating to restorative justice; revising provisions relating to the suspension or expulsion of pupils; requiring the ~~{Office for a Safe and Respectful Learning Environment}~~ **Department of Education** to provide certain guidance to the board of trustees of a school district; requiring the Department ~~{of Education, in consultation with the Office,}~~ to adopt regulations relating to the discipline of pupils; exempting certain hearings relating to appeals of the suspension or expulsion of pupils from the provisions governing public meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain pupils may be suspended or expelled from school for various reasons. (NRS 392.466, 392.467) Existing law requires that, with certain exceptions, a pupil may not be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. (NRS 392.467) **Section 5** of this bill requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a policy that allows a pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil to appeal the suspension or expulsion of the pupil. Under **section 5**, the policy must provide, without limitation, that (1) the board of trustees of the school district or the governing body of the charter school or university school, or a designee, as applicable, may authorize the suspension or expulsion of a pupil ~~[not later than 3 business days after the occurrence of the conduct that led to the suspension or expulsion;]~~ **within the timeline established by the Department of Education;** (2) the board of trustees of the school district or the governing body of the charter school or university school, or a designee, as applicable, shall notify the pupil and the parent or legal guardian of the pupil, as applicable, of the suspension or expulsion, the right to appeal the suspension or expulsion and information on the appeal policy; (3) the pupil, parent or legal guardian of the pupil, as

applicable, may appeal the suspension or expulsion ~~[not later than 3 business days after receiving notice of the suspension or expulsion;]~~ **within the timeline established by the Department;** (4) the board of trustees of the school district or the governing body of the charter school or university school, **or a designee,** as applicable, shall schedule a hearing on an appeal ~~[not later than 3 business days after receiving notice of the appeal;]~~ **within the timeline established by the Department;** and (5) the board of trustees of the school district or the governing body of the charter school or university school, **or a designee,** as applicable, may not increase the initial suspension or expulsion of a pupil after conducting a hearing. **Section 5** also requires the board of trustees of a school district or the governing body of the charter school or university school, **or a designee,** as applicable, to post the appeal policy on the Internet website of the school district and each school within the district or the charter school or university school, as applicable.

Under existing law, certain hearings conducted by public bodies must be open to the public. (Chapter 241 of NRS) **Sections 5 and 11** of this bill exempt any hearing conducted pursuant to **section 5** from those requirements.

~~[Section 6 of this bill provides that a pupil who is suspended or expelled, and is appealing the suspension or expulsion, or a pupil who is being considered for suspension or expulsion is entitled to attend school until the suspension or expulsion is finalized, unless the pupil is found in possession of a firearm or a dangerous weapon or is deemed a danger to himself or herself or other pupils or school employees. Section 6 requires the board of trustees of a school district or the governing body of a charter school or university school, as applicable, or the principal of a school to enroll a pupil who is immediately removed from school in a program for behavioral intervention not later than 1 business day after the pupil is removed. Finally, section]~~ **Section 6 of this bill** provides that a pupil who is suspended or expelled or who is being considered for suspension or expulsion is entitled to receive an education in the least restrictive environment possible.

Sections 2 and 3 of this bill authorize a pupil of a charter school or university school or the parent or guardian of a pupil of a charter school or university school to appeal a suspension or expulsion in accordance with the policy adopted by the governing body of the charter school or university school, as applicable, pursuant to **section 5**. **Sections 2 and 3** also require a charter school or university school to ensure a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible in accordance with **section 6**.

~~[Existing law creates the Office for a Safe and Respectful Learning Environment. (NRS 388.1323)]~~ **Section 7** of this bill requires the ~~[Office]~~ **Department** to provide to the board of trustees of a school district guidance regarding the appeal policy adopted pursuant to **section 5** in as many languages as possible for the benefit of pupils and their families.

Existing law requires the Department ~~[of Education]~~ to adopt regulations relating to restorative justice in disciplining pupils. Existing law also requires the Department to post on its Internet website certain guidance relating to the discipline of pupils, including, without limitation, restorative justice. (NRS 392.472) **Section 8** of this bill ~~[authorizes]~~ **requires** the Department ~~[, in consultation with the Office for a Safe and Respectful Learning Environment,]~~ to adopt any necessary regulations relating to the discipline of pupils and the provisions of **sections 5-8** of this bill. **Section 10** of this bill makes a conforming change related to the role of the Office in providing consultation to the Department relating to restorative justice.

Existing law requires the board of trustees of each school district and the sponsor of each charter school to submit an annual report of accountability that includes, without limitation, certain information on the discipline of pupils. (NRS 385A.070, 385A.250) **Section 1** of this bill requires that the report also include information on: (1) the plan for restorative justice and the process for progressive discipline used by the school; and (2) the manner in which the school trains employees on restorative justice and progressive discipline.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school. (NRS 385A.650) Section 1.5 of this bill requires such a plan to be developed in accordance with existing law relating to academic and nonacademic supports for pupils.

Section 9 of this bill makes a conforming change to refer to provisions that have been renumbered by this bill.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:

(1) The plan for restorative justice and the process for progressive discipline used by the school; and

(2) The manner in which the school trains employees on restorative justice and progressive discipline.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

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

(c) *“Restorative justice” has the meaning ascribed to it in NRS 392.472.*

Sec. 1.5. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must:

(a) Include any information prescribed by regulation of the State Board;

(b) ***Be developed in accordance with the provisions of NRS 388.885;***

~~(c)~~ (c) Include, without limitation, methods for evaluating and improving the school climate in the school; and

~~((c))~~ (d) Comply with the provisions of 20 U.S.C. § 6311(d).

3. The principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

4. On or before the date prescribed by the Department, the principal of each school shall submit the plan or the revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

5. As used in this section, “school climate” means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.

Sec. 2. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. If suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. ***If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of section 5 of this act. The charter school***

shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible ~~in accordance with the provisions of~~ as required by section 6 of this act. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil who is at least 11 years of age and who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence.

(b) Permanently expelled from school pursuant to this section.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 3. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. If suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an

opportunity for a hearing. *If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of section 5 of this act. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible ~~in accordance with the provisions of~~ as required by section 6 of this act.* The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence.

(b) Permanently expelled from school pursuant to this section.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 4. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 8, inclusive, of this act.

Sec. 5. 1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly

gifted pupils, as applicable, shall adopt a policy for appealing the suspension or expulsion of a pupil enrolled in the school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, ~~for~~ the governing body of a charter school or university school for profoundly gifted pupils ~~or~~ the designee of the board of trustees or governing body, as applicable, may authorize the suspension or expulsion of a pupil ~~not later than 3 business days after the occurrence of the conduct that led to the suspension or expulsion~~ within the timeline established by the Department pursuant to section 8 of this act;

(b) ~~As soon as practicable after the occurrence of the conduct that led to the suspension or expulsion of a pupil,~~ Within the timeline established by the Department pursuant to section 8 of this act, the board of trustees of a school district, ~~for~~ the governing body of a charter school or university school for profoundly gifted pupils ~~or~~ the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is suspended or expelled of:

(1) The suspension or expulsion;

(2) The right to appeal the suspension or expulsion; and

(3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is suspended or expelled may file an appeal with the board of trustees of the school district, ~~for~~ the governing body of the charter school or university school for profoundly gifted pupils ~~or~~ the designee of the board of trustees or governing body, ~~as applicable, not later than 3 business days after receiving notice of the suspension or expulsion from the board of trustees of the school district or the governing body of the charter school or university school, as applicable,~~ within the timeline established by the Department pursuant to section 8 of this act;

(d) The board of trustees of a school district, ~~for~~ the governing body of a charter school or university school for profoundly gifted pupils ~~or~~ the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a suspension or expulsion of a pupil ~~not later than 3 business days after receiving notice of an appeal pursuant to paragraph (c),~~ within the timeline established by the Department pursuant to section 8 of this act; and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district, ~~for~~ the governing body of a charter school or university school for profoundly gifted pupils ~~or~~ the designee of the board of trustees or governing body, as applicable, may not increase the initial suspension or expulsion of a pupil.

2. *The board of trustees of a school district, ~~for~~ the governing body of a charter school or university school for profoundly gifted pupils ~~for~~ or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.*

3. *The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.*

Sec. 6. ~~*1. Except as otherwise provided in subsection 2, a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion is entitled to continue to attend school until the suspension or expulsion of the pupil is authorized by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, or, if the suspension or expulsion of a pupil is appealed pursuant to section 5 of this act, until the board of trustees of the school district or the governing body of the charter school or university school, as applicable, makes a final decision on the appeal of the suspension or expulsion.*~~

~~*2. Notwithstanding the provisions of subsection 1, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the principal of a school may immediately remove a pupil from the premises of a school if the pupil is:*~~

~~*(a) Found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466; or*~~

~~*(b) Deemed to be a danger to himself or herself or other pupils or school employees by the crisis team of the school or, if the school does not have a crisis team, a school social worker.*~~

~~*3. To the extent practicable, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the principal of a school shall enroll a pupil who is immediately removed from the premises of a school pursuant to subsection 2 in a program for behavioral intervention not later than 1 business day after the pupil is removed.*~~

~~*4. A pupil who is suspended or expelled or is being considered for suspension or expulsion is entitled to receive an appropriate education in the least restrictive environment possible.*~~

Sec. 7. ~~*The [Office for a Safe and Respectful Learning Environment] Department shall, to the extent practicable, provide guidance to the board of trustees of each school district on the appeal policy adopted by the board of trustees of each school district pursuant to section 5 of this act in as many languages as possible for the benefit of pupils and parents or legal guardians of pupils.*~~

Sec. 8. ~~The Department, in consultation with the Office for a Safe and Respectful Learning Environment,~~ shall adopt any regulations necessary to carry out the provisions of NRS 392.461 to 392.472, inclusive, and sections 5 to 8, inclusive, of this act ~~and~~, including, without limitation, regulations which establish timelines for the purposes of subsection 1 of section 5 of this act.

Sec. 9. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to

388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at

least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Permanently expelled from school pursuant to this section.

11. As used in this section:

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

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) “Restorative justice” has the meaning ascribed to it in ~~subsection 6 of~~ NRS 392.472.

12. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 10. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team;
- (e) A referral to appropriate community-based services; and
- (f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department, *in consultation with the Office for a Safe and Respectful Learning Environment*, shall post on its Internet website a guidance document that includes, without limitation:

- (a) A description of the requirements of this section and NRS 392.462;
- (b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;
- (c) One or more models of restorative justice and best practices relating to restorative justice;
- (d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and
- (e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. ~~The Department shall adopt regulations necessary to carry out the provisions of this section.~~

~~6.~~ As used in this section:

- (a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).
- (b) “Restorative justice” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 11. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

- (a) The Legislature of the State of Nevada.
- (b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.
- (c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150,

388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~††~~ **and section 5 of this act**, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 12. 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. 13. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 198.

AN ACT relating to education; requiring the board of trustees of a school district to collect certain data relating to pupils who are English learners; establishing certain rights for pupils who are English learners and the parents or legal guardians of pupils who are English learners; requiring the board of trustees of each school district ~~(and the Department of Education)~~ to ~~(submit)~~ **post** certain ~~(reports)~~ **information on its Internet website** authorizing the Department **of Education** to adopt certain regulations; requiring the board of trustees of each school district to identify the primary language of each pupil; requiring a pupil who is an English learner to remain in a program for English learners until the pupil ~~(passes an appropriate assessment)~~ **obtains language proficiency, with certain exceptions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to develop a policy to teach English to pupils who are English learners. Under existing law, the policy must, without limitation, be designed to eliminate any gaps in achievement between pupils who are English learners and pupils who are proficient in English. (NRS 388.407) **Section 6** of this bill requires the policy to identify the primary language of each pupil enrolled in the school district to assist in the identification of pupils who are English learners. **Section 6** also

requires the policy to provide that a pupil who is an English learner shall be placed in a program for English learners until the pupil ~~[receives a passing score]~~ **obtains language proficiency based** on an appropriate assessment for English learners. ~~[]~~ **unless the parent or guardian of the pupil declines for the pupil to participate in a program for English learners.**

Section 2 of this bill requires the board of trustees of each school district to determine the number of pupils enrolled in a school within the school district who are: (1) immigrants; (2) refugees; (3) ~~[pupils whose formal education has been interrupted or delayed for a certain period of time; (4)]~~ **new, short-term and** long-term English learners; and ~~[(5)]~~ **(4)** English learners who participate in various programs, courses or activities, receive a high school diploma and go on to attend an institution of higher education after receiving a high school diploma. **Section 2** also requires the board of trustees of each school district to determine the number of teachers who are qualified to teach English as a second language ~~[]~~ **and are trained in a program of language instruction.** **Section 2** requires the data collected by the board of trustees of each school district to be disaggregated by certain categories. **Section 2** authorizes the Department of Education to make recommendations to the board of trustees of a school district to improve programs for English learners based on a report submitted by the board of trustees of each school district. Finally, **section 2** requires the Department to submit the reports it receives from the board of trustees of each school district to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or the Legislative Committee on Education, as appropriate.

Section 3 of this bill establishes various rights of a pupil who is an English learner and the parent or legal guardian of a pupil who is an English learner. **Section 3** generally provides to a pupil who is an English learner, without limitation, the right to equal access to public education, academic instruction, extracurricular programs or activities and other support services provided by the school or school district in which the pupil is enrolled. **Section 3** generally provides to the parent or legal guardian of a pupil who is an English learner, without limitation, the right to receive information related to the placement and development of the pupil in a program for English learners in both English and the primary language of the parent or legal guardian. **Section 3** requires the board of trustees of a school district to disseminate a copy of these rights to the parent or legal guardian of a pupil who is an English learner. **Section 3** also requires the board of trustees of a school district, the Department of Education and each school to post a copy of these rights on their respective Internet websites.

Under Title III of the Every Student Succeeds Act of 2015, a state that receives certain money is required to provide for language instruction for English learners and immigrant students. (20 U.S.C. §§ 6812 et seq.) **Section 4** of this bill requires the board of trustees of each school district to ~~[report]~~ **post on its Internet website** by category the manner in which the school district uses money received under the Act.

Section 5 of this bill authorizes the Department to adopt regulations to carry out provisions relating to pupils who are English learners.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *The board of trustees of each school district shall determine the number of pupils enrolled in schools within the school district who are:*

- (a) *Immigrants;*
- (b) *Refugees;*
- (c) ~~*Pupils whose formal education has been interrupted or delayed for one or more semesters;*~~

~~*(d) Long-term Newcomers to the English language and short-term and long-term English learners; and*~~

~~*(e)*~~ *(d) English learners who:*

(1) Are pupils with an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and are enrolled, placed or participating in:

(I) A special program, including, without limitation, a special program for gifted and talented pupils;

(II) A program for career and technical education;

(III) A magnet school or program;

(IV) An advanced placement course;

(V) An international baccalaureate course;

(VI) A dual credit course; or

(VII) An extracurricular or athletic activity ~~if~~, if known;

(2) Receive a high school diploma ~~if~~, disaggregated by type of diploma; and

(3) Attend an institution of higher education after receiving a high school diploma and, if known, receive a scholarship to attend an institution of higher education.

2. *The data collected pursuant to subsection 1 must be disaggregated by grade and pupils who are English learners.*

3. *The board of trustees of each school district shall determine the number of teachers ~~employed~~:*

(a) Employed by the school district who have an endorsement to teach pupils in a program of bilingual education ~~if~~ or who have an endorsement to teach English as a second language ~~for who are otherwise qualified to teach English as a second language.~~; and

(b) Who are trained in a program for language instruction adopted by the board of trustees of the school district, to the extent practicable.

↪ The data collected pursuant to this subsection must be disaggregated by teachers who are licensed to teach elementary education, middle school or junior high school education or secondary education.

4. On or before August 1 of each year, the board of trustees of a school district shall review the data collected pursuant to subsections 1 and 3, compile a report of the data and submit the report to the Department. The Department may make recommendations to the board of trustees of each school district to improve programs for English learners based on the reports it receives pursuant to this subsection.

5. On or before February 1 of each year, the Department shall submit the reports it receives pursuant to subsection 4 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Committee on Education.

6. As used in this section, “long-term English learner” means a pupil who is an English learner who has lived in the United States for at least ~~13~~ 6 consecutive years.

Sec. 3. 1. A pupil who is an English learner has the right to:

(a) Receive a free appropriate public education regardless of the immigration status or primary language of the pupil or the parent or legal guardian of the pupil;

(b) Equal access to all programming and services offered to pupils in the same grade level who are not English learners by the school or school district in which the pupil is enrolled;

(c) Receive instruction at the same grade level as other pupils who are of a similar age as the pupil who is an English learner, unless the school or school district in which the pupil is enrolled determines it is appropriate for the pupil who is an English learner to be placed in a different grade level;

(d) Equal access to participate in extracurricular activities;

(e) Receive appropriate services for academic support provided by the school or school district to pupils enrolled in the school or school district who are not English learners;

(f) Be evaluated each year to determine the progress of the pupil in learning the English language and to obtain information about the academic performance of the pupil, including, without limitation, the results of an examination administered pursuant to NRS 390.105; and

(g) Be continuously placed in a program for English learners for as long as the pupil is classified as an English learner ~~if~~ unless the parent or legal guardian of the pupil declines for the pupil to be placed in a program for English learners.

2. The parent or legal guardian of a pupil who is an English learner has the right to:

(a) Enroll his or her child in a public school without disclosing the immigration status of the pupil or the parent or legal guardian;

(b) ~~Have~~ To the extent practicable, have a qualified interpreter in the primary language of the parent or legal guardian with the parent or legal guardian during significant interactions with the school district;

(c) ~~Receive~~ To the extent practicable, receive written notice in both English and the primary language of the parent or legal guardian that the

pupil has been identified as an English learner and will be placed in a program for English learners;

(d) Receive information about the progress of the pupil in learning the English language and, if the pupil is enrolled in a program of bilingual education, the progress of the pupil in learning the languages of that program;

(e) Meet with staff of the school in which the pupil is enrolled at least once a year, in addition to any other required meetings, to discuss the overall progress of the pupil in learning the English language;

(f) Transfer the pupil to another school within the school district if the school in which the pupil is currently enrolled does not offer a program for English learners or has been placed on a corrective action plan pursuant to NRS 388.408;

(g) Receive information related to any evaluations of the pupil pursuant to paragraph (f) of subsection 1; and

(h) Contact the Department or the school district, as applicable, if the school or school district in which the pupil is enrolled violates the provisions of this section.

3. ~~The~~ Notwithstanding the provisions of paragraphs (b) and (c) of subsection 2, the board of trustees of each school district shall provide information to the parent or legal guardian of a pupil who is an English learner in a language and format that the parent or legal guardian can understand.

4. To the extent practicable, the board of trustees of each school district shall, in writing and in both English and the primary language of the parent or legal guardian of a pupil who is an English learner, inform the parent or legal guardian of the rights described in this section at the time of the registration of the pupil in a school within the school district or at the time the pupil is identified as an English learner. The school district shall provide a copy of the rights described in this section at the ~~beginning of each school year~~ annual registration of a pupil in a school within the school district to the parent or legal guardian of a pupil who is an English learner.

~~4.1~~ 5. The Department ~~shall~~ shall provide translated copies of the rights described in this section in the five most common languages other than English primarily spoken in the households within each school district, which may include, without limitation, Spanish and Tagalog. The board of trustees of each school district and each school that enrolls pupils who are English learners shall post a copy of the rights described in this section on their respective Internet websites in as many languages as possible ~~which~~, which may include, without limitation, and as applicable for the school district, the languages translated by the Department pursuant to this subsection.

Sec. 4. 1. The board of trustees of each school district shall ~~report~~ post annually on its Internet website information on the manner in which the school district uses money received pursuant to Title III of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6812 et seq. The ~~report~~

information must be organized into the categories of programs and services for which the money was used, which must include, without limitation, the categories of engagement of parents and families and wrap-around services.

~~2. The board of trustees of each school district shall post the report required by subsection 1 on the Internet website maintained by the school district.~~

~~3.~~ As used in this section, “wrap-around services” means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 5. The Department may adopt regulations as necessary to carry out the provisions of NRS 388.405, 388.407 and 388.408 and sections 2 to 5, inclusive, of this act.

Sec. 6. NRS 388.407 is hereby amended to read as follows:

388.407 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are English learners. The policy must be designed to provide pupils enrolled in each public school located in the school district who are English learners with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are English learners through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as an English learner;

(c) Be designed to eliminate any gaps in achievement, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are English learners and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are English learners to participate in the program; ~~and~~

(e) Provide the parents and legal guardians of pupils who are English learners with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are English learners and assist those parents and legal guardians in enrolling those pupils in such programs ~~+~~;

(f) Provide for the identification of the primary language of each pupil enrolled in the school district at the beginning of each school year to assist in the identification of pupils who are English learners pursuant to paragraph (a); and

(g) Provide that a pupil who is an English learner ~~shall~~ remain placed in a program for English learners until the pupil ~~receives a passing score~~ obtains language proficiency based on an appropriate assessment of pupils who are English learners ~~+~~ unless the parent or legal guardian of the pupil declines for the pupil to remain placed in a program for English learners

3. The board of trustees of a school district shall adopt a plan to ensure that a policy adopted pursuant to this section achieves the objectives prescribed by paragraph (c) of subsection 2.

4. The Department shall monitor the implementation of:

(a) The provisions of the policy developed pursuant to subsection 1 designed to achieve the objectives described in paragraph (c) of subsection 2; and

(b) The plan adopted pursuant to subsection 3.

5. The board of trustees of a school district may identify and purchase an assessment for use by the school district to measure the literacy of pupils who are English learners. Such an assessment:

(a) Must be approved by the Department; and

(b) May include tools to assist pupils who are English learners to improve their mastery of the English language.

Sec. 7. 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. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 199.

AN ACT relating to education; prohibiting the Board of Regents of the University of Nevada from fixing a tuition charge against certain students; providing that a student does not have to certify his or her citizenship or immigration status or complete the Free Application for Federal Student Aid to receive certain scholarships or grants; prohibiting certain college tuition and savings programs from excluding persons based solely on the citizenship or immigration status of the person or his or her family; **authorizing the Board of Regents to use a percentage of appropriated money to administer the Silver State Opportunity Grant;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Regents of the University of Nevada may not fix tuition charges against certain students, including, without limitation, students whose families have been bona fide residents of this State for at least 12 months before the student matriculates at a university, state college or community college. **It and students whose parent, legal guardian or spouse**

was stationed at a military installation associated with Nevada on the date the student enrolled at a university, state college or community college.

(NRS 396.540) **Section 1** of this bill also prohibits the Board of Regents from fixing tuition charges against: (1) **students whose parent, legal guardian or spouse was stationed at a military installation associated with Nevada on the date the student is admitted to a university, state college or community college;** (2) students who are members of any federally recognized Indian tribe or nation in this State; and ~~(2)~~ **(3)** students who graduated from a high school in this State, regardless of whether the student or the student's family is a bona fide resident.

Existing law sets forth various requirements to obtain a scholarship or grant under the Governor Guinn Millennium Scholarship Program and the Silver State Opportunity Grant Program. These requirements include, without limitation, certifying that the applicant is a citizen of or legal immigrant to the United States to receive a Millennium Scholarship and completing the Free Application for Federal Student Aid to receive a Silver State Opportunity Grant. (NRS 396.930, 396.952, 396.956) **Section 2** of this bill removes the requirement to certify that the applicant is a citizen of or legal immigrant to the United States to receive a Millennium Scholarship. **Sections 3 and 4** of this bill remove the requirement to complete the Free Application for Federal Student Aid to receive a Silver State Opportunity Grant. **Section 4.5 of this bill authorizes the Board of Regents to use not more than 5 percent of money received from a direct legislative appropriation to administer the Silver State Opportunity Grant Program.**

Existing law requires that to be a recipient of a Silver State Opportunity Grant or a Nevada Promise Scholarship, a student must be a bona fide resident of this State for at least 12 months before matriculation of the student at a university, state college or community college. (NRS 396.952, 396.9665) **Sections 3 and 5** of this bill provide that a student may also be a recipient of a Silver State Opportunity Grant or a Nevada Promise Scholarship if the student graduated from a high school located in this State.

Existing law requires the Board of Regents to distribute scholarships under the Nevada Promise Scholarship Program first to students who complete the Free Application for Federal Student Aid and then, if there is money remaining for additional distributions, to students who are prohibited by federal law from completing the Free Application for Federal Student Aid. (NRS 396.968) **Section 6** of this bill removes this requirement.

Under existing federal law, a state may provide a qualified tuition program to help families pay for college education. (26 U.S.C. § 529) Existing state law establishes the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. (NRS 353B.010-353B.190, 353B.300-353B.370) **Section 7** of this bill prohibits a prepaid tuition program or college savings program from excluding a person or his or her family from participating in such a program based solely on the citizenship or immigration status of the person or his or her family.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) “Bona fide resident” shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification “bona fide” is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this

State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student ~~enrolled at~~ **is admitted to** an institution of the System if such students **enroll and** maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(9);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System; ~~and~~

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart ~~+~~;

(l) Members of any federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State; and

(m) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 2. NRS 396.930 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and

(f) Except as otherwise provided in NRS 396.936, is enrolled in at least:

(1) Nine semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

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

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

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

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

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

(2) The minimum number of credits prescribed in paragraph (f) of subsection 1.

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

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

3. If the Board of Regents requires a student to successfully complete courses in mathematics or science to be eligible for a Millennium Scholarship, a student who has successfully completed one or more courses in computer science described in NRS 389.0186 must be allowed to apply not more than one unit of credit received for the completion of such courses toward that requirement.

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

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

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

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

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

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

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

6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. ~~{The affidavit must include a declaration that the~~

~~applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.]~~

Sec. 3. NRS 396.952 is hereby amended to read as follows:

396.952 1. The Silver State Opportunity Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college or state college within the System.

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall for each semester, subject to the limits of money available for this purpose, award a grant to each eligible student to pay for a portion of the cost of education at a community college or state college within the System.

4. To be eligible for a grant awarded under the Program, a student must:

(a) Except as otherwise provided in this section, be enrolled, or accepted to be enrolled, during a semester in at least 12 credit hours at a community college or state college within the System;

(b) Be enrolled in a program of study leading to a recognized degree or certificate;

(c) Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement;

(d) Be a bona fide resident of the State of Nevada ***or have graduated from a high school located in this State*** for the purposes of determining pursuant to NRS 396.540 whether the student is assessed a tuition charge; and

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~or~~ ***or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, an alternative determination for financial aid prescribed by the Board of Regents for each semester of participation in the Program on or before the deadline prescribed by the Board of Regents.***

5. A student who is enrolled, or accepted to be enrolled, in the final semester of his or her program of study in less than 12 credit hours at a community college or state college within the System is eligible for a grant awarded under the Program.

Sec. 4. NRS 396.956 is hereby amended to read as follows:

396.956 1. The Board of Regents:

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) The cost of education of a student at each community college and state college within the System, which must be consistent with the provisions of 20 U.S.C. § 1087II.

(2) For each student, the amounts of the student contribution, family contribution and federal contribution to the cost of education of the student.

(3) The maximum amount of the grant for which a student is eligible.

(c) Shall adopt regulations prescribing the process by which each student may meet the credit-hour requirement described in NRS 396.952 for eligibility for a grant awarded under the Program.

(d) May adopt any other regulations necessary to carry out the Program.

2. The regulations prescribed pursuant to this section must provide that:

(a) In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college or state college within the System, including, without limitation, during breaks between semesters. This paragraph and any regulations adopted pursuant to this section must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.

(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid *or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, the alternative determination for financial aid prescribed by the Board of Regents* submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

Sec. 4.5. NRS 396.958 is hereby amended to read as follows:

396.958 **1. The Board of Regents may use not more than 5 percent of money received from a direct legislative appropriation from the State General Fund for the Program to pay the costs of administering the Program.**

2. In addition to any direct legislative appropriation from the State General Fund, the Board of Regents may accept gifts, grants, bequests and donations to fund grants awarded under the Program.

Sec. 5. NRS 396.9665 is hereby amended to read as follows:

396.9665 **1.** To be eligible to receive a Nevada Promise Scholarship, a student must:

(a) Be a bona fide resident of this State ~~+~~ **or have graduated from a high school located in this State**, as construed in NRS 396.540.

(b) Have not previously been awarded an associate's degree or bachelor's degree.

(c) Have obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.

(d) Complete the application for the Nevada Promise Scholarship Program in accordance with the regulations prescribed by the Board of Regents.

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, an alternative determination for financial aid prescribed by the Board of Regents for each academic year of participation in the Program on or before the deadline prescribed by the Board of Regents.

(f) Before enrolling in a community college, participate in one training meeting related to financial aid, the Free Application for Federal Student Aid and college orientation, as prescribed by the Board of Regents by regulation.

(g) Have met at least once with a mentor assigned to the student through the mentoring program established by the Board of Regents pursuant to NRS 396.965 before the first semester of enrollment at a community college and at least twice for each academic year while participating in the Program.

(h) Complete at least 8 hours of community service during the last year of high school and before the first semester of enrollment at a community college and at least 8 hours of community service each semester thereafter, not including summer academic terms, while participating in the Program. Community service performed to satisfy the requirements of this paragraph must not include religious proselytizing or service for which the student receives any type of compensation or which directly benefits a member of the family of the student.

(i) Submit all information deemed necessary by the Board of Regents to determine the student's eligibility for gift aid.

(j) Except as otherwise provided in subsection 2, be enrolled in at least 12 semester credit hours in a program of study leading to a recognized degree or certificate at a community college for the fall semester of the academic year immediately following the school year in which the student was awarded a high school diploma or have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(k) Except as otherwise provided in subsection 2 and this paragraph, be enrolled in at least 12 semester credit hours in a program of study leading to a recognized degree or certificate at a community college for each fall semester and spring semester beginning with the first semester for which the student received a Nevada Promise Scholarship, not including summer academic terms. A student who is on schedule to graduate at:

(1) The end of a semester may enroll in the number of semester credit hours required to graduate.

(2) The end of a fall semester is not required to enroll in credit hours for the spring semester.

(l) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the community college in which the student is enrolled.

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

(a) The limitation on eligibility for a Nevada Promise Scholarship set forth in paragraph (b) of subsection 3; and

(b) The minimum number of credits prescribed in paragraphs (j) and (k) of subsection 1.

3. A student who meets the requirements of subsection 1 is eligible for a Nevada Promise Scholarship from the Program until the occurrence of the first of the following events:

(a) The student is awarded an associate's degree or bachelor's degree; or

(b) Except as otherwise provided in subsection 2, the student receives a Nevada Promise Scholarship from the Program for 2 academic years, not including the initial academic year.

Sec. 6. NRS 396.968 is hereby amended to read as follows:

396.968 1. The Board of Regents shall award Nevada Promise Scholarships in accordance with this section to students who are enrolled at a community college and are eligible to receive such scholarships under the provisions of NRS 396.9665.

2. For each eligible student, the Board of Regents shall:

(a) Calculate the maximum amount of a Nevada Promise Scholarship which the student is eligible to receive based on criteria established by regulation pursuant to this section.

(b) Determine the actual amount of the Nevada Promise Scholarship, if any, which will be awarded to the student, which must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents receives notice from the State Treasurer pursuant to subsection 3 that the money available in the Nevada Promise Scholarship Account for any semester is insufficient to award to all eligible students the maximum amount of a Nevada Promise Scholarship which each student is eligible to receive.

(c) If the student is to receive a Nevada Promise Scholarship, award the student a Nevada Promise Scholarship in the amount determined pursuant to paragraph (b). The Board of Regents shall disburse the amount of the Nevada Promise Scholarship awarded to the student, on behalf of the student, directly to the community college in which the student is enrolled.

3. The Board of Regents shall submit a request for a disbursement from the Nevada Promise Scholarship Account created by NRS 396.9645 for the maximum amount of money that will be required to fund a scholarship for each eligible student. Within the limits of money available in the Nevada Promise Scholarship Account, the State Treasurer shall disburse the amount requested to the Board of Regents for disbursement to each community college. If there

is insufficient money in the Account to disburse that amount to each community college, the State Treasurer shall provide notice that insufficient money remains in the Nevada Promise Scholarship Account to the Board of Regents. The State Treasurer shall include in the notice the amount of money available for the award of Nevada Promise Scholarships for the academic year and request that a new request be submitted.

4. The Board of Regents shall adopt regulations prescribing:

(a) The criteria for determining the maximum amount of a Nevada Promise Scholarship for an eligible student which is equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the community college in which the student is enrolled for the academic year, excluding any amount of those fees that is waived by the community college in which the student is enrolled, and the total amount of any other gift aid received by the student for the academic year.

(b) The procedures for submitting a request for disbursement from the Nevada Promise Scholarship Account.

(c) The procedures and standards for determining the actual amount of the Nevada Promise Scholarship which will be awarded to each student upon receiving notice that there is insufficient money to award all eligible students the maximum amount of the scholarship which each student is eligible to receive. Such procedures and standards ~~be~~:

~~—(1) Must prohibit the Board of Regents from awarding any money to a student who is prohibited by law from completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 unless all students who have completed the Free Application for Federal Student Aid have been awarded the maximum amount calculated pursuant to paragraph (a) of subsection 2; and~~

~~—(2) May~~ *may* include, without limitation, administration of the program on a first-come, first-served basis for all students who ~~have completed the Free Application for Federal Student Aid and~~ are ~~otherwise~~ eligible to participate in the Program.

(d) Procedures to ensure that all money from a Nevada Promise Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Nevada Promise Scholarship Account and not the student.

Sec. 7. Chapter 353B of NRS is hereby amended by adding thereto a new section to read as follows:

A prepaid tuition program or college savings program established pursuant to this chapter must not prohibit a person or his or her family from participating in such a program based solely on the immigration or citizenship status of the person or his or her family.

Sec. 8. 1. This section and sections 1, 2, 5, 6 and 7 of this act ~~becomes~~ *become* effective on July 1, 2021.

2. Sections 3, 4 and 4.5 of this act become effective on July 1, 2022.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time.

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

Amendment No. 369.

AN ACT relating to employment; making it an unlawful employment practice for an employer to take certain actions against an employee who reports ~~it, requests the correction of it~~ or **reasonably** refuses to engage in certain conduct ~~it; establishing procedures for certain civil actions concerning unlawful employment practices;~~ **that is illegal or unsafe or who provides notice of certain safety or health violations;** revising provisions governing periods of limitation in certain civil actions concerning unlawful employment practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Supreme Court has determined that under existing law an employer violates the public policy of this State protecting what is commonly referred to as whistleblowing if the employer terminates the employment of an at-will employee because the employee reports to the appropriate external authorities conduct by the employer that the employee reasonably and in good faith suspects may be illegal. However, the Court has also determined that this protection does not extend to a whistleblower who reports such conduct only to a supervisor or other person within the employer's organization. (*Wiltsie v. Baby Grand Corp.*, 105 Nev. 291, 293 (1989); *Allum v. Valley Bank of America*, 114 Nev. 1313, 1325 (1998)) **Section 1** of this bill codifies in statute the whistle blower protections established by the Nevada Supreme Court for employees who report to appropriate **external** authorities, ~~whether internal or external,~~ or to the employer, conduct by the employer that the employee reasonably and in good faith suspects may be illegal. **Section 1** also provides that those provisions apply to conduct by the employer that the employee reasonably and in good faith suspects may be unsafe. **Section 1** further provides the same protections to employees who ~~request the correction of or~~ **reasonably** refuse to engage in such conduct.

Existing law establishes the Division of Industrial Relations within the Department of Business and Industry and, in addition to its other duties, requires the Division to supervise and regulate all matters relating to occupational safety and health. (NRS 232.510, 618.175) To carry out those duties under existing law, the Administrator of the Division and his representatives are authorized to inspect workplaces. (NRS 618.325) Existing law further provides that before or during such an inspection, any employee is entitled to notify the Division of a safety or health

violation that the employee has reason to believe exists in the workplace. (NRS 618.435) Section 1 extends its whistleblower protections to employees who notify the Division of such violations. Section 2 of this bill makes a conforming change to indicate the placement of **section 1** within the Nevada Revised Statutes.

~~[Under existing law, an employer may not discriminate against an employee in retaliation for the employee's opposition to the employer's engagement in certain unlawful employment practices or because the employee made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing concerning such practices. (NRS 613.340) Section 3 of this bill provides that if a discharged employee makes a prima facie showing in a civil action against his or her employer that the employee was discharged in retaliation for opposing the employer's engagement in certain unlawful practices or for participating in any manner in an investigation, proceeding or hearing concerning such practices, the burden of proof shifts to the employer to demonstrate that the employee engaged in other conduct in the workplace that constitutes gross misconduct sufficient to independently justify the discharge of the employee.]~~

Under existing law, if, after a complaint alleging an unfair employment practice is filed with the Nevada Equal Rights Commission, the Commission does not conclude that an unfair employment practice has occurred, the person alleging such a practice has occurred is authorized to bring a civil action in the district court for an order granting or restoring to that person the rights to which the person is entitled. (NRS 613.420) Existing law prohibits a person from bringing such a civil action more than 180 days after the act constituting the unfair employment practice occurred or more than 90 days after the receipt of a right-to-sue letter issued by the Commission, whichever is later. Existing law further provides that the 90-day and 180-day periods of limitation are tolled during the pendency of the complaint before the Commission. (NRS 613.430) **Section 4** of this bill extends the coverage of those provisions to: (1) actions in the district court for the occurrence of unlawful employment practices prohibited under Title VII of the Civil Rights Act of 1964; (2) issuance of right-to-sue letters by the federal Equal Employment Opportunity Commission; and (3) the tolling of the 90-day and 180-day periods of limitation during the pendency of a complaint before the federal Equal Employment Opportunity Commission.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *It is an unlawful employment practice for an employer to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because the employee:*

~~(a) Reports to an appropriate authority, whether internal or external to the employer;~~

~~(b) Requests correction of;~~
~~or~~

~~(c) Refuses, his or her employer or an appropriate external authority, or reasonably refuses to engage in, ~~the~~ conduct that the employee reasonably and in good faith suspects may violate a local, state or federal law or regulation or pose an unreasonable risk to the health or safety of any person ~~it~~; or~~

(b) Notifies the Division of Industrial Relations of the Department of Business and Industry, pursuant to NRS 618.435, of a safety or health violation that the employee has reason to believe exists in the workplace.

2. An employee who is discharged, discriminated against or otherwise suffers an adverse employment action as a result of a violation of subsection 1 by his or her employer may bring a civil action against the employer and obtain:

(a) Any wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits; ~~and~~

(c) Damages equal to the amount of the lost wages and benefits ~~it~~;

(d) Any past or future compensatory damages; and

(e) Punitive damages, if appropriate pursuant to NRS 42.005. The provisions of NRS 42.007 do not apply to an action brought pursuant to this section.

3. The court shall award reasonable costs, including, without limitation, court costs and attorney's fees, to an employee who is the prevailing party in an action brought pursuant to this section.

4. The remedy provided by this section is the exclusive remedy for an action brought pursuant to this section.

Sec. 2. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.4383, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

5. “Labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. “Person” includes the State of Nevada and any of its political subdivisions.

7. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 3. ~~NRS 613.340 is hereby amended to read as follows:~~

~~613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.4383, inclusive, and section 1 of this act, or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.4383, inclusive [.] and section 1 of this act.~~

~~2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.~~

~~3. If an employee makes a prima facie showing in a civil action against his or her employer that the employee was discharged in retaliation for~~

~~engaging in conduct that is protected by subsection 1, the burden of proof shifts to the employer to demonstrate that the employee engaged in other conduct in the workplace that constitutes gross misconduct sufficient to independently justify the discharge of the employee.~~

~~4. As used in this section, "gross misconduct" includes, without limitation:~~

~~(a) Theft;~~

~~(b) Fighting;~~

~~(c) Intoxication or use of a controlled substance or any other substance that could impair the ability of the employee to perform the duties of his or her employment safely and efficiently;~~

~~(d) The commission of a criminal act, including, without limitation, the sale of a controlled substance or dangerous drug; and~~

~~(e) Any serious act of insubordination. (Deleted by amendment.)~~

Sec. 4. NRS 613.430 is hereby amended to read as follows:

613.430 *To the extent consistent with federal law:*

1. No action authorized by NRS 613.420 *or Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.*, may be brought:

(a) More than 180 days after the date of the act complained of; or

(b) More than 90 days after the date of the:

(1) Issuance of the letter described in subsection 1 of NRS 613.420; or

(2) Receipt of the right-to-sue notice *issued by the Nevada Equal Rights Commission* pursuant to NRS 613.412 ~~††~~ *or by the United States Equal Employment Opportunity Commission pursuant to 42 U.S.C. § 2000e-5(f)(1), as applicable,*

↪ whichever is later.

2. When a complaint is filed with the Nevada Equal Rights Commission ~~††~~ *or the United States Equal Employment Opportunity Commission*, the limitation provided by this section is tolled as to any action authorized by NRS 613.420 *or Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.*, during the pendency of the complaint before the *Nevada Equal Rights Commission †† or the United States Equal Employment Opportunity Commission, as applicable.*

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 200.

ASSEMBLYMEN TOLLES, BROWN-MAY; ANDERSON, DURAN, GORELOW, HANSEN, HARDY, KRASNER, LEAVITT, NGUYEN, ROBERTS AND TORRES

JOINT SPONSORS: SENATORS LANGE; AND DENIS

AN ACT relating to education; requiring the ~~provision of accommodations on examinations to certain applicants for an initial license as a teacher or~~ **Commission on Professional Standards in Education to consider alternative means of demonstrating competency for certain persons when adopting regulations governing examinations for the licensure of teachers and** other educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. (NRS 391.021) This bill requires ~~that the examinations are administered in a manner that provides reasonable accommodations to an applicant with a disability or health-related need, including, without limitation, a learning disability.~~ **the Commission to consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate when adopting such regulations.**

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

Section 1. NRS 391.021 is hereby amended to read as follows:

391.021 **1.** Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that ~~the~~ **the**

~~(a) The~~ examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach ~~and~~

~~(b) The examinations are administered in a manner that provides reasonable accommodations to an applicant with a disability or health-related need, including, without limitation, a learning disability.~~

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any ~~exceptions from such examinations~~ **alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.**

3. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 2. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time and ordered to third reading.

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 301.

AN ACT relating to education; requiring the board of trustees of a school district and the governing bodies of certain charter and private schools to provide support and assistance to certain pupils and their parents and guardians in completing the Free Application for Federal Student Aid; requiring the board of trustees of a school district and the governing bodies of certain charter and private schools to report certain information to the State Treasurer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Free Application for Federal Student Aid to determine the need and eligibility of students for financial assistance to receive postsecondary education. (20 U.S.C. § 1090) **Section 1** of this bill requires the board of trustees of a school district and the governing body of a charter school that operates as a high school to: (1) educate pupils on the importance of financial planning and completing the Free Application for Federal Student Aid ~~for~~ **and on the Nevada College Kick Start Program;** (2) **with certain exceptions,** hold at least two annual events for pupils enrolled in grade 12 in a public school in this State and their parents and guardians at which the pupils and their parents and guardians may complete the Free Application for Federal Student Aid; and (3) coordinate with a community college, state college or university to ensure pupils and their families receive support in completing the Free Application for Federal Student Aid. **Section 1** also requires the board of trustees of a school district and the governing body of a charter school to report to the State ~~Treasurer;~~ **Treasurer, for pupils enrolled in grade 12:** (1) the number of pupils **or the parents or guardians of pupils** who attended an event; (2) the number of pupils who did not attend an event but otherwise received assistance in completing the Free Application for Federal Student Aid from the school district or charter school; (3) the number of pupils who completed the Free Application for Federal Student Aid; (4) if known, the number of pupils who were offered financial aid; (5) if known, the number of pupils who accepted financial aid; and (6) if known, the type and amount of financial aid offered to or accepted by a pupil. **Section 2** of this bill imposes similar requirements on the governing body of a private school that operates as a high school.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 30 of each year, the board of trustees of a school district and the governing body of a charter school that operates as a high school shall ensure that pupils receive:

(a) Education about the importance and value of financial planning and completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090, including, without limitation, that financial aid can be used for attending an online, trade or vocational school and information on what financial aid is available for pupils with the legal right to live in the United States pursuant to any federal law, regulation or internal policy or program of a federal agency or department and undocumented pupils;

(b) Information regarding the events at the high school in which the pupil is enrolled to complete or receive assistance in completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 held pursuant to subsection ~~2~~ 3;

(c) Any information a pupil needs to bring to an event held pursuant to subsection ~~2~~ 3 to complete the Free Application for Federal Student Aid; and

(d) Information to encourage pupils enrolled in grade 12 to register for an account and identification number to complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090, including, without limitation, hyperlinks to appropriate Internet websites, notice regarding opportunities to register during the school day and notice that pupils and their parents or legal guardians need separate accounts.

2. ~~The~~ On or before September 30 of each year, the board of trustees of a school district and the governing body of a charter school that enrolls pupils in grade 4 or grade 12 shall ensure that such pupils and the parents or legal guardians of such pupils receive information on the Nevada College Kick Start Program established pursuant to NRS 353B.335.

3. Except as otherwise provided in this subsection, the board of trustees of a school district and the governing body of a charter school that operates as a high school shall hold at least two annual events ~~at each high school within the school district and each charter school, as applicable, one in the first week of October and one before the winter break of the school,~~ at the end of February, at which pupils enrolled in grade 12 and their parents or guardians may complete, or receive assistance in completing, the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090. The high school where the event is held shall provide access to technology, including, without limitation, a computer lab, to assist pupils and their parents or guardians with completing the Free Application for Federal Student Aid. An event held pursuant to this subsection may be attended by a

pupil enrolled in the ~~school district~~ high school or charter school and his or her family. The board of trustees of a school district that is located in a county whose population is less than 100,000 may:

(a) Hold one annual event pursuant to this subsection if, based on the number of pupils enrolled in the school district, the board of trustees believes that one event is sufficient to meet the needs of the school district; or

(b) Offer an annual event or other assistance to complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 through the use of information and audio-visual communication technology, if appropriate.

~~§ 4.~~ 4. The board of trustees of a school district and the governing body of a charter school that operates as a high school shall coordinate with a community college, state college or university to ensure that pupils enrolled in grade 12 and their families receive assistance and support to complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090, including, without limitation, ensuring staff of a community college, state college or university are present at both events held pursuant to subsection ~~2.3.~~ 3.

~~§ 5.~~ 5. On or before July 1 of each year, the board of trustees of a school district and the governing body of a charter school that operates as a high school shall report to the State Treasurer ~~§ 1.~~ for pupils enrolled in grade 12:

(a) The total number of pupils or the parents or guardians of pupils who attended the events held pursuant to subsection ~~2.3.~~ 3.

(b) The number of pupils who did not attend an event held pursuant to subsection ~~2.3.~~ 3 but otherwise received assistance in completing the Free Application for Federal Student Aid from the school district or charter school;

(c) The number of pupils who completed the Free Application for Federal Student Aid, including, without limitation, if known, the number of pupils who completed the Free Application for Federal Student Aid on their own and the number of pupils who completed the Free Application for Federal Student Aid with assistance from the school in which the pupil is enrolled or through assistance from an event held pursuant to subsection ~~2.3.~~ 3. and

(d) If known, as a result of completing the Free Application for Federal Student Aid:

(1) The number of pupils who were offered financial aid;

(2) The number of pupils who accepted financial aid; and

(3) The type and amount of financial aid offered to or accepted by a pupil.

Sec. 2. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 30 of each year, the governing body of a private school that operates as a high school shall ensure that pupils receive:

(a) Education about the importance and value of financial planning and completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090, including, without limitation, that financial aid can be used for attending an online, trade or vocational school and information on what financial aid is available for pupils with the legal right to live in the United States pursuant to any federal law, regulation or internal policy or program of a federal agency or department and undocumented pupils;

(b) Information regarding the events to complete or receive assistance in completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 held pursuant to subsection ~~2~~ 3;

(c) Any information a pupil needs to bring to an event held pursuant to subsection ~~2~~ 3 to complete the Free Application for Federal Student Aid; and

(d) Information to encourage pupils enrolled in grade 12 to register for an account and identification number to complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090, including, without limitation, hyperlinks to appropriate Internet websites, notice regarding opportunities to register during the school day and notice that pupils and their parents or legal guardians need separate accounts.

2. On or before September 30 of each year, the governing body of a private school that enrolls pupils in grade 4 or grade 12 shall ensure that such pupils and the parents or legal guardians of such pupils receive information on the Nevada College Kick Start Program established pursuant to NRS 353B.335.

~~3.~~ 3. The governing body of a private school that operates as a high school shall hold at least two annual events, one in the first week of October and one ~~before the winter break of the school,~~ at the end of February, at which pupils enrolled in grade 12 and their parents or guardians may complete, or receive assistance in completing, the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090. The school where the event is held shall provide access to technology, including, without limitation, a computer lab, to assist pupils and their parents or guardians with completing the Free Application for Federal Student Aid. An event held pursuant to this subsection may be attended by a pupil enrolled in the school and his or her family.

~~3~~ 4. The governing body of a private school that operates as a high school shall coordinate with a community college, state college or university to ensure that pupils enrolled in grade 12 and their families receive assistance and support to complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090, including, without limitation, ensuring staff of a community college, state college or university are present at both events held pursuant to subsection ~~2~~ 3.

~~4~~ 5. On or before July 1 of each year, the governing body of a private school that operates as a high school shall report to the State Treasurer ~~4~~ 1 for pupils enrolled in grade 12:

(a) *The total number of pupils or the parents or guardians of pupils who attended the events held pursuant to subsection ~~2~~ 3;*

(b) *The number of pupils who did not attend an event held pursuant to subsection ~~2~~ 3 but otherwise received assistance in completing the Free Application for Federal Student Aid from the school;*

(c) *The number of pupils who completed the Free Application for Federal Student Aid, including, without limitation, if known, the number of pupils who completed the Free Application for Federal Student Aid on their own and the number of pupils who completed the Free Application for Federal Student Aid with assistance from the school in which the pupil is enrolled or through assistance from an event held pursuant to subsection ~~2~~ 3; and*

(d) *If known, as a result of completing the Free Application for Federal Student Aid:*

(1) *The number of pupils who were offered financial aid;*

(2) *The number of pupils who accepted financial aid; and*

(3) *The type and amount of financial aid offered to or accepted by a pupil.*

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 243.

Bill read second time and ordered to third reading.

Assembly Bill No. 245.

Bill read second time.

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

Amendment No. 328.

~~[ASSEMBLYMAN]~~ ASSEMBLYMEN FLORES ; CONSIDINE AND THOMAS

AN ACT relating to public affairs; **authorizing certain notaries public to receive fees for performing notarial acts in addition to fees for performing document preparation services**; increasing certain fees which may be charged by a notary public; increasing certain fees required to register or renew a registration to engage in the business of a document preparation service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a notary public from performing a notarial act if the notary public will receive a fee in excess of the fee authorized for notarial acts. (NRS 240.065) Section 1 of this bill authorizes a notary public who is also registered to engage in the business of a document

preparation service to perform a notarial act on a document if he or she will receive a fee for providing document preparation services in addition to the fee authorized for performing the notarial act.

Existing law authorizes a notary public to charge a fee of not more than: (1) \$5.00 for taking an acknowledgement, for the first signature of each signer; (2) \$2.50 for each additional signature of each signer; (3) \$2.50 for administering an oath or affirmation without a signature; (4) \$2.50 for a certified copy; and (5) \$5.00 for a jurat, for each signature on the affidavit. (NRS 240.100) **Section 1.5** of this bill increases these fees to not more than: (1) \$15.00 for taking an acknowledgement, for the first signature of each signer; (2) \$7.50 for each additional signature of each signer; (3) \$7.50 for administering an oath or affirmation without a signature; (4) \$7.50 for a certified copy; and (5) \$15.00 for a jurat, for each signature on the affidavit.

Existing law authorizes a notary public to charge an additional fee for traveling to perform a notarial act of: (1) \$10 per hour if the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m.; and (2) \$25 per hour if the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m. (NRS 240.100) Section 1.5 increases these additional travel fees to \$15 per hour and \$30 per hour, respectively.

Existing law requires a person who wishes to engage in the business of a document preparation service to pay a nonrefundable application fee of \$50. (NRS 240A.100) **Section 2** of this bill increases the application fee to \$100.

Existing law requires a person who wishes to renew his or her registration to engage in the business of a document preparation service to pay a renewal fee of \$25 every year upon the expiration of the registration. (NRS 240A.110) **Section 3** of this bill increases the renewal fee to \$50.

Existing law requires the Secretary of State to account for the application fees and renewal fees for registration to engage in the business of a document preparation service separately and requires those fees, and any interest and income earned on those fees, to be used solely to pay for expenses related to administering the document preparation services program, including the cost of: (1) certain materials and advertising; and (2) any technology necessary to process and maintain registration as a document preparation service. Section 3.3 of this bill additionally authorizes those fees to be used for personnel and other operating expenses of the Office of the Secretary of State related to enforcing the provisions of law relating to document preparation services.

Existing law authorizes the Secretary of State to conduct or cause to be conducted an investigation of a registrant or other person for a violation of the provisions of law relating to document preparation services. If, after investigation, the Secretary of State determines that a violation has occurred, existing law authorizes the Secretary of State to take certain actions, including referring the alleged violation to the Attorney General or district attorney for the commencement of a criminal or civil action.

(NRS 240A.260) Section 3.6 of this bill additionally authorizes the Secretary of State to impose a civil penalty. Section 3.6 further provides that any determination by the Secretary of State that a violation has occurred is a public record.

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

Section 1. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged, sworn to or witnessed or attested;

(b) Except as otherwise provided in ~~subsection~~ **subsections 2, 3, and 4,** the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act;

(c) The notary public and the person whose signature is to be acknowledged, sworn to or witnessed or attested are domestic partners; or

(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative of the domestic partner of the notary public or a relative of the notary public by marriage or consanguinity.

2. A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.

3. **A notary public who is registered to engage in the business of a document preparation service may perform a notarial act on a document if the notary public has received or will receive directly from a transaction relating to the document a fee for providing document preparation services in addition to the fee authorized pursuant to NRS 240.100 for the notarial act.**

4. As used in this section, “relative” includes, without limitation:

(a) A spouse or domestic partner, parent, grandparent or stepparent;

(b) A natural born child, stepchild or adopted child;

(c) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

(d) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse or domestic partner of the notary public; and

(e) A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse or domestic partner of the notary public.

~~{Section 1.1}~~ **Sec. 1.5.** NRS 240.100 is hereby amended to read as follows:

240.100 1. Except as otherwise provided in subsection 3, a notary public may charge the following fees and no more:

For taking an acknowledgment, for the first signature of each signer.....	~~15.00~~ 15.00
For each additional signature of each signer	~~2.50~~ 7.50
For administering an oath or affirmation.....	~~2.50~~ 7.50
For a certified copy	~~2.50~~ 7.50
For a jurat, for each signature on the affidavit	~~15.00~~ 15.00
For performing a marriage ceremony.....	75.00

2. All fees prescribed in this section are payable in advance, if demanded.

3. A notary public may charge an additional fee for traveling to perform a notarial act if:

- (a) The person requesting the notarial act asks the notary public to travel;
- (b) The notary public explains to the person requesting the notarial act that the fee is in addition to the fee authorized in subsection 1 and is not required by law;

(c) The person requesting the notarial act agrees in advance upon the hourly rate that the notary public will charge for the additional fee; and

(d) The additional fee does not exceed:

(1) If the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m., ~~10~~ **15** per hour.

(2) If the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m., ~~25~~ **30** per hour.

↪ The notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.

4. A notary public is entitled to charge the amount of the additional fee agreed to in advance by the person requesting the notarial act pursuant to subsection 3 if:

(a) The person requesting the notarial act cancels the request after the notary public begins his or her travel to perform the requested notarial act.

(b) The notary public is unable to perform the requested notarial act as a result of the actions of the person who requested the notarial act or any other person who is necessary for the performance of the notarial act.

5. For each additional fee that a notary public charges for traveling to perform a notarial act pursuant to subsection 3, the notary public shall enter in the journal that he or she keeps pursuant to NRS 240.120:

(a) The amount of the fee; and

(b) The date and time that the notary public began and ended such travel.

6. A person who employs a notary public may prohibit the notary public from charging a fee for a notarial act that the notary public performs within the scope of the employment. Such a person shall not require the notary public whom the person employs to surrender to the person all or part of a fee charged

by the notary public for a notarial act performed outside the scope of the employment of the notary public.

Sec. 2. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be:

- (a) A natural person;
- (b) A citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security; and
- (c) At least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

- (a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;
- (b) Whose registration as a document preparation service in this State or another state has previously been revoked for cause;
- (c) Whose appointment or registration as a notary public in this State or another state has been previously revoked or suspended for cause;
- (d) Who has previously been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor or a category D felony pursuant to NRS 240A.290; or
- (e) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:
 - (1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty;
 - (2) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or
 - (3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

- (a) A nonrefundable application fee of ~~150~~ **100**; and
- (b) A cash bond or surety bond meeting the requirements of NRS 240A.120 or proof that the applicant is covered by a bond filed by a business entity pursuant to NRS 240A.123.

4. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.

5. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this

section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

6. An application for registration as a document preparation service that is not completed within 120 days after the date on which the application was submitted must be denied. If an application is denied pursuant to this subsection, the applicant may submit a new application.

Sec. 3. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A renewal fee of ~~15~~ **25**; ~~and~~ **50**; and

(b) A cash bond or surety bond meeting the requirements of NRS 240A.120 or proof that the applicant is covered by a bond filed by a business entity pursuant to NRS 240A.123, unless the bond previously filed by the registrant remains on file and in effect.

2. The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires.

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 3.3. NRS 240A.115 is hereby amended to read as follows:

240A.115 The Secretary of State shall account for the fees received pursuant to NRS 240A.100 and 240A.110 separately, and use those fees, and any interest and income earned on those fees, solely to pay for expenses related to administering the document preparation services program pursuant to this chapter, including, without limitation, the cost of:

1. Materials and advertising to provide education and information about the program; ~~and~~

2. Any technology necessary to process and maintain registration as a document preparation service. ~~;~~ and

3. Personnel and other operating expenses of the Office of the Secretary of State related to enforcing the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 3.6. NRS 240A.260 is hereby amended to read as follows:

240A.260 1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.

2. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to NRS 240A.290 ~~;~~ and civil penalties pursuant to this section and NRS 240A.280.

(b) If a registrant has committed the violation ~~;~~ begin :

(1) Begin proceedings pursuant to NRS 240A.270 to revoke or suspend the registration of the registrant ~~;~~ or

(2) After a hearing on the matter, impose a civil penalty of not more than \$1,000 for each violation. The authority of the Secretary of State to impose a civil penalty applies regardless of whether the person is still a registrant at the time of the hearing so long as the person was a registrant at the time that he or she committed the violation.

(c) If a person engaged in the business of a document preparation service and was not a registrant at the time of the violation, after a hearing on the matter, impose a civil penalty for each violation of not more than \$5,000 or the amount of economic benefit derived from the violation, whichever is greater.

(d) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to NRS 240A.280.

~~((d))~~ (e) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to NRS 240A.290.

~~((e))~~ (f) Take any combination of the actions described in this subsection.

3. Any person who is aware of a violation of this chapter by a document preparation service, ~~for~~ a person applying for registration as a document preparation service ~~;~~ or a person who is engaging in the business of a document preparation service and is not registered by the Secretary of State pursuant to this chapter may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

4. Any determination by the Secretary of State that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person and the imposition of any civil penalty by the Secretary of State pursuant to this section is a public record.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 319.

ASSEMBLYMEN KRASNER, FLORES, C.H. MILLER; **BILBRAY-AXELROD, MCARTHUR, ~~AND~~ NGUYEN, O'NEILL, ORENTLICHER, ROBERTS AND THOMAS**

JOINT SPONSORS: SENATORS HARDY; BUCK, DONATE, D. HARRIS AND OHRENSCHALL

AN ACT relating to juvenile justice; ~~requiring a peace officer or probation officer to ensure that a child in custody consults with a parent or guardian or an attorney before the commencement of a custodial interrogation of the child;~~ establishing provisions relating to the **expungement and** destruction of certain records relating to children; ~~repealing and~~ revising certain provisions concerning the sealing of certain records relating to children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a peace officer or probation officer to take a child into custody if: (1) the officer has probable cause to believe that the child is violating or has violated any state or local law, ordinance, or rule or regulation having the force of law; or (2) the conduct of the child indicates that the child is in need of supervision. (NRS 62C.010) Section 1 of this bill requires a peace officer or probation officer to ensure that a child in custody consults with a parent or guardian or an attorney before the commencement of a custodial interrogation of the child.]~~

Existing law authorizes a child who is less than 21 years of age, or a probation officer or parole officer on behalf of the child, to petition the juvenile court for the sealing of all records relating to the child if: (1) the petition is filed not earlier than 3 years after the child was last adjudicated in need of supervision, adjudicated delinquent or placed under the supervision of the juvenile court; and (2) at the time the petition is filed, the child does not have any delinquent or criminal charges pending. If the petition was timely filed, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude and the child has been rehabilitated to the satisfaction of the juvenile court, existing law: (1) authorizes the juvenile court to order the sealing of all records relating to the child, if the child is less than 18 years of

age; and (2) requires the juvenile court to order the sealing of all records relating to the child, if the child is 18 years of age or older. (NRS 62H.130) Existing law also directs, with certain exceptions, that all records relating to a child be sealed **automatically** when the child reaches 21 years of age. (NRS 62H.140)

Under certain circumstances, however, existing law requires a child to wait until he or she reaches 30 years of age to petition a juvenile court to seal his or her records relating to unlawful acts which, if committed by an adult, would have constituted: (1) sexual assault; (2) battery with intent to commit sexual assault; (3) lewdness with a child; or (4) a felony involving the use or threatened use of force or violence. (NRS 62H.150)

Existing law also establishes procedures which are specific to the vacation and sealing of records relating to certain unlawful acts committed by children who are victims of human trafficking or involuntary servitude. (NRS 62E.275)

~~[Sections 2-9]~~ **Section 4** of this bill ~~[(1) establish]~~ **establishes** provisions relating to the **expungement and** destruction of certain records relating to children . ~~[; and (2) revise and repeal provisions relating to the sealing of certain records relating to children.]~~

~~—Section 4 of this bill requires every court or other agency with possession of expungable records relating to a child to destroy such records on the 18th birthday of the child, or at certain later dates, if the records relate to pending charges or relate to an unlawful act for which the child is subject to the supervision of the juvenile court or agency. Section 4 defines “expungable record” as a record relating to an unlawful act that would have been a misdemeanor if committed by an adult. Sections 2, 3, 5 and 6 of this bill make conforming changes relating to the destruction of expungable records.~~

~~—Section 7 of this bill makes various changes to the existing process of sealing records relating to children. Specifically, section 7 authorizes a child, or a probation officer or parole officer on behalf of the child, to petition the juvenile court for the sealing of records if, at the time the petition is filed: (1) the child is at least 18 years of age; (2) the record does not qualify for destruction pursuant to section 4; (3) the record is not a civil judgment relating to the payment of restitution which has not been satisfied or has expired; (4) the record does not relate to a pending charge; and (5) the record does not relate to an unlawful act for which the child is subject to the supervision of a juvenile court or other agency. Section 7 authorizes the juvenile court to grant the petition by ordering the sealing of the records. Sections 8 and 9 of this bill make conforming changes by revising and repealing certain provisions concerning the sealing of records relating to children.]~~ **Section 4 authorizes a**

child 18 years of age or older to petition the juvenile court for an order expunging all records relating to: (1) an unlawful act that, if committed by an adult, would have been a misdemeanor; and (2) an act of a child in need of supervision. Under section 4, if a juvenile court enters an order expunging such records: (1) all proceedings recounted in the records are deemed never to have occurred; (2) the child may reply accordingly to any

inquiry concerning the proceedings and the acts which brought about the proceedings; and (3) all records must be destroyed within 60 days of the juvenile court issuing such an order. Section 4 also: (1) requires the juvenile court to notify the district attorney and the chief probation officer or the Chief of the Youth Parole Bureau, as applicable, if a petition is filed pursuant to section 4; and (2) authorizes certain persons who have evidence that is relevant to the consideration of the petition to testify at the hearing on the petition. Section 7 of this bill makes conforming changes related to the factors considered by the juvenile court in the hearing on the petition. Sections 5 and 6 of this bill make conforming changes to indicate the proper placement of section 4 within the Nevada Revised Statutes.

Section 7.5 of this bill replaces the requirement in existing law that certain records relating to a child be sealed automatically when the child reaches 21 years of age with the requirement that such records be sealed automatically: (1) within 60 days of the date the child reaches 18 years of age; or (2) if the records relate to a delinquent or unlawful act, criminal charge or act of a child in need of supervision for which a child is subject to the jurisdiction of a juvenile court or other agency when the child reaches 18 years of age, within 60 days of the termination of the jurisdiction of the juvenile court or other agency.

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. A peace officer or probation officer who takes a child into custody pursuant to NRS 62C.010 shall ensure that the child consults with his or her parent or guardian or an attorney before the commencement of a custodial interrogation.~~

~~2. As used in this section:~~

~~(a) "Custodial interrogation" means an interrogation of a child while the child is in custody.~~

~~(b) "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.~~ (Deleted by amendment.)

Sec. 2. ~~{NRS 62E.275 is hereby amended to read as follows:~~

~~62E.275 1. If a child is less than 18 years of age and has been adjudicated delinquent for an unlawful act listed in subsection 2, the child may petition the juvenile court for an order:~~

~~(a) Vacating the adjudication; and~~

~~(b) Sealing all records relating to the adjudication.~~

~~2. A child may file a petition pursuant to subsection 1 if the child was adjudicated delinquent for an unlawful act in violation of:~~

~~(a) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the child was not alleged to be a customer of a prostitute;~~

~~(b) NRS 207.200, for unlawful trespass;~~

~~(c) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or~~

~~(d) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.~~

~~3. The juvenile court may grant a petition filed pursuant to subsection 1 if:~~

~~(a) The petitioner was adjudicated delinquent for an unlawful act described in subsection 2;~~

~~(b) The participation of the petitioner in the unlawful act 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.~~

~~4. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:~~

~~(a) Notify the district attorney and the chief probation officer or the Chief of the Youth Parole Bureau and allow any person who has evidence that is relevant to consideration of the petition to testify at the hearing on the petition; and~~

~~(b) Take into consideration any reasonable concerns for the safety of the petitioner, family members of the petitioner or other victims that may be jeopardized by the granting of the petition.~~

~~5. If the court grants a petition filed pursuant to subsection 1, the court shall:~~

~~(a) Vacate the adjudication and dismiss the accusatory pleading; and~~

~~(b) Order sealed all records relating to the adjudication.~~

~~6. [If] ***Except as otherwise provided in subsection 8, if*** a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 62H.130 or the juvenile court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the juvenile court may enter an order to vacate the adjudication and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the adjudication to be vacated.~~

~~7. If the juvenile court enters an order pursuant to subsection 6, the court shall also order sealed all records of the petitioner which relate to the adjudication being vacated in accordance with paragraph (b) of subsection 5;~~

regardless of whether any records relating to other adjudications are ineligible for sealing either by operation of law or because of a deficiency in the petition.

~~8. A child may petition for the sealing of records pursuant to this section regardless of whether the records qualify for destruction pursuant to section 4 of this act. If a court grants the petition for the sealing of such records pursuant to this section, the records must remain sealed until such time that the records are destroyed pursuant to section 4 of this act.~~ (Deleted by amendment.)

Sec. 3. ~~NRS 62F.360 is hereby amended to read as follows:~~

~~62F.360 The records relating to a child must not be destroyed pursuant to section 4 of this act or sealed pursuant to the provisions of NRS [62H.100 to 62H.170, inclusive.] 62H.130 while the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.]~~ (Deleted by amendment.)

Sec. 4. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection 2, every juvenile court or agency with custody of an expungable record relating to a child shall destroy the expungable record on the 18th birthday of the child.~~ A child 18 years of age or older may petition the juvenile court for an order expunging all records of the person relating to:

(a) An unlawful act that, if committed by an adult, would have been a misdemeanor; and

(b) An act of a child in need of supervision pursuant to NRS 62B.320.

2. ~~If the expungable record relates to a pending delinquent or criminal charge or an unlawful act for which the child is subject to the supervision of a juvenile court or another agency, the expungable record must be destroyed by the juvenile court or agency, as applicable, on the date that the charge is no longer pending or on the date that the supervision of the juvenile court or agency terminates, whichever is later.~~ If a petition is filed pursuant to subsection 1, the juvenile court shall notify the district attorney and the chief probation officer or the Chief of the Youth Parole Bureau, as applicable.

3. ~~Upon the destruction of an expungable record pursuant to this section.~~ The district attorney and the chief probation officer or any of their deputies, the Chief of the Youth Parole Bureau or his or her designee or any other person who has evidence that is relevant to the consideration of a petition filed pursuant to subsection 1 may testify at the hearing on the petition.

4. After the hearing on a petition filed pursuant to subsection 1, if the juvenile court finds that the child has been rehabilitated to the satisfaction of the juvenile court, the juvenile court shall enter an order expunging all records described in subsection 1. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court, the juvenile court may consider the factors listed in subsection 5 of NRS 62H.130.

5. If the juvenile court enters an order expunging the records of a child pursuant to this section:

(a) All proceedings recounted in the ~~expungable record~~ records are deemed never to have occurred; ~~and~~

(b) The child may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings ~~f. 4. As used in this section, “expungable record” means a record relating to an unlawful act that would have been a misdemeanor if committed by an adult.~~
; and

(c) All records must be destroyed that are in the custody of:

(1) The juvenile court or any other court;

(2) A probation officer, probation department or law enforcement agency; or

(3) Any other public officer or agency.

6. If the juvenile court enters an order expunging the records relating to a child filed pursuant to subsection 1, the juvenile court shall send a copy of the order to each public officer or agency named in the order. Not later than 60 days after receipt of the order, each public officer or agency shall:

(a) Destroy the records in the custody of the public officer or agency, as directed by the order;

(b) Advise the juvenile court of compliance with the order; and

(c) Destroy the copy of the order received by the public officer or agency.

Sec. 5. NRS 62H.100 is hereby amended to read as follows:

62H.100 1. As used in NRS 62H.100 to 62H.170, inclusive, **and section 4 of this act**, unless the context otherwise requires, “records” means any records relating to a child who is within the purview of this title and who:

(a) Is taken into custody by a peace officer or a probation officer or is otherwise taken before a probation officer; or

(b) Appears before the juvenile court or any other court pursuant to the provisions of this title.

2. The term includes records of arrest.

Sec. 6. NRS 62H.110 is hereby amended to read as follows:

62H.110 The provisions of NRS 62H.100 to 62H.170, inclusive, **and section 4 of this act** do not apply to:

1. Information maintained in the standardized system established pursuant to NRS 62H.200;

2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;

3. Records that are subject to the provisions of NRS 62F.360; or

4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

Sec. 7. NRS 62H.130 is hereby amended to read as follows:

62H.130 1. If a child is less than 21 years of age, the ~~Except as otherwise provided in NRS 62E.275, a~~ child or a probation or parole officer on behalf of the child may petition the juvenile court for an order sealing all

records ~~any record~~ relating to the child . Except as otherwise provided in NRS 62E.275, ~~if, at the time~~ the petition may be ~~is~~ filed:

(a) Not earlier than 3 years after the child was last adjudicated in need of supervision, adjudicated delinquent or placed under the supervision of the juvenile court pursuant to NRS 62C.230; ~~The child is at least 18 years of age~~ and

(b) If, at the time the petition is filed, the child does not have any ~~The record~~:

~~(1) Is not:~~

~~(I) Subject to destruction pursuant to section 4 of this act; or~~

~~(II) A civil judgement entered pursuant to NRS 62B.420 which has not been satisfied or has expired; and~~

~~(2) Does not relate to:~~

~~(I) A delinquent or criminal charges ~~charge~~ pending ; ~~for~~ or~~

~~(II) An unlawful act for which the child is subject to the supervision of a juvenile court or other agency.~~

2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation or parole officer is not the petitioner, the chief probation officer or the Chief of the Youth Parole Bureau.

3. The district attorney and the chief probation officer or any of their deputies, the Chief of the Youth Parole Bureau or his or her designee, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

4. Except as otherwise provided in subsection 6, after ~~After~~ the hearing on the petition, if the juvenile court finds that during the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude and the child has been rehabilitated to the satisfaction of the juvenile court, the juvenile court :

(a) May ~~may~~ enter an order sealing all ~~the~~ records relating to the child ~~if~~ if the child is less than 18 years of age; and

(b) Shall enter an order sealing all records relating to the child if the child is 18 years of age or older.

5. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court ~~to seal the records relating to the child~~ pursuant to subsection 4 ~~or subsection 4 of section 4 of this act,~~ the juvenile court may consider:

(a) The age of the child;

(b) The nature of the offense and the role of the child in the commission of the offense;

(c) The behavior of the child after the child was last adjudicated in need of supervision or adjudicated delinquent, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or placed under the supervision of the juvenile court pursuant to NRS 62C.230;

(d) The response of the child to any treatment or rehabilitation program;

(e) The education and employment history of the child;

- (f) The statement of the victim;
- (g) The nature of any criminal offense for which the child was convicted;
- (h) Whether the sealing or expungement of the record , as applicable, would be in the best interest of the child and the State; and
- (i) Any other circumstance that may relate to the rehabilitation of the child.

6. If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal such information.

Sec. 7.5. NRS 62H.140 is hereby amended to read as follows:

62H.140 1. Except as otherwise provided in subsection 2 and NRS 62H.130 and 62H.150, when a child reaches ~~{21}~~ 18 years of age, all records relating to the child must be sealed automatically ~~on~~ within 60 days after the date the child reaches 18 years of age.

2. A record relating to a delinquent or unlawful act, criminal charge or act of a child in need of supervision pursuant to NRS 62B.320 for which a child is subject to the jurisdiction of a juvenile court or other agency when the child reaches 18 years of age must be sealed automatically within 60 days after the termination of the jurisdiction of the juvenile court or other agency.

Sec. 8. ~~NRS 62H.160 is hereby amended to read as follows:~~

~~62H.160 1. If the juvenile court enters an order sealing the records relating to a child, for the records are sealed automatically, all the records relating to the child must be sealed that are in the custody of:~~

- ~~(a) The juvenile court or any other court;~~
- ~~(b) A probation officer, probation department or law enforcement agency;~~
- ~~or~~
- ~~(c) Any other public officer or agency.~~

~~2. If the juvenile court enters an order sealing the records relating to a child, the juvenile court shall send a copy of the order to each public officer or agency named in the order. Not later than 5 days after receipt of the order, each public officer or agency shall:~~

- ~~(a) Seal the records in the custody of the public officer or agency, as directed by the order;~~
- ~~(b) Advise the juvenile court of compliance with the order; and~~
- ~~(c) Seal the copy of the order received by the public officer or agency.]~~

(Deleted by amendment.)

Sec. 9. ~~NRS 62H.140 and 62H.150 are hereby repealed.] (Deleted by amendment.)~~

Sec. 10. This act becomes effective on December 31, 2021.

†

~~TEXT OF REPEALED SECTIONS~~

~~62H.140 Automatic sealing of records when child reaches 21 years of age; exception. Except as otherwise provided in NRS 62H.130 and 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.~~

~~62H.150 Limitations on sealing records related to certain delinquent acts.~~

~~1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, unless the records have not been sealed pursuant to subsection 6 of NRS 62H.130, those records must not be sealed before the child reaches 30 years of age.~~

~~2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.~~

~~3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer or the Chief of the Youth Parole Bureau.~~

~~4. The district attorney and the chief probation officer or any of their deputies, the Chief of the Youth Parole Bureau or his or her designee, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.~~

~~5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.~~

~~6. The provisions of this section apply to any of the following unlawful acts:~~

~~(a) An unlawful act which, if committed by an adult, would have constituted:~~

~~(1) Sexual assault pursuant to NRS 200.366;~~

~~(2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or~~

~~(3) Lewdness with a child pursuant to NRS 201.230.~~

~~(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.~~

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. 253.

Bill read second time.

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

Amendment No. 287.

AN ACT relating to governmental administration; revising provisions relating to when a subcommittee or working group of a public body is subject to the Open Meeting Law; setting forth certain requirements for meetings of public bodies that use remote technology systems; revising the notice requirements for a meeting of a public body; revising provisions relating to the privilege of certain persons to publish defamatory matter at a public meeting; revising requirements for notice of intent to act upon a regulation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a subcommittee or working group of at least two persons who are appointed by certain public bodies is subject to the requirements of the Open Meeting Law if: (1) a majority of the membership of the subcommittee or working group are members or staff of the public body that appointed the subcommittee or working group; or (2) the subcommittee or working group is authorized to make a recommendation to the public body to take any action. (NRS 241.015) **Section 1** of this bill provides, instead, that a subcommittee or working group is subject to the requirements of the Open Meeting Law if: (1) a majority of the membership of the subcommittee or working group are members of the public body or staff; and (2) at least two members of the subcommittee or working group are members of the public body.

The Open Meeting Law authorizes a public body to conduct a meeting by means of teleconference or videoconference. (NRS 241.023) **Section 3** of this bill authorizes, under certain circumstances, a public body to conduct a meeting using a remote technology system. **Section 1** defines “remote technology system” as a system or other means of communication which uses electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting even though the person is not physically present at the meeting. **Section 2** of this bill requires the notice of a public meeting that uses a remote technology system to include information about how a member of the public may hear, observe, participate in and provide public comment at the meeting through the remote technology system.

The Open Meeting Law sets forth the minimum public notice requirements of a meeting, which include posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting. (NRS 241.020) **Section 2** of this bill requires, instead, that the public body post a copy of the notice at the principal office of the public body.

~~{The Open Meeting Law prohibits a public body from considering whether to take administrative action against a person unless the public body has given written notice to that person of the time and place of the meeting. (NRS 241.034) Section 4 of this bill defines “administrative action” to mean a~~

~~decision by the public body that is uniquely personal to the person and may result in a negative change in circumstances for the person.] Additionally, sections 2 and 3 require that if a public body holds a meeting using a remote technology system and does not have a physical location for the meeting, the public body is required to have an Internet website and post on its Internet website the notice of the meeting and any supporting material for the material.~~

The Open Meeting Law provides that a witness who is testifying before a public body is absolutely privileged to publish defamatory matter as part of a public hearing. (NRS 241.0353) **Section 5** of this bill provides, instead, that, subject to a qualified privilege, a witness who is testifying before a public body may publish defamatory matter as part of a public hearing.

Existing law requires certain agencies of the Executive Department of the State Government, at the time of giving notice of intent to act upon a regulation, under certain circumstances, to deposit one copy of the notice and text of the proposed regulation with the librarian of the main public library in the county. (NRS 233B.0607) **Section 6** of this bill requires, instead, that the agency post a copy of the notice and text on the Internet website of the agency. **Section 6** also requires that the agency provide in print or an electronic format a copy of the notice and text to any person who requests a copy from the agency.

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

Section 1. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. “Action” means:

(a) A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body;
or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. “Deliberate” means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

3. “Meeting”:

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, **by use of a remote technology system** or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

(3) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

4. Except as otherwise provided in NRS 241.016, “public body” means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056, an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board, commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201; and

(d) A subcommittee or working group ~~consisting of at least two persons who are~~ appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee ~~;~~ or

~~— (2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action.~~ **or working group; and**

(2) At least two members of the subcommittee or working group are members of the public body.

5. “Quorum” means a simple majority of the membership of a public body or another proportion established by law.

6. ***“Remote technology system” means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.***

7. “Supporting material” means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

~~7-1~~ 8. “Working day” means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies ~~1-1~~ ***at a physical location or by means of a remote technology system.*** A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. ***If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may ~~use~~ :***

(1) Use the remote technology system to hear and observe the meeting
;

(2) Participate in the meeting by telephone; and ~~provide~~

(3) Provide live ~~for recorded~~ public comment during the meeting ~~1-1~~ and, if authorized by the public body, provide prerecorded public comment.

(b) A list of the locations where the notice has been posted.

(c) The name , ~~and~~ contact information ***and business address*** for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and ~~1-1~~ :

(1) A list of the locations where the supporting material is available to the public ~~1-1~~ ; or

(2) Information about how the supporting material may be found on the Internet website of the public body.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term “for possible action” next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term “for possible corrective action” next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➡ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body, ~~or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the~~

jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; ~~1~~ **If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.**

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State. ~~1, and~~

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) ~~If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted~~ **Transmitted** to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. ~~1~~ **Except as otherwise provided in paragraph (a) of subsection 4, if** a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

7. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➡ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, “proprietary information” has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➡ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, **and except as otherwise provided in subsection 11,** the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

10. ~~[A]~~ **Except as otherwise provided in subsection 11,** a public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by

electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

11. *If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:*

(a) Have an Internet website; and

(b) Post to its Internet website:

(1) The public notice required by this section; and

(2) Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting.

↪ The inability of the governing body, as a result of technical problems with its Internet website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

12. As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 3. NRS 241.023 is hereby amended to read as follows:

241.023 1. ~~1A.~~ *Except as otherwise provided in subsection 2, a* public body may conduct a meeting by means of ~~teleconference or videoconference~~ *a remote technology system* if:

(a) A quorum is actually or collectively present, whether in person, *by using the remote technology system* or by means of electronic communication ~~and~~

(b) ~~There is~~ *Members of the public are permitted to:*

(1) Attend and participate at a physical location designated for the meeting where members of the public are permitted to attend and participate ~~;~~ *or*

(2) Hear and observe the meeting, participate in the meeting by telephone and provide live for recorded public comment during the meeting using the remote technology system ~~;~~ *and* *. A public body may also allow public comment by means of prerecorded messages.*

(c) The public body can reasonably ensure that any person who is not a member of the public body or a member of the public but is otherwise

required or allowed to participate in the meeting is able to participate in the portion of the meeting that pertains to them using the remote technology system.

2. A public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate unless the public body complies with the provisions of subsection 11 of NRS 241.020.

3. If any member of a public body attends a meeting by means of ~~[teleconference or videoconference,]~~ a remote technology system, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by ~~[teleconference or videoconference,]~~ a remote technology system; and

(b) Each member of the public body in attendance can participate in the meeting.

~~Sec. 4. NRS 241.034 is hereby amended to read as follows:~~

~~241.034 1. Except as otherwise provided in subsection 3:~~

~~(a) A public body shall not consider at a meeting whether to:~~

~~(1) Take administrative action against a person; or~~

~~(2) Acquire real property owned by a person by the exercise of the power of eminent domain;~~

~~unless the public body has given written notice to that person of the time and place of the meeting.~~

~~(b) The written notice required pursuant to paragraph (a) must be:~~

~~(1) Delivered personally to that person at least 5 working days before the meeting; or~~

~~(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.~~

~~A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in paragraph (a) relating to that person at a meeting.~~

~~2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.~~

~~3. The written notice otherwise required pursuant to this section is not required if:~~

~~(a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and~~

~~(b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.~~

~~4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.~~

~~5. As used in this section, “administrative action” means a decision by the public body that is uniquely personal to the person and may result in a negative change in circumstances for the person. The term does not include the denial of an application if the denial does not change the person’s current circumstances.~~ **(Deleted by amendment.)**

Sec. 5. NRS 241.0353 is hereby amended to read as follows:

241.0353 1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. ~~{A}~~ ***Subject to a qualified privilege, a*** witness who is testifying before a public body ~~is absolutely privileged to~~ ***may*** publish defamatory matter as part of a public meeting. ~~It is unlawful to misrepresent any fact knowingly when testifying before a public body.~~

Sec. 6. NRS 233B.0607 is hereby amended to read as follows:

233B.0607 1. The agency shall at the time of giving the notice of intent to act upon a regulation required pursuant to NRS 233B.060:

(a) Deposit one copy of the notice and text of the proposed regulation with the State Library, Archives and Public Records Administrator;

(b) Keep at least one copy of the notice and text available in each of its offices from the date of the notice to the date of the hearing, for inspection and copying by the public; and

~~(c) If the agency does not maintain an office in a county, deposit one copy of the notice and text with the librarian of the main public library in the county.~~ ***Post a copy of the notice and text of the proposed regulation on the Internet website of the agency.***

2. ***The agency shall provide in print or an electronic format a copy of the notice of intent to act upon a regulation required pursuant to NRS 233B.060 and the text of the proposed regulation to any person who requests a copy from the agency.***

3. The text of the proposed regulation so disseminated must include the entire text of any section of the Nevada Administrative Code which is proposed for amendment or repeal.

~~{3}~~ 4. After the final version of an adopted regulation is received, each such librarian may discard the deposited copy of the text of the proposed regulation.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 201.

AN ACT relating to education; prohibiting certain entities from compensating a student athlete for the use of the name, image or likeness of the student athlete; providing that a student athlete may be compensated for the use of the name, image or likeness of the student athlete by certain organizations; directing the Legislative Committee on Education to appoint a committee to conduct an interim study relating to the use of the name, image or likeness of a student athlete; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes various provisions relating to student athletes at the postsecondary level. **Section 5** of this bill generally prohibits an institution or a national collegiate athletic association from: (1) preventing a student athlete from being compensated for the use of the name, image or likeness of the student athlete or obtaining professional services, with certain exceptions; and (2) compensating a student athlete for the use of the name, image or likeness of the student athlete.

Section 6 of this bill authorizes a student athlete to enter into a contract with an organization other than an institution or a national collegiate athletic association that provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete. **Section 6** prohibits such a contract from conflicting with a contract between the student athlete and the institution in which the student athlete is enrolled. **Section 6** sets forth the responsibilities of a student athlete and the institution regarding such a contract.

Section 6.3 of this bill authorizes an institution to require a student athlete to receive education to prepare a student athlete to enter into contracts. Section 6.7 of this bill requires a student athlete to disclose any previous or existing contracts held by the student athlete that provided or provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete.

Section 8 of this bill requires the Legislative Committee on Education to appoint a committee to conduct an interim study concerning the use of the name, image and likeness of a student athlete.

Sections 2-4 of this bill define related terms. **Section 7** of this bill makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

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

Section 1. Chapter 398 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~46~~ **6.7**, inclusive, of this act.

Sec. 2. “Compensation” does not include, without limitation, a scholarship.

Sec. 3. “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.

Sec. 4. “Student athlete” means a person who is eligible to attend an institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. The term does not include a person permanently ineligible to participate in a particular intercollegiate sport for that sport.

Sec. 5. 1. An institution shall not:

(a) Uphold or enforce any rule of a national collegiate athletic association that prevents a student athlete enrolled in the institution from being compensated for the use of the name, image or likeness of the student athlete by an organization other than the institution or a national collegiate athletic association;

(b) Except as otherwise provided by subsection 2, prevent a student athlete from being compensated for the use of the name, image or likeness of the student athlete;

(c) Compensate a prospective or current student athlete of the institution for the use of the name, image or likeness of the student athlete;

(d) Prevent a student athlete from obtaining professional services; or

(e) Alter, withhold or otherwise reduce the amount of a scholarship awarded to a student athlete solely because a student athlete is compensated for the use of the name, image or likeness of the student athlete by an organization other than the institution or a national collegiate athletic association or because the student athlete obtains professional services.

2. An institution may ~~prohibit~~ prohibit:

(a) Adopt a policy that imposes reasonable restrictions on a student athlete entering into a contract pursuant to section 6 of this act that provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete with an organization or person whose goods, services or mission are contrary to the mission of the institution; and

(b) Prohibit a student athlete from being compensated for the use of the name, image or likeness of the student athlete if the use of the name, image or likeness is related to official activities of the institution or intercollegiate sports at the institution.

3. A national collegiate athletic association shall not:

(a) Prevent a student athlete enrolled at an institution from participating in intercollegiate sports solely because the student athlete is compensated for the use of the name, image or likeness of the student athlete by an organization other than the institution or the national collegiate athletic association;

(b) *Prevent an institution from being a member of or participating in the activities of the national collegiate athletic association solely because a student*

athlete who is enrolled at the institution is compensated for the use of the name, image or likeness of the student athlete by an organization other than the institution or the national collegiate athletic association;

(c) *Compensate a prospective or current student athlete of an institution for the use of the name, image or likeness of the student athlete; or*

(d) *Prevent a student athlete from obtaining professional services.*

4. *As used in this section, “professional services” includes, without limitation, representation regarding contracts or other legal matters, including, without limitation, representation provided by an attorney or an athlete agent registered pursuant to chapter 398A of NRS.*

Sec. 6. 1. *A student athlete may enter into a contract with an organization other than an institution or a national collegiate athletic association that provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete. A contract entered into pursuant to this subsection may not conflict with any provision of a contract between the student athlete and the institution in which the student athlete is enrolled.*

2. *A student athlete who enters into a contract pursuant to subsection 1 must disclose the contract to the institution in which the student athlete is enrolled.*

3. *If the institution in which the student athlete is enrolled alleges that a provision of a contract entered into pursuant to subsection 1 conflicts with a provision of a contract between the student athlete and the institution, the institution shall inform the student athlete and, if the student athlete has legal representation, the attorney of the student athlete of the alleged conflict.*

Sec. 6.3. *An institution may require a student athlete to take courses or receive education or training in contracts, financial literacy or any other subject the institution deems necessary to prepare a student athlete to enter into contracts.*

Sec. 6.7. *A prospective student athlete shall disclose any previous or existing contract held by the student athlete that provided or provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete to an institution before signing a letter of intent with the institution.*

Sec. 7. NRS 398.005 is hereby amended to read as follows:

398.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 398.045, 398.055 and 398.061 **and sections 2, 3 and 4 of this act** have the meanings ascribed to them in those sections.

Sec. 8. 1. The Legislative Committee on Education shall appoint a committee to conduct an interim study concerning the use of the name, image and likeness of a student athlete.

2. The interim committee must consist of:

- (a) The Chancellor of the Nevada System of Higher Education, or his or her designee;
- (b) A representative of a community college athletic association located in this State, if any;
- (c) At least two student athletes enrolled in a community college, state college or university in this State;
- (d) An administrator of an athletics program at a community college, state college or university in this State;
- (e) A coach of an athletics program at a community college, state college or university in this State;
- (f) One member appointed by the Speaker of the Assembly; and
- (g) One member appointed by the Majority Leader of the Senate.

3. The Legislative Committee on Education shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. The interim committee shall study and examine existing bylaws of state collegiate athletic associations and national collegiate athletic associations and state and federal laws relating to compensating a student athlete for the use of the name, image or likeness of the student athlete.

5. The Legislative Committee on Education shall submit a report of the results of the study, including any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 82nd Session of the Nevada Legislature.

6. As used in this section:

(a) “National collegiate athletic association” has the meaning ascribed to it in NRS 398.055.

(b) “Student athlete” means a person who is eligible to attend an institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. The term does not include a person permanently ineligible to participate in a particular intercollegiate sport for that sport.

Sec. 9. 1. This section ~~becomes~~ **and section 8 become** effective upon passage and approval.

2. Sections 1 to ~~18,~~ **7**, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~October 1, 2021,~~ **January 1, 2022,** for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 346.

AN ACT relating to school property; requiring the ~~{Office of Energy within the Office of the Governor to award a grant to the}~~ board of trustees of a school district ~~{,} or the {sponsor} governing body of a charter school {for a business}~~ to assess and improve certain ventilation and filtration systems of a school to the extent that money is available; establishing requirements for such assessments and improvements; requiring ~~{a certified technician}~~ **certain personnel** to complete an assessment report; requiring the board of trustees of a school district ~~{,} or the {sponsor} governing body of a charter school {for a business}~~ to prepare a report; ~~{providing that a generally accepted industry standard prevails over any requirement of this bill that conflicts with the industry standard.}~~ **requiring certain local educational agencies to include certain information in a plan to return to in-person instruction;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires ~~{the Office of Energy within the Office of the Governor.}~~ **the board of trustees of a school district or governing body of a charter school,** to the extent that money is available, ~~{to award a grant to the board of trustees of a school district, the sponsor of a charter school or a business to employ a certified technician}~~ to assess the status of and make improvements to the ventilation and filtration systems of a school and ensure that the systems are performing adequately and efficiently. **Sections 7-10** of this bill set forth the requirements for ~~{a certified technician}~~ **qualified adjusting personnel or qualified testing personnel** to assess and perform updates to: (1) a filtration system of a school; (2) the ventilation rates of a school; (3) the heating, ventilation and air conditioning system of a school; and (4) the carbon dioxide monitors in a school, respectively. **Sections 7-10** generally require such systems, rates and monitors to meet certain standards. **Section 10.5 of this bill sets forth requirements for an assessment of a school with a limited or no ventilation system.** Section 11 of this bill requires ~~{a certified technician}~~ **qualified adjusting personnel or qualified testing personnel** to prepare an assessment report including certain information relating to the assessments conducted pursuant to ~~sections {7-10.}~~ **7-10.5.** Section 12 of this bill requires the board of trustees of a school district ~~{,} or the {sponsor} governing body of a charter school {for a business that receives a grant}~~ to complete a report on the work performed by a ~~{certified technician}~~ **qualified adjusting personnel or qualified testing personnel** pursuant to ~~sections {7-10}~~ **7-10.5** and make the report available to the Office of Energy and the public upon request. **Existing federal law requires a local educational agency that receives certain federal money to develop a plan for the safe return to in-person instruction and continuity of services.** **(American Rescue Plan Act of 2021, Pub. L. No. 117-2, § 2001(i))** Section ~~{13}~~ **13.5** of this bill ~~{provides that if a requirement of this bill conflicts with a generally accepted industry standard, the industry standard prevails.}~~ **requires**

a local educational agency to include the information contained in a report prepared pursuant to section 12 in such a plan.

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

Section 1. Chapter 393 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~13~~ 13.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~13~~ 13.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~4 and 5~~ to 5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. “Apprenticeship program” means an apprenticeship program recognized by the State Apprenticeship Council created by NRS 610.030.

Sec. 3.5. “Minimum efficiency reporting value” means the minimum efficiency reporting value established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or its successor organization.

Sec. 4. ~~“Certified technician”~~ “Qualified adjusting personnel” means a technician ;

1. Technician certified to test, adjust and balance heating, ventilation and air conditioning systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations ~~;~~ or

2. Skilled and trained workforce under the supervision of a technician certified to test, adjust and balance heating, ventilation and air conditioning systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations.

Sec. 4.5. “Qualified testing personnel” means:

1. A technician certified to test, adjust and balance heating, ventilation and air conditioning systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations; or

2. A person certified to perform ventilation assessments of heating, ventilation and air conditioning systems through a program accredited by the American National Standards Institute.

Sec. 5. “Skilled and trained workforce” means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program.

Sec. 5.5. The Legislature hereby finds and declares that:

1. Studies have found that:

(a) Approximately 41 percent of the school districts in the United States need to update or replace the heating, ventilation and air conditioning systems in at least half of their schools;

(b) Most heating, ventilation and air conditioning systems are improperly installed;

(c) Most classrooms fail to meet minimum standards for ventilation rates;

(d) Many of the problems with heating, ventilation and air conditioning systems are linked to the use of inadequately trained personnel to install, test, adjust and balance heating, ventilation and air conditioning systems; and

(e) Improved rates of ventilation and reduced carbon dioxide concentrations can increase pupil performance.

2. Ventilation systems that are not properly installed, inadequate, inefficient or poorly maintained can significantly increase costs to a public school.

3. Ventilation systems should operate as efficiently as possible and inspections and repairs should be performed by qualified personnel.

4. In addition to increasing the risk of infectious, airborne diseases, inadequate ventilation systems in public schools negatively impact the health and learning of pupils.

5. Improving indoor air quality in public schools may protect the health of pupils and school staff, improve attendance, improve pupil performance, reduce the risk of infectious, airborne diseases and save energy.

6. Public schools should have functioning ventilation systems that meet or exceed recommended health and safety standards for classrooms.

7. Consistent, statewide standards are necessary to protect the health and safety of pupils, the ability of pupils to learn effectively and the health and safety of school staff in this State.

Sec. 6. 1. ~~To the extent that money is available, the Office of Energy created pursuant to NRS 701.150 shall award a grant to~~ the board of trustees of a school district ~~or the sponsor~~ governing body of a charter school ~~for a business to~~ shall ensure that ~~a public school~~ each school in the school district or the charter school, as applicable, is equipped with functional ventilation systems that are tested, adjusted and, if necessary or cost-effective, repaired, upgraded or replaced to increase efficiency and performance.

2. The board of trustees of a school district ~~or the sponsor~~ governing body of a charter school ~~for a business~~ that ~~receives a grant~~ ensures a public school is equipped with functional ventilation systems pursuant to this section shall employ ~~a certified technician~~ qualified adjusting personnel or qualified testing personnel to assess the status of and make any necessary improvements to the:

(a) Filtration system of ~~for~~ the school in accordance with the provisions of section 7 of this act;

(b) Ventilation rates of ~~for~~ the school in accordance with the provisions of section 8 of this act;

(c) Heating, ventilation and air conditioning system of ~~for~~ the school in accordance with the provisions of section 9 of this act; and

(d) Carbon dioxide monitors at ~~for~~ the school in accordance with the provisions of section 10 of this act.

3. The board of trustees of a school district or the governing body of a charter school that ensures a public school is equipped with functional ventilation systems pursuant to this section shall perform any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 13.5, inclusive, of this act, up to an estimated cost of not more than \$200,000. The board of trustees of a school district or the governing body of a charter school may perform any additional recommended work that exceeds an estimated cost of \$200,000.

Sec. 7. In assessing a filtration system of a school pursuant to section 6 of this act, ~~for a certified technician~~ qualified adjusting personnel or qualified testing personnel, as applicable, shall:

1. Review the capacity and airflow of the filtration system to determine the type of filters with the best minimum efficiency reporting value based on industry standards that can be installed without adversely impacting the filtration system;

2. Ensure that the filters used in the filtration system are of the type determined pursuant to subsection 1 with the best possible minimum efficiency reporting value;

3. Ensure that the filters are properly installed and replace or upgrade the filters as needed;

4. If a filtration system uses ultraviolet germicidal irradiation to disinfect air, ensure that the ultraviolet bulb is operating properly and does not shine on the filters, and replace the ultraviolet bulbs as needed;

5. If a filtration system uses an economizer, test and repair the economizer dampers; and

6. Recommend any additional maintenance, replacements or upgrades to improve the overall performance of the filtration system.

Sec. 8. 1. In assessing the ventilation rates of a school pursuant to section 6 of this act, ~~for a certified technician~~ qualified adjusting personnel or qualified testing personnel, as applicable, shall:

(a) Ensure that the ventilation rates in each room of the facility that is routinely occupied meet the minimum requirements for ~~acceptable indoor air quality~~ ventilation rates set forth ~~by the American National Standards Institute and the American Society of Heating, Refrigerating and Air Conditioning Engineers~~ in the Uniform Mechanical Code;

(b) Calculate the required minimum outside air ventilation rates for each room of the facility that is routinely occupied based on the maximum anticipated rate of occupancy and the minimum required ventilation rate per occupant in accordance with the ~~International~~ Uniform Mechanical Code;

(c) Ensure that the minimum outside air ventilation rates meet the required minimum rate calculated pursuant to paragraph (b);

(d) If the minimum outside air ventilation rates do not meet the required minimum rate calculated pursuant to paragraph (b):

(1) Determine whether additional ventilation can be provided without adversely impacting the performance of the filtration system or the environmental quality of the building; and

(2) If additional ventilation can be provided, adjust the ventilation rates to meet the required minimum rate;

(e) If the minimum outside air ventilation rate cannot be met after adjusting the ventilation rates pursuant to paragraph (d), explain why the rate cannot be met;

(f) Conduct survey readings of the inlets and outlets to:

(1) Ensure that ventilation is reaching the served zone and is adequately distributed;

(2) Ensure that the inlets and outlets are balanced to be tolerated by the design of the filtration system;

(3) Document read values and deficiencies; and

(4) If the original values of the design of the filtration system for inlets and outlets of the filtration system are not available, document the available information and note the unavailability of the original values;

(g) Ensure that there is a positive pressure differential between the building and the outdoors, ~~and~~ that the building is not overly pressurized ~~for~~ and that rooms designated for temporary occupation by sick pupils or staff maintain a negative pressure differential or a pressure differential otherwise set forth by the applicable industry standards;

(h) Ensure that the coil velocities and the coil and unit discharge air temperatures maintain the desired indoor conditions and avoid moisture carryover from the cooling coils;

(i) Ensure that the separation between the outdoor air intakes and the exhaust discharge outlets is in accordance with the ~~International~~ Uniform Mechanical Code;

(j) Verify that the air handling unit is bringing in outdoor air and removing exhaust air as intended by the design of the filtration system;

(k) Measure the air volume for the exhaust fans and document any discrepancies in volume between the measurements and the original volume of the design of the filtration system;

(l) Verify that the coil condition, condensate drainage, air temperature differentials of the cooling coils, operation of the heat exchangers and drive assembly meet applicable industry standards;

(m) Review the control sequences to verify that the systems will maintain the intended ventilation, temperature and humidity during school operation;

(n) Verify that daily flushes are scheduled ~~for 2 hours before and after any scheduled occupancy or demonstrate that the calculation of flush times is~~ in accordance with any applicable guidance of the standards set forth by

the American National Standards Institute and the American Society of Heating, Refrigerating and Air-Conditioning Engineers and any applicable local or state guidance; and

(o) Ensure that the operation times and set points of the heating, ventilation and air conditioning system and exhaust fans are in accordance with any applicable guidance set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air-Conditioning Engineers and any applicable local or state guidance.

2. Except as otherwise provided in subsection 3, if a demand control ventilation system is installed at a school, ~~by a certified technician~~ qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that the set point for carbon dioxide is set to 800 parts per million or less.

3. ~~A certified technician~~ Qualified adjusting personnel, qualified testing personnel or a licensed mechanical professional engineer shall disable a demand control ventilation system installed at a school and configure the overall ventilation system to meet the minimum requirements of sections 2 to ~~13~~ 13.5, inclusive, of this act if:

(a) The demand control ventilation system does not maintain an average daily maximum carbon dioxide concentration of less than 1,100 parts per million;

(b) The board of trustees of the school district ~~or sponsor~~ or governing body of the charter school, for business that received the grant pursuant to section 6 of this act, as applicable, determines that a public health crisis caused by an airborne illness is in effect; and

(c) Disabling the demand control ventilation system would not adversely affect the operation of the overall ventilation system,
↪ until the board of trustees ~~or sponsor or business that received the grant pursuant to section 6 of this act~~ or governing body determines that a public health crisis caused by an airborne illness is no longer in effect.

Sec. 9. In assessing the heating, ventilation and air conditioning system of a school pursuant to section 6 of this act, ~~by a certified technician~~ qualified adjusting personnel or qualified testing personnel, as applicable, shall assess the overall performance of the heating, ventilation and air conditioning system. If a heating, ventilation and air conditioning system is broken, fails to meet the minimum requirements for ventilation established by sections 2 to ~~13~~ 13.5, inclusive, of this act or is otherwise unable to operate at the level intended by the original design of the system, ~~by a certified technician~~ qualified adjusting personnel or qualified testing personnel, as applicable, shall recommend any necessary repairs or maintenance. Any repairs or maintenance to the heating, ventilation and air conditioning system must be performed by a skilled and trained workforce.

Sec. 10. ~~11~~ In assessing the carbon dioxide monitors of a school pursuant to section 6 of this act, ~~by a certified technician~~ qualified adjusting

personnel or qualified testing personnel, as applicable, shall ensure that each classroom in the school is equipped with a carbon dioxide monitor that:

~~1.~~ 1. Is hardwired or plugged in and mounted to the wall at least 3 feet but not more than 6 feet above the floor and at least 5 feet away from any door or operable window;

~~2.~~ 2. Displays readings to appropriate personnel through a display on the monitor or through an application on an Internet website or a cellular phone;

~~3.~~ 3. Provides a visual notification, including, without limitation, through an indicator light, electronic mail, text message or an application on a cellular phone, when the concentration of carbon dioxide in the room reaches 1,100 parts per million or more;

~~4.~~ 4. Maintains a record of previous data that includes, without limitation, the maximum carbon dioxide concentration measured;

~~5.~~ 5. Has a range of 400 parts per million to 2,000 parts per million or more; and

~~6.~~ 6. Is certified by the manufacturer of the carbon dioxide monitor to be accurate within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million and requires calibration not more than once every 5 years.

~~2. If a carbon dioxide monitor records a concentration of 1,100 parts per million or more once a week or more frequently, as observed by a teacher or staff member of a school, a certified technician shall adjust the classroom ventilation rates to ensure that the carbon dioxide concentration remains below 1,100 parts per million.~~

Sec. 10.5. 1. If a public school has a limited or no ventilation system, a qualified adjusting personnel or qualified testing personnel, as applicable, shall document existing conditions and provide a licensed professional engineer with any information necessary for the licensed professional engineer to make recommendations for upgrading or installing a ventilation system.

2. Qualified adjusting personnel or qualified testing personnel that conducts an assessment of a public school with a limited or no ventilation system shall determine whether carbon dioxide monitors that meet the requirements of section 10 of this act are installed in each classroom of the school.

Sec. 11. 1. ~~1.4 certified technician~~ Qualified adjusting personnel or qualified testing personnel, as applicable, shall prepare an assessment report of any assessment performed in a school pursuant to section 6 of this act. A ~~mechanical~~ licensed professional engineer shall:

(a) Review the assessment report and determine if any:

(1) Additional adjustments or repairs are necessary to meet the minimum requirements for ventilation and filtration established by sections 2 to ~~13.7~~ 13.5, inclusive, of this act; and

(2) Cost-effective upgrades for energy efficiency are warranted; and

(b) Provide an estimated cost of any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 13.5, inclusive, of this act, up to an estimated cost of not more than \$200,000 and an estimated cost of any additional recommended work ~~for~~ up to an estimated cost of not more than \$200,000.

2. The assessment report must include, without limitation:

(a) The name and address of the person preparing the report and the school where the assessments required pursuant to section 6 of this act were performed;

(b) For each piece of equipment assessed, the model number, serial number, general condition and any additional information that could be used to assess options for replacements, repairs or upgrades;

(c) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 7 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;

(d) Verification that the ventilation rates meet the requirements set forth in section 8 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;

(e) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 8 of this act;

(f) Verification that each assessment conducted pursuant to sections 7 to ~~10,~~ 10.5, inclusive, of this act meets the requirements of the applicable section;

(g) If the minimum outside air ventilation rate of a filtration system cannot be met, the explanation of why the rate cannot be met prepared pursuant to paragraph (e) of subsection 1 of section 8 of this act.

(h) If the original values of the design of the filtration system for the inlets and outlets of the filtration system are not available pursuant to paragraph (f) of subsection 1 of section 8 of this act, documentation of the available information and a notation of the unavailability of the original values;

(i) Documentation of any deficiencies within any system assessed pursuant to section 6 of this act;

(j) Verification of the installation of carbon dioxide monitors pursuant to section 10 of this act, including, without limitation, the make and model of the carbon dioxide monitors; ~~and~~

(k) If applicable, documentation of the information prepared pursuant to section 10.5 of this act for a school with a limited or no ventilation system; and

(l) Recommendations for additional maintenance, replacements or upgrades to improve the energy efficiency, safety or performance of any system assessed pursuant to section 6 of this act.

Sec. 12. 1. ~~The board of trustees of a school district, or the sponsor governing body of a charter school for a business that receives a grant, that ensures a public school is equipped with functional ventilation systems pursuant to section 6 of this act shall prepare a report on the status of the assessments performed pursuant to section 6 of this act and any maintenance, repairs or upgrades performed as a result of those assessments. The report must include, without limitation:~~

(a) ~~The name and address of the person preparing the report and the school where the assessments required pursuant to section 6 of this act were performed;~~

(b) ~~A description of the assessments performed pursuant to section 6 of this act and any maintenance, repairs or upgrades performed as a result of those assessments;~~

(c) ~~Verification that the board of trustees of the school district, sponsor or governing body of the charter school, for business, as applicable, has complied with the requirements of section 2 to ~~13.5~~ 13.5, inclusive, of this act;~~

(d) ~~Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 7 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;~~

(e) ~~Verification that the ventilation rates meet the requirements set forth in section 8 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;~~

(f) ~~The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 8 of this act;~~

(g) ~~Documentation of any deficiencies within any system assessed pursuant to section 6 of this act;~~

(h) ~~Documentation of the initial operating verifications and adjustments, the final operating verifications and adjustments and any adjustments or repairs performed;~~

(i) ~~Verification of the installation of carbon dioxide monitors pursuant to section 10 of this act, including, without limitation, the make and model of the carbon dioxide monitors; ~~and~~~~

(j) If applicable, documentation of the information prepared pursuant to section 10.5 of this act for a school with a limited or no ventilation system;

(k) Verification that all work has been performed by ~~a certified technician~~ qualified adjusting personnel or qualified testing personnel or a

skilled and trained workforce, as appropriate, which may include, without limitation, the provision of the name and, if applicable, certification number of any contractor ~~for certified technician~~, qualified adjusting personnel or qualified testing personnel.

2. The board of trustees of a school district ~~or the sponsor~~ governing body of a charter school ~~for a business~~ shall maintain the report prepared pursuant to subsection 1 for at least 5 years and make a copy of the report available to the Office of Energy or any member of the public upon request ~~or~~ during the time in which the report is maintained.

Sec. 13. ~~In the event of a conflict between the requirements of sections 2 to 13, inclusive, of this act and generally accepted industry standards, the industry standards prevail.~~ (Deleted by amendment.)

Sec. 13.5. A local educational agency, as defined in 20 U.S.C. § 7801(30)(A), that develops a plan for the safe return to in-person instruction and continuity of services pursuant to section 2001(i) of the American Rescue Plan Act of 2021, Public Law 117-2, shall include in the plan the information contained in a report prepared pursuant to section 12 of this act.

Sec. 14. This act becomes effective on July 1, 2021, ~~or~~ and expires by limitation on June 30, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 202.

ASSEMBLYMEN ANDERSON, DURAN, PETERS, BRITTNEY MILLER, ~~AND~~ WATTS ; BILBRAY-AXELROD, BROWN-MAY, COHEN, CONSIDINE, FLORES, GONZÁLEZ, GORELOW, MARTINEZ, MARZOLA, O'NEILL, ORENTLICHER, THOMAS AND TORRES

JOINT SPONSORS: SENATORS BROOKS AND LANGE

AN ACT relating to education; prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students; prohibiting the Board of Regents from assessing registration fees, fees associated with course enrollment and laboratory fees against certain students; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the Board of Regents of the University of Nevada from assessing tuition charges against certain students, including, without limitation, students whose families have been bona fide residents of this State for at least 12 months before the student matriculates at a university, state college or community college. (NRS 396.540) ~~This~~ Section 1.5 of this bill prohibits the Board of Regents from assessing tuition charges against students

who ~~[- (1) graduated from a high school or successfully completed a high school equivalency assessment in this State; and (2)]~~ are members of a federally recognized Indian tribe or nation ~~[in this State]~~ or are certified by such a tribe or nation or by the Bureau of Indian Affairs as being ~~[of at least one-quarter Indian blood.]~~ a descendant of an enrolled member of the tribe or nation, regardless of membership status, and who are not bona fide residents of this State.

Section 1 of this bill requires the Board of Regents to grant a waiver of registration fees, per-credit fees or other fees associated with course enrollment and laboratory fees for a Native American student who demonstrates that the student: (1) is a member of a federally recognized tribe or nation, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status; (2) is eligible for enrollment in a school within the Nevada System of Higher Education; (3) has been a resident of this State for at least 1 year; and (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is Native American and demonstrates that the student:

(a) Is a member of a federally recognized Indian tribe or nation, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, regardless of membership status;

(b) Is eligible for enrollment in a school within the System;

(c) Has been a resident of this State for not less than 1 year; and

(d) Has maintained at least a 2.0 grade point average on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized tribe.

~~Section 1.1~~ **Sec. 1.5.** NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) “Bona fide resident” shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification “bona fide” is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on

which the student enrolled at an institution of the System if such students maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(9);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System; ~~and~~

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart ~~††~~; *and*

(l) Students who ~~†~~

~~— (1) Graduated from a high school or successfully completed a high school equivalency assessment in this State; and~~

~~— (2) Are† are members of ~~any†~~ a federally recognized Indian tribe or nation, ~~all or part of which is located within the boundaries of this State,~~ or are certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being ~~†~~ of at least one-quarter Indian blood† a descendant of an enrolled member of such a tribe or nation, regardless of membership status ~~††~~, and who are not bona fide residents of this State.~~

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 2. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 302.

AN ACT relating to education; requiring only certain personnel be counted in determining the ratio of pupils per licensed teacher; establishing provisions relating to job vacancies in a school district; requiring the board of trustees of a school district to post certain information on its Internet website; revising provisions relating to the statewide performance evaluation system for teachers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the ratio of pupils per licensed teacher in certain classes not exceed certain ratios. (NRS 388.700) Under existing law, the State Board of Education is required to develop nonbinding recommendations for the ratio of pupils per licensed teacher for kindergarten and grades 1 to 12, inclusive. (NRS 388.890) **Sections 1 and 2** of this bill prohibit administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom **and teachers who are not actively teaching during a class period** from being counted in determining the ratio of pupils per licensed teacher. **Section 3** of this bill requires the board of trustees of a school district, to the extent that money is available, to determine the number of job vacancies in the school district based on the number of teachers that would be required to achieve the ratio of pupils per licensed teacher recommended by the State Board. **Section 3** also requires the board of trustees of a school district to post on its Internet website the number of positions in the school district that are held by full-time substitutes [~~teachers employed through Teach for America~~] and teachers who are licensed **or working towards obtaining a license** through an alternative route to licensure. **Section 3 also requires the board of trustees of a school district to report certain information regarding teachers participating in an alternative route to licensure to the Legislative Committee on Education.**

Existing law requires the State Board to adopt regulations establishing a statewide performance evaluation system. Under existing law, the statewide performance evaluation system must consider whether the classes for which an employee is responsible exceed the recommended ratio of pupils per licensed teacher. (NRS 391.465) **Section 4** of this bill requires a person who, under the statewide performance evaluation system, evaluates a teacher who is responsible for a class that exceeds the recommended ratio of pupils per

licensed teacher to ~~[if the teacher conducts a self-evaluation under the statewide performance evaluation system,]~~ award the teacher ~~[the score the teacher awarded to himself or herself]~~ **additional weight** on applicable criteria.

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

Section 1. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each school quarter of a school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➡ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, ~~and~~ counselors, librarians, administrators, deans, ~~and~~ specialists, ~~and~~ **any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom ~~and~~ and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.**

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of a quarter during the school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any quarter of a school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➡ must request a variance for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable, from the State Board by providing a written statement that includes the reasons for the request, the

justification for exceeding the applicable prescribed ratio of pupils per class and a plan of actions that the school district will take to reduce the ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. The State Board shall, on a quarterly basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding quarter and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.

6. The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:

(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

7. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed ~~full-time~~ **full-time**;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) **The number of substitute teachers filling vacancies or long-term positions;**

~~(d)~~ **(d)** The number of pupils enrolled; and

~~(e)~~ **(e)** The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

↪ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

8. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 2. NRS 388.890 is hereby amended to read as follows:

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher and specialized instructional support personnel in the public schools of this State for kindergarten and grades 1 to

12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher or specialized instructional support personnel, as applicable, in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel for each kind of public school described in NRS 388.020;

(c) Be based on evidence-based national standards ~~[- and]~~ **set forth by the licensing body for teachers and the licensing body for each type of specialized instructional support personnel;**

(d) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners ~~[-]; and]~~

(e) **Require that administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom may not be counted in determining the ratio of pupils per licensed teacher** ~~[-]; and]~~

(f) **Count only teachers who are actively teaching pupils during a class period and teach a subject, and are the teacher of record assigned to the classroom of pupils, for which the ratio of pupils per licensed teacher is being determined.**

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

5. The board of trustees of ~~each]~~ **a school district with one or more schools that exceed the recommended ratio of pupils to specialized instructional support personnel** shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.

6. **On or before February 1 of each odd-numbered year, the board of trustees of each school district shall submit a report on the progress of the school district in obtaining the ratio of pupils per licensed teacher and specialized instructional support personnel recommended pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.**

7. As used in this section:

(a) “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) “Specialized instructional support personnel” includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

- (1) A school counselor;
- (2) A school psychologist;
- (3) A school social worker;
- (4) A school nurse;
- (5) A speech-language pathologist;
- (6) A school library media specialist; and
- (7) Any other qualified professional.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the board of trustees of a school district shall determine the number of job vacancies based on the number of licensed teachers needed to achieve the recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890. A position held by a full-time substitute teacher shall be considered vacant for the purposes of this section.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district the number of positions within the school district that are held by full-time substitute teachers ~~for teachers employed through Teach for America, or its successor organization,~~ and teachers licensed or working towards obtaining a license through an alternative route to licensure.

3. On or before February 1 of each even-numbered year, the board of trustees of each school district shall report to the Legislative Committee on Education the:

(a) Number of teachers employed by the school district who are working towards obtaining a license by participating in a program for an alternative route to licensure;

(b) The name of each program for an alternative route to licensure in which teachers employed by the school district are participating;

(c) The number of teachers employed by the school district who are participating in each program for an alternative route to licensure identified pursuant to paragraph (b);

(d) The demographic information of teachers employed by the school district who are participating in each program for an alternative route to licensure;

(e) The rate of completion of teachers employed by the school district in each program for an alternative route to licensure identified pursuant to paragraph (b); and

(f) The rate of retention by the school district of teachers who participate in each program for an alternative route to licensure.

Sec. 4. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

(f) Require a person who evaluates a teacher responsible for a ~~class~~ number of pupils that exceeds the applicable recommended ~~ratios~~ ratio of

pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 to, ~~if the teacher conducts a self-evaluation~~ under the statewide performance evaluation system, award the teacher ~~the score the teacher awarded to himself or herself on any criteria that are directly affected by class size. A teacher who conducts a self-evaluation shall describe the reasoning of the teacher for awarding the score the teacher awarded to himself or herself for any criteria that are directly affected by class size.~~ an additional weight for criteria relating to learning and engagement by pupils that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 277.

Bill read second time.

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

Amendment No. 370.

AN ACT relating to insurance; requiring the amount paid by an insurance company for the coverage of certain medical expenses resulting from the crash of a passenger car to be based on the ~~usual and customary~~ actual charges ~~for the locality where the medical expenses were~~ incurred; providing that an insured person may request that certain payments made to the insured person be deposited to the trust account maintained by the attorney of the insured person; revising provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for personal injury asserted under a policy of insurance covering certain motor vehicles ~~and~~ and motorcycles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires insurance companies transacting motor vehicle insurance in this State to offer to insured persons the option of purchasing coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expense resulting from a crash. Under existing law, this option only applies to policies that cover passenger cars. (NRS 687B.145) If an insured person purchases this option, **section 1** of this bill requires that the amount paid by the insurance company to cover medical expenses resulting from the crash of a passenger car be based on the ~~usual and customary~~ **actual** charges ~~[for the locality where the medical expenses were]~~ incurred. **Section 1** defines ~~["usual and customary"]~~ **"actual charges ["] incurred"** to mean the ~~usual and customary~~ charges that a provider of health care would bill an uninsured patient ~~[]~~ **in the locality where the medical expenses were incurred.** Finally, **section 1** provides that any such payment made to an insured person by the insurance company may be deposited to the trust account maintained by the attorney of the insured person under certain circumstances. **Section 1** provides that such a deposit to a trust account can only occur if the insured person requests in writing that payment be deposited to the trust account.

Section 2 of this bill ~~[authorizes]~~ **requires the insurer of** a party against whom a claim is asserted for personal injury under a policy of motor vehicle insurance covering a passenger car ~~[to require]~~ **or a motorcycle to immediately disclose to the claimant all pertinent facts or provisions of the policy relating to any coverage at issue, including policy limits. Section 2 requires an insurer to disclose policy limits by certain means. Section 2 requires** the claimant or the claimant's attorney to provide to the party or the party's attorney and the insurer, not more than once every 90 days, all medical reports, records and bills concerning the claim. **Section 2** provides that in lieu of the claimant or the claimant's attorney providing such reports, records and bills, the claimant or the claimant's attorney may provide a written authorization to allow the party or the party's attorney and the insurer to receive the reports, records and bills from the claimant's provider of health care. If the reports, records and bills are provided pursuant to a written authorization, **section 2** authorizes the claimant or the claimant's attorney to request copies of all such reports, records and bills from the party, the party's attorney or the insurer. ~~[Section 2 also requires that upon the request of any claimant who has asserted a claim for personal injury compensation under a policy of motor vehicle insurance covering a passenger car, the insurer who issued the policy must immediately disclose to the claimant all pertinent facts or provisions of the policy relating to any coverage at issue, including policy limits. Section 2 requires an insurer to disclose policy limits by certain means and provides that an insurer may, but is not required to, obtain the consent or permission of the insured for the disclosure of the policy limits.]~~

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

Section 1. NRS 687B.145 is hereby amended to read as follows:

687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to the insured under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.

2. Except as otherwise provided in subsection 5, insurance companies transacting motor vehicle insurance in this State must offer, on a form approved by the Commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer which the insured is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator. If an insured suffers actual damages subject to the limitation of liability provided pursuant to NRS 41.035, underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer for the actual damages suffered by the insured that exceed that limitation of liability.

3. An insurance company transacting motor vehicle insurance in this State must offer an insured under a policy covering the use of a passenger car, the option of purchasing coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from a crash. The offer must be made on a form approved by the Commissioner. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. ***If an insured purchases***

coverage in an amount of at least \$1,000 for the payment of reasonable and necessary medical expenses resulting from a crash and an applicable claimant seeks the payment of reasonable and necessary medical expenses resulting from a crash, the amount paid by the insurance company must be based on the ~~usual and customary~~ actual charges ~~for the locality where the medical expenses were~~ incurred. If the claimant is represented by an attorney, any payment made to the claimant pursuant to this section may be deposited to the trust account maintained by the attorney of the claimant if the claimant requests in writing that the payment be deposited to the trust account.

4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 690B.020 with respect to uninsured vehicle coverage. As used in this subsection, “damages” means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist’s policy of casualty insurance.

5. An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.

6. As used in this section:

(a) *“Actual charges incurred” means the charges that an applicable provider of health care would bill an uninsured patient for the applicable health care services. The term does not include charges which the provider of health care would bill based upon any discounts or reduced rates resulting from any:*

(1) Policy of health insurance; or

(2) Payment rates or schedules for Medicare, Medicaid or any other similar public welfare program.

(b) “Excess policy” means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.

~~[(b)]~~ *(c)* *“Health care services” has the meaning ascribed to it in NRS 695G.022.*

~~[(c)]~~ *(d)* *“Passenger car” has the meaning ascribed to it in NRS 482.087.*

~~[(c)]~~ ~~[(d)]~~ *(e)* *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

~~[(e)]~~ *(f)* *“Umbrella policy” means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.*

~~[(f) “Usual and customary charges” mean the usual and customary charges that an applicable provider of health care would bill an uninsured patient for the applicable health care services in the locality where the medical expenses were incurred. The term does not include charges which the provider of health care would bill based upon any discounts or reduced rates resulting from any:~~

~~— (1) Policy of health insurance; or~~

~~— (2) Payment rates or schedules for Medicare, Medicaid or any other similar public welfare program.]~~

Sec. 2. NRS 690B.024 is hereby amended to read as follows:

690B.024 1. ~~Any~~ Except as otherwise provided in subsection 2, The insurer of any party against whom a claim is asserted for compensation or damages for [any mental or physical] personal injury under a policy of motor vehicle insurance covering a passenger car [may require] or motorcycle shall immediately disclose to the claimant all pertinent facts or provisions of the policy relating to any coverage at issue, including, without limitation, policy limits. An insurer shall disclose policy limits by sending to the electronic mail address or mailing to the postal address of the claimant or any attorney representing the claimant a copy of the policy, including, without limitation, the declarations page of the policy.

↪ The insurer may redact personal and private information from the declarations page of the policy.

2. Except as otherwise provided in this subsection, the claimant or any attorney representing the claimant ~~to~~ shall provide to the party or any attorney of the party and to the insurer of the party, not more than once every 90 days, all medical reports, records and bills concerning the claim.

~~—2—~~ In lieu of providing medical reports, records and bills pursuant to this subsection, ~~the~~ the claimant or any attorney representing the claimant may provide to the party or any attorney of the party and to the insurer a written authorization to receive ~~all~~ the medical reports, records and bills [related to the claim] from the [providers] provider of health care. [An authorization so provided may not be revoked without cause.

~~—2—~~ 3. At the written request of the claimant or the attorney of the claimant, copies of all medical reports, records and bills obtained by a written authorization pursuant to subsection ~~1~~ 2 must be provided to the claimant or the attorney of the claimant within 30 days after the date they are received by the party, any attorney of the party or the insurer. If the claimant or the attorney of the claimant makes a written request for the medical reports, records and bills, the claimant or the attorney of the claimant shall pay for the reasonable costs of copying the medical reports, records and bills.

~~{3. Within 10 days after receipt of a written authorization pursuant to subsection 1,~~

~~4. Upon the request of any claimant who has asserted a claim for compensation or damages for personal injury under a policy of motor vehicle insurance covering a passenger car, the insurer who issued the policy~~

specified in subsection 1 shall, upon request, provide ~~immediately disclose to the claimant or any attorney representing the claimant with all pertinent facts or provisions of the policy relating to any coverage at issue, including policy limits.~~

4. ~~The provisions of subsections 1, 2 and 3 cease to apply upon the commencement of an action in court arising from a claim asserted under a policy of motor vehicle insurance. An insurer shall disclose policy limits by sending to the electronic mail address or mailing to the postal address of the claimant a copy of the policy, including, without limitation, the declarations page of the policy and any other document of the policy showing the policy limits. The insurer may, but is not required to, obtain the consent or permission of the party covered by the policy for the disclosure of the policy limits.~~

~~5.~~ As used in this section ~~the~~ “provider” :

(a) “Motorcycle” has the meaning ascribed to it in NRS 482.070.

(b) “Passenger car” has the meaning ascribed to it in NRS 482.087.

~~(b)~~ (c) “Provider of health care” has the meaning ascribed to it in NRS 629.031.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 278.

Bill read second time and ordered to third reading.

Assembly Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 128.

AN ACT relating to motor vehicles; requiring that certain records maintained by short-term lessors be made available to the Department of Taxation, the Department of Motor Vehicles and certain local government employees upon request; authorizing certain records maintained by short-term lessors, brokers and dealers of vehicles to be maintained electronically; **requiring a dealer or broker of vehicles to provide certain records upon request at the address specified in the request;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, short-term lessors of motor vehicles are required to maintain a publicly accessible record of the identity of a short-term lessee and the time that the vehicle is subject to the lease or in possession of the short-term lessee. (NRS 482.315) **Section 1** of this bill requires that such records instead be made available to the Department of Taxation, the Department of

Motor Vehicles and certain local government employees upon request. **Section 1** additionally authorizes such a record to be maintained electronically and requires that such electronic records be made available within ~~{72 hours}~~ **3 business days** upon request, unless the Executive Director of the Department of Taxation provides by regulation for a different period.

Under existing law, a dealer of motor vehicles is required to keep the books and records for all locations at which the dealer does business within a county at his or her principal place of business in that county. A broker of motor vehicles is required to keep the books and records at his or her principal place of business. (NRS 482.3263) **Section 2** of this bill authorizes a broker or dealer to maintain such books and records electronically ~~[. Section 2 also eliminates the requirement that such books and records be provided upon request at the location specified in the request.] and provides that not later than 3 business days after receiving a request for the production of such books and records or any other information or the electronic copies thereof, the dealer or broker is required to provide the requested electronic copies or books, records and other information at the address specified in the request.~~

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

Section 1. NRS 482.315 is hereby amended to read as follows:

482.315 1. Every person engaged in business as a short-term lessor shall ~~{maintain}~~ :

(a) *Maintain* a record of the identity of each short-term lessee and the exact time the vehicle is the subject of such lease or in the possession of the short-term lessee ~~{~~

~~— 2. — Every}~~ ; and

(b) *Make each* such record ~~{is a public record and open to inspection by any person.}~~ *available upon request to:*

(1) *The Department of Taxation;*

(2) *The Department of Motor Vehicles; and*

(3) *A local government employee that requests the record in relation to compliance with local government ordinances or rules concerning local business licenses.*

2. *A person engaged in business as a short-term lessor may maintain the record required in this section electronically. Unless the Executive Director of the Department of Taxation provides by regulation for a different period, any such electronic record must be made available within ~~{72 hours}~~ 3 business days after a request of:*

(a) *The Department of Taxation;*

(b) *The Department of Motor Vehicles; or*

(c) *A local government employee that requests the record in relation to compliance with local government ordinances or rules concerning local business licenses.*

3. If the Executive Director of the Department of Taxation prescribes a form for the keeping of the record ~~provided for~~ **required** in this section, the short-term lessor shall use the form.

4. It shall be a misdemeanor for any such short-term lessor to fail to make or possess or to refuse ~~an inspection of~~ **to make available** the record required in this section.

5. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as the Executive Director determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record described in this section.

Sec. 2. NRS 482.3263 is hereby amended to read as follows:

482.3263 1. A dealer shall keep his or her books and records for all locations at which the dealer does business within a county at his or her principal place of business in that county ~~or~~ **or maintain his or her books and records electronically**. A broker shall keep his or her books and records at his or her principal place of business ~~or~~ **or maintain his or her books and records electronically**.

2. Each dealer and broker shall:

(a) Permit any authorized agent of the Director or the State of Nevada to inspect and copy the books and records **or make such records available electronically** during usual business hours; or

(b) Not later than 3 business days after receiving a request from such a person for the production of the books and records or any other information ~~or~~ **or the electronic copies thereof**, provide the requested books, records and other information **or electronic copies** to the person ~~at the location specified in the request~~.

3. A dealer or broker shall retain the books and records for 3 years after he or she ceases to be licensed as a dealer or broker.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 333.

AN ACT relating to crimes; prohibiting a person from possessing a firearm on a covered premises under certain circumstances; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers under certain circumstances; prohibiting a person from engaging in certain acts relating to firearms which are not imprinted with a serial number under certain circumstances; revising provisions relating to the confiscation and disposal of

dangerous weapons; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for a person to go upon the land or into any building of another person in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant not to trespass. (NRS 207.200) **Section 2** of this bill establishes similar provisions which make it unlawful for a person to possess a firearm on a covered premises without the written consent of the owner or operator of the covered premises or an agent thereof after being warned by the owner, operator or agent that possessing the firearm on the covered premises is prohibited. **Section 2** defines "covered premises" as real property ~~that serves as certain venues, establishments, facilities and any real property extending to the property line~~ owned or operated by a person who holds a nonrestricted gaming license, or any affiliate thereof.

Section 2 provides that, for the purpose of determining whether a person has been given a sufficient warning against the possession of a firearm, the owner or occupant of the covered premises or an agent thereof may ~~[(1) conspicuously]~~ post a sign which meets certain specifications at each public entrance of the covered premises, ~~[which contains specific language relating to the prohibition on firearms; or (2)]~~ Section 2 also provides that, in addition to posting the sign, if the covered premises is a public accommodation facility, the covered premises may provide guests at the time of check-in with documentation containing specific language relating to the prohibition on firearms. Upon the posting of the sign, ~~[or implementation of a policy for the provision of the documentation,]~~ section 2 requires the owner, operator or agent to inform ~~[(a)]~~ the respective law enforcement agency of the warning relating to the prohibition on firearms at the covered premises.

Section 2 provides that any person who possesses a firearm in such an unlawful manner: (1) for the first offense, is guilty of a misdemeanor; (2) for the second offense, is guilty of a gross misdemeanor; and (3) for the third or any subsequent offense, is guilty of a category E felony. **Section 9** of this bill adds an exception to the crime of trespass for application of the greater penalties prescribed by **section 2**.

Existing law establishes procedures for the disposal of certain dangerous instruments and weapons taken from the possession of a person charged with the commission of a public offense or crime or a child charged with committing a delinquent act. (NRS 202.340) **Section 8** of this bill requires firearms confiscated from the possession of a person who commits a third or subsequent violation of **section 2** to be disposed of in the manner provided for dangerous instruments and weapons.

Section 3 of this bill prohibits a person from possessing, ~~[selling, offering to sell, transferring,]~~ purchasing, transporting or receiving an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required to be, and has been, imprinted

with a serial number. **Section 3** provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Similarly, section 3.5 of this bill prohibits a person from selling, offering to sell or transferring an unfinished frame or receiver unless the person: (1) is a firearms importer or manufacturer and the recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required to be, and has been, imprinted with a serial number. Section 3.5 provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Section 4 of this bill prohibits a person from manufacturing or causing to be manufactured or assembling or causing to be assembled a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless the firearm is: (1) rendered permanently inoperable; (2) an antique; or (3) a collector's item, curio or relic. **Section 4** provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Similarly, **section 5** of this bill prohibits a person from possessing, selling, offering to sell, transferring, purchasing, transporting or receiving a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless: (1) the person is a law enforcement agency or a firearms importer or manufacturer; or (2) the firearm is rendered permanently inoperable or is an antique, collector's item, curio or relic. **Section 5** provides that a person who commits such an unlawful act: (1) for the first offense, is guilty of a gross misdemeanor; and (2) for the second or any subsequent offense, is guilty of a category D felony.

Section 6 of this bill defines the terms "antique firearm," "firearms importer or ~~manufacturer.~~" **manufacturer" and "unfinished frame or receiver."** **Section 7** of this bill makes a conforming change relating to the new definitions.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *A person shall not possess a firearm on a covered premises without the written consent of the owner or operator of the covered premises or*

an agent thereof after having been warned by the owner, operator or agent that the person is prohibited from possessing the firearm on the covered premises.

2. A sufficient warning against possessing a firearm on a covered premises, within the meaning of this section, is given by ~~any of the following methods:~~

~~(a) Posting a sign in a conspicuous place~~ posting at each public entrance of the covered premises which contains the following language printed in contrasting colors and in block letters measuring at least 1 inch in height: "Firearms are prohibited on this property unless the person wishing to possess the firearm has obtained the written consent of the owner or operator of this property or an agent thereof."

~~(b) If~~ (b) If ^[OBJ] the following sign, which must be not less than 8 1/2 inches in width by 11 inches in height:



3. In addition to posting the sign prescribed by subsection 2, if the covered premises is a public accommodation facility, ~~providing~~ the covered premises may provide guests at the time of check-in with a document which contains the language: "Firearms are prohibited on this property unless the person wishing to possess the firearm has obtained the written consent of the owner or operator of this property or an agent thereof."

~~4. Upon the posting of the sign described in paragraph (a) of~~ 4. Upon the posting of the sign prescribed by subsection 2 for the implementation of a policy for the provision of the documentation described in paragraph (b) of subsection 2, at each public entrance of the covered premises, the owner or operator of the covered premises or the agent thereof shall inform a law enforcement agency with jurisdiction over a violation of subsection 1 that a sufficient warning within the meaning of this section is being provided on the covered premises.

~~5. A person who violates subsection 1:~~

- (a) For the first offense, is guilty of a misdemeanor;
- (b) For the second offense, is guilty of a gross misdemeanor; and
- (c) For the third or any subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~5.1~~ 6. This section:

(a) Except as otherwise provided in paragraph (b), applies to any person entering a covered premises, including, without limitation, any person who is the holder of a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive.

(b) Does not apply to:

(1) ~~4.1~~ A security guard of a covered premises or an officer of a law enforcement agency who is required to carry a firearm as part of his or her official duties and who is acting in his or her official capacity at the time of possessing the firearm on the covered premises;

(2) A residential unit owner who:

(I) Carries or stores a firearm in his or her unit;

(II) Carries a firearm directly to his or her unit from a location where he or she is authorized to carry or store a firearm under this subparagraph or from his or her unit to a location where he or she is authorized to carry or store a firearm under this subparagraph;

(III) Carries or stores a ~~handgun~~ firearm in his or her vehicle located in a parking area designated for the residential unit owner; or

(IV) Carries a ~~handgun~~ firearm directly to his or her vehicle located in a parking area designated for the residential unit owner from a location where he or she is authorized to carry or store a firearm under this subparagraph or from such a vehicle to a location where he or she is authorized to carry or store a firearm under this subparagraph ~~1.1~~;

(3) A guest of a public accommodation facility who:

(I) Purchases a firearm at a trade show in this State;

(II) Transports the purchased firearm directly from the trade show to the public accommodation facility in accordance with all applicable laws;

(III) Enters the public accommodation facility with the firearm unloaded and contained within a bag; and

(IV) Notifies the public accommodation facility in writing that his or her bag contains an unloaded firearm ~~1.1~~

~~6.1~~ ; or

(4) If a major purpose of a trade show is the feature of firearms, an employee or operator of the tradeshow who:

(I) Possesses or displays a firearm at the trade show while acting in his or her official capacity as an employee or operator of the trade show; and

(II) Transports an operable or inoperable firearm directly between a parking garage, parking structure or staging area and the trade show.

7. Nothing in this section shall:

(a) Prohibit or restrict a rule, policy or practice of an owner or operator of a covered premises concerning or prohibiting the presence of firearms on the covered premises; or

(b) Require an owner or operator of a covered premises to adopt a rule, policy or practice concerning or prohibiting the presence of firearms on the covered premises.

~~77~~ 8. As used in this section:

~~(a) "Club venue" means a venue, including, without limitation, a pool venue, that:~~

~~(1) Prohibits patrons under 21 years of age from entering the premises;~~

~~(2) Is licensed to serve alcohol;~~

~~(3) Allows dancing; and~~

~~(4) Offers live music, a disc jockey or an emcee.~~

~~(b) "Condominium hotel" has the meaning ascribed to it in NRS 116B.060.~~

~~(c) "Consent" does not include consent that is induced by force, threat or fraud.~~

~~(d) (b) "Covered premises" means:~~

~~(1) Any real property that serves as:~~

~~(I) A club venue;~~

~~(II) A golf course;~~

~~(III) A licensed gaming establishment;~~

~~(IV) A motion picture theater;~~

~~(V) A place of religious worship;~~

~~(VI) A public accommodation facility;~~

~~(VII) A shopping mall; or~~

~~(VIII) A stadium, arena, concert hall, theater, showroom or any other facility used for live entertainment or a sporting event; and~~

~~(2) Any real property extending to the property line of any property described in subparagraph (1), owned or operated by a person who holds a nonrestricted license, as defined in NRS 463.0177, or any affiliate thereof. The term includes, without limitation any tenant of the real property or establishment located within the bounds of the real property.~~

~~(e) (c) "Law enforcement agency" has the meaning ascribed to it in NRS 289.010.~~

~~(f) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.~~

~~(g) "Public accommodation facility" means a hotel and casino, resort, hotel, condominium hotel, motel, hostel, bed and breakfast facility or other facility offering rooms or areas to the public for monetary compensation or other financial consideration on an hourly, daily or weekly basis.~~

~~(h) (d) "Official capacity" includes, without limitation, the observance of a meal or other authorized break.~~

~~(e) "Public entrance" includes, without limitation, a parking lot or parking structure.~~

(f) “Residential unit owner” has the meaning ascribed to it in NRS 116B.205.

~~[(i) “Shopping mall” includes any area or premises where multiple vendors assemble for the primary purpose of selling goods.]~~

(g) “Trade show” means an event of limited duration primarily attended by members of a particular trade or industry for the purpose of exhibiting their merchandise or services or discussing matters of interest to members of that trade or industry.

Sec. 3. 1. A person shall not possess, ~~sell, offer to sell, transfer,~~ purchase, transport or receive an unfinished frame or receiver unless:

(a) The person is a firearms importer or manufacturer; or

(b) The unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by ~~any~~ a firearms importer or manufacturer and the unfinished frame or receiver has been imprinted with the serial number.

2. A person who violates this section:

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

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[3. As used in this section, “unfinished frame or receiver” means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire control cavity area of the blank, casting or machined body is still completely solid and unmachined.]~~

Sec. 3.5. 1. A person shall not sell, offer to sell or transfer an unfinished frame or receiver unless:

(a) The person is:

(1) A firearms importer or manufacturer; and

(2) The recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or

(b) The unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by an importer or manufacturer and the unfinished frame or receiver has been imprinted with the serial number.

2. A person who violates this section:

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

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 4. 1. A person shall not manufacture or cause to be manufactured or assemble or cause to be assembled a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless the firearm:

- (a) *Has been rendered permanently inoperable;*
- (b) *Is an antique firearm; or*
- (c) *Has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.*

2. *A person who violates this section:*

- (a) *For the first offense, is guilty of a gross misdemeanor; and*
- (b) *For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. *As used in this section:*

- (a) *"Assemble" means to fit together component parts.*
- (b) *"Manufacture" means to fabricate, make, form, produce or construct by manual labor or machinery.*

Sec. 5. 1. *A person shall not possess, sell, offer to sell, transfer, purchase, transport or receive a firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless:*

(a) *The person is:*

- (1) *A law enforcement agency; or*
- (2) *A firearms importer or manufacturer; or*

(b) *The firearm:*

- (1) *Has been rendered permanently inoperable;*
- (2) *Is an antique firearm; or*
- (3) *Has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.*

2. *A person who violates this section:*

- (a) *For the first offense, is guilty of a gross misdemeanor; and*
- (b) *For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. *As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.*

Sec. 6. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~§~~, and sections 2 to 5, inclusive, of this act:

1. *"Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).*

2. *"Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.*

~~§2-1~~ 3. *"Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.*

~~§3-1~~ 4. *"Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.*

~~{4-}~~ 5. “Firearms importer or manufacturer” means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. “Machine gun” means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

~~{5-}~~ 7. “Motor vehicle” means every vehicle that is self-propelled.

~~{6-}~~ 8. “Semiautomatic firearm” means any firearm that:

- (a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;
- (b) Requires a separate function of the trigger to fire each cartridge; and
- (c) Is not a machine gun.

9. “Unfinished frame or receiver” means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 7. NRS 202.2548 is hereby amended to read as follows:

202.2548 The provisions of NRS 202.2547 do not apply to:

1. The sale or transfer of a firearm by or to any law enforcement agency and, to the extent he or she is acting within the course and scope of his or her employment and official duties, any peace officer, security guard entitled to carry a firearm under NAC 648.345, member of the armed forces or federal official.

2. The sale or transfer of an antique firearm . ~~{, as defined in 18 U.S.C. § 921(a)(16)-}~~

3. The sale or transfer of a firearm between immediate family members, which for the purposes of this section means spouses and domestic partners and any of the following relations, whether by whole or half blood, adoption, or step-relation: parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces and nephews.

4. The transfer of a firearm to an executor, administrator, trustee or personal representative of an estate or a trust that occurs by operation of law upon the death of the former owner of the firearm.

5. A temporary transfer of a firearm to a person who is not prohibited from buying or possessing firearms under state or federal law if such transfer:

- (a) Is necessary to prevent imminent death or great bodily harm; and
- (b) Lasts only as long as immediately necessary to prevent such imminent death or great bodily harm.

6. A temporary transfer of a firearm if:

- (a) The transferor has no reason to believe that the transferee is prohibited from buying or possessing firearms under state or federal law;
- (b) The transferor has no reason to believe that the transferee will use or intends to use the firearm in the commission of a crime; and

(c) Such transfer occurs and the transferee's possession of the firearm following the transfer is exclusively:

(1) At an established shooting range authorized by the governing body of the jurisdiction in which such range is located;

(2) At a lawful organized competition involving the use of a firearm;

(3) While participating in or practicing for a performance by an organized group that uses firearms as a part of the public performance;

(4) While hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for such hunting or trapping; or

(5) While in the presence of the transferor.

Sec. 8. NRS 202.340 is hereby amended to read as follows:

202.340 1. Except as otherwise provided for firearms forfeitable pursuant to NRS 453.301, when any instrument or weapon described in NRS 202.350 is taken from the possession of any person charged with the commission of any public offense or crime or any child charged with committing a delinquent act ~~††~~ *or when any firearm is taken from the possession of any person charged with a third or subsequent violation of section 2 of this act*, the instrument , ~~††~~ weapon *or firearm* must be surrendered to:

(a) The head of the police force or department of an incorporated city if the possession thereof was detected by any member of the police force of the city; or

(b) The chief administrator of a state law enforcement agency, for disposal pursuant to NRS 333.220, if the possession thereof was detected by any member of the agency.

↪ In all other cases, the instrument , ~~††~~ weapon *or firearm* must be surrendered to the sheriff of the county or the sheriff of the metropolitan police department for the county in which the instrument , ~~††~~ weapon *or firearm* was taken.

2. Except as otherwise provided in subsection 5, the governing body of the county or city or the metropolitan police committee on fiscal affairs shall at least once a year order the local law enforcement officer to whom any instrument , ~~††~~ weapon *or firearm* is surrendered pursuant to subsection 1 to:

(a) Retain the confiscated instrument , ~~††~~ weapon *or firearm* for use by the law enforcement agency headed by the officer;

(b) Sell the confiscated instrument , ~~††~~ weapon *or firearm* to another law enforcement agency;

(c) Destroy or direct the destruction of the confiscated instrument , ~~††~~ weapon *or firearm* if it is not otherwise required to be destroyed pursuant to subsection 5;

(d) Trade the confiscated instrument , ~~††~~ weapon *or firearm* to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency's duties; or

(e) Donate the confiscated instrument , ~~for~~ weapon **or firearm** to a museum, the Nevada National Guard or, if appropriate, to another person for use which furthers a charitable or public interest.

3. All proceeds of a sale ordered pursuant to subsection 2 by:

(a) The governing body of a county or city must be deposited with the county treasurer or the city treasurer and the county treasurer or the city treasurer shall credit the proceeds to the general fund of the county or city.

(b) A metropolitan police committee on fiscal affairs must be deposited in a fund which was created pursuant to NRS 280.220.

4. Any officer receiving an order pursuant to subsection 2 shall comply with the order as soon as practicable.

5. Except as otherwise provided in subsection 6, the officer to whom a confiscated instrument , ~~for~~ weapon **or firearm** is surrendered pursuant to subsection 1 shall:

(a) Except as otherwise provided in paragraph (c), destroy or direct to be destroyed any instrument , ~~for~~ weapon **or firearm** which is determined to be dangerous to the safety of the public.

(b) Except as otherwise provided in paragraph (c), return any instrument , ~~for~~ weapon ~~or~~ **firearm** which has not been destroyed pursuant to paragraph (a):

(1) Upon demand, to the person from whom the instrument , ~~for~~ weapon **or firearm** was confiscated if the person is acquitted of the public offense or crime of which the person was charged; or

(2) To the legal owner of the instrument , ~~for~~ weapon **or firearm** if the Attorney General or the district attorney determines that the instrument , ~~for~~ weapon **or firearm** was unlawfully acquired from the legal owner. If retention of the instrument , ~~for~~ weapon **or firearm** is ordered or directed pursuant to paragraph (c), except as otherwise provided in paragraph (a), the instrument , ~~for~~ weapon **or firearm** must be returned to the legal owner as soon as practicable after the order or direction is rescinded.

(c) Retain the confiscated instrument , ~~for~~ weapon **or firearm** held by the officer pursuant to an order of a judge of a court of record or by direction of the Attorney General or district attorney that the retention is necessary for purposes of evidence, until the order or direction is rescinded.

(d) Return any instrument , ~~for~~ weapon **or firearm** which was stolen to its rightful owner, unless the return is otherwise prohibited by law.

6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument , ~~for~~ weapon **or firearm** shall submit a full description of the instrument , ~~for~~ weapon **or firearm** to a laboratory which provides forensic services in this State. The director of the laboratory shall determine whether the instrument , ~~for~~ weapon ~~or~~ **firearm**:

(a) Must be sent to the laboratory for examination as part of a criminal investigation; or

(b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.

Sec. 9. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603 ~~or~~ **or section 2 of this act**, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,

➔ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) Painting with fluorescent orange paint:

(1) Not less than 50 square inches of a structure or natural object or the top 12 inches of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) Fencing the area;

(c) Posting “no trespassing” signs or other notice of like meaning at:

(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 500 feet; and

(2) Each corner of the land, upon or near the boundary;

(d) Using the area as cultivated land; or

(e) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section:

(a) “Cultivated land” means land that has been cleared of its natural vegetation and is presently planted with a crop.

(b) “Fence” means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.

(c) “Guest” means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

Sec. 10. 1. This section and sections 1 to 4, inclusive, and 6 to 9, inclusive, of this act become effective ~~on October 1, 2021,~~ **upon passage and approval.**

2. Section 5 of 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. 287.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 209.

AN ACT relating to health care; **revising certain terminology relating to pregnancy and birth;** providing for the licensing and regulation of freestanding birthing centers; requiring a freestanding birthing center to perform certain screening, report certain information to the local health officer and make certain information available to the Chief Medical Officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to the registration of a birth and the care of a person who is pregnant or a newborn infant. (NRS 440.280, 440.340, 440.740, 440.770, 442.008, 442.030-442.110, 442.600-442.680) Sections 1 and 3 of this bill define the term "midwife" for those purposes to include a Certified Professional Midwife, a Certified Nurse-Midwife or any other type of midwife. Sections 1.3-2.9, 4, 5, 6.3, 6.7, 7.2-7.7, 8.5, 9.3, 9.7 and 33.5 of this bill replace the term "mother" with references to a person who is pregnant, a person giving birth, a person who gave birth or a person who has given birth, as appropriate, for purposes relating to vital statistics, maternal and child health and medical facilities and related entities. Section 22 of this bill replaces the term "gender transition" with the term "gender-affirming surgery." Section 23 of this bill replaces a reference to lesbian, gay, bisexual, transgender and questioning persons with a reference to persons with various sexual orientations and gender identities and expressions.

Existing law: (1) defines the term "obstetric center" to mean a facility that is not part of a hospital and provides services for normal, uncomplicated births; and (2) provides for the regulation of an obstetric center as a medical facility. (NRS 449.0155, 449.0302) **Sections 3 and 11** of this bill define the term "freestanding birthing center" to mean a facility that provides maternity care and birthing services in a location similar to a residence. **Section 14** of this bill clarifies that a freestanding birthing center is not subject to the same requirements as an obstetric center. **Section 12** of this bill requires the State Board of Health to adopt regulations providing for the licensure of

freestanding birthing centers separately from medical facilities. **Section 12** also: (1) requires a freestanding birthing center to be located within 30 miles of a hospital that offers services relating to pregnancy; and (2) prohibits the performing of surgery at a freestanding birthing center. **Sections 13 and 15** of this bill make conforming changes to indicate the proper placement of **sections 11 and 12** in the Nevada Revised Statutes. **Sections 17, 18, 20, 25-29 and 31-33** of this bill authorize certain actions to enforce provisions governing freestanding birthing centers. **Sections 16, 19, 21-24 and 30** of this bill make various other changes to ensure that freestanding birthing centers are treated similarly to other licensed facilities that provide health-related services.

Existing law requires the Board to develop and distribute to each hospital and obstetric center in the State forms for a voluntary acknowledgement of paternity or parentage. (NRS 440.283, 440.285) **Sections ~~11~~ 1.9 and 2** of this bill additionally require the Board to distribute these forms to each freestanding birthing center.

Existing law requires certain persons and entities that provide care for pregnant women and newborn infants to: (1) screen a newborn infant for certain conditions; (2) report information concerning certain conditions to the local health officer; and (3) make certain information concerning birth defects available to the Chief Medical Officer. (NRS 442.008, 442.040, 442.325, 442.610, 442.680) **Sections 4, 5 and 7-9** of this bill make these requirements applicable to freestanding birthing centers. **Section 6** of this bill provides for the imposition of a fine against a freestanding birthing center that fails to perform the required screening for ophthalmia neonatorum.

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

Section 1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, “midwife” means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

2. Any other type of midwife.

Sec. 1.3. NRS 440.030 is hereby amended to read as follows:

440.030 As used in this chapter, “live birth” means a birth in which the child shows evidence of life after complete birth. A birth is complete when the child is entirely outside the ~~mother,~~ **person giving birth,** even if the cord is uncut and the placenta still attached. The words “evidence of life” include heart action, breathing or coordinated movement of voluntary muscle.

Sec. 1.6. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the ~~mother,~~ **person giving birth** and child are immediately transported to a hospital, the person in charge

of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the ~~mother~~ person giving birth and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The ~~father, mother~~ person giving birth or ~~if~~ other parent, or if the ~~father~~ other parent is absent and the ~~mother~~ person giving birth is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the ~~mother~~ person giving birth was:

(a) Married at the time of birth, the name of ~~her~~ the spouse of that person must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the ~~mother's~~ spouse of the person giving birth is the other parent of the child; or

(2) The ~~mother~~ person giving birth and a person other than the ~~mother's~~ spouse of the person giving birth have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of ~~her~~ the spouse of the person giving birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the ~~mother's~~ spouse of the person giving birth at the time of conception is the other parent of the child; or

(2) The ~~mother~~ person giving birth and a person other than the ~~mother's~~ spouse of the person giving birth at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the ~~mother~~ **person giving birth** was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

- (a) The provisions of paragraph (b) of subsection 5 are applicable;
- (b) A court has issued an order establishing that the person is the other parent of the child; or
- (c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

~~Section 1.1~~ **Sec. 1.9.** NRS 440.283 is hereby amended to read as follows:

440.283 1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the declarations to:

(1) Each hospital, ~~for~~ obstetric center ***or freestanding birthing center*** in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer to provide services relating to the voluntary acknowledgment of paternity in

the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing a declaration for the acknowledgment of paternity to the ~~mother of~~ person who gave birth to a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of subsection 1 shall ensure that the ~~mother~~ person who gave birth and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of paternity.

Sec. 2. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of parentage in this State; and

(b) Distribute the declarations to each hospital, ~~for~~ obstetric center *or freestanding birthing center* in this State.

2. Before providing a declaration for the acknowledgment of parentage to the ~~mother of~~ person who gave birth to a child or a person who wishes to acknowledge the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that the ~~mother~~ person who gave birth and the person who wishes to acknowledge parentage are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage.

Sec. 2.3. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a ~~mother~~ person who has given birth or a person who has signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the ~~mother~~ person who has given birth rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity or parentage, as applicable, unless a court issues an order establishing that the person who acknowledged paternity or parentage, as applicable, is not the father or parent, as applicable, of the child.

2. As used in this section, “court” has the meaning ascribed to it in NRS 125B.004.

Sec. 2.6. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity or parentage of a child being established by the:

(a) ~~Mother~~ Person who gave birth and ~~father~~ other parent acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;

(b) ~~Mother~~ Person who gave birth and another person acknowledging parentage of the child by signing a declaration for the voluntary

acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

(c) Order of a district court,
→ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 2.9. NRS 440.610 is hereby amended to read as follows:

440.610 Each certificate, as provided for in this chapter, filed within 6 months after the time prescribed for their filing, shall be prima facie evidence of the facts therein stated. Data pertaining to the ~~father of~~ **parent who did not give birth to** a child is such evidence if the alleged ~~father~~ **parent** is, or becomes, the ~~husband~~ **spouse** of the ~~mother~~ **person who gave birth to the child** in a legal marriage; if not, the data pertaining to the ~~father of~~ **parent who did not give birth to** a child is not such evidence in any civil or criminal proceeding adverse to the interests of the alleged father, or of his heirs, devisees or other successors in interest, if the paternity is controverted.

Sec. 3. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. “Advisory Board” means the Advisory Board on Maternal and Child Health.

2. “Department” means the Department of Health and Human Services.

3. “Director” means the Director of the Department.

4. “Division” means the Division of Public and Behavioral Health of the Department.

5. “Fetal alcohol syndrome” includes fetal alcohol effects.

6. ***“Freestanding birthing center” has the meaning ascribed to it in section 11 of this act.***

7. “Laboratory” has the meaning ascribed to it in NRS 652.040.

~~7.7~~ 8. **“Midwife” means:**

(a) A person certified as:

(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

(b) Any other type of midwife.

“Obstetric center” has the meaning ascribed to it in NRS 449.0155.

~~18-1~~ **9.** “Provider of health care or other services” means:

- (a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;
- (b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;
- (c) A licensed nurse;
- (d) A licensed psychologist;
- (e) A licensed marriage and family therapist;
- (f) A licensed clinical professional counselor;
- (g) A licensed social worker;
- (h) A licensed dietitian; or
- (i) The holder of a certificate of registration as a pharmacist.

Sec. 4. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell disease and its variants and sickle cell trait.

2. Except as otherwise provided in this subsection, the examinations and tests required pursuant to subsection 1 must include tests and examinations for each disorder recommended to be screened by the Health Resources and Services Administration of the United States Department of Health and Human Services by not later than 4 years after the recommendation is published. The State Board may exclude any such disorder upon request of the Chief Medical Officer or the person in charge of the State Public Health Laboratory based on:

- (a) Insufficient funding to conduct testing for the disorder; or
- (b) Insufficient resources to address the results of the examination and test.

3. Any examination or test required by the regulations adopted pursuant to subsection 1 which must be performed by a laboratory must be sent to the State Public Health Laboratory. If the State Public Health Laboratory increases the amount charged for performing such an examination or test pursuant to NRS 439.240, the Division shall hold a public hearing during which the State Public Health Laboratory shall provide to the Division a written and verbal fiscal analysis of the reasons for the increased charges.

4. Except as otherwise provided in subsection 7, the regulations adopted pursuant to subsection 1 concerning tests for the presence of sickle cell disease and its variants and sickle cell trait must require the screening for sickle cell disease and its variants and sickle cell trait of:

- (a) Each newborn child who is susceptible to sickle cell disease and its variants and sickle cell trait as determined by regulations of the State Board of Health; and

(b) Each biological parent of a child who wishes to undergo such screening.

5. Any physician, midwife, nurse, obstetric center, ***freestanding birthing center*** or hospital of any nature attending or assisting in any way any infant, or the ~~mother of~~ ***person who gave birth to*** any infant, at childbirth shall:

(a) Make or cause to be made an examination of the infant, including standard tests that do not require laboratory services, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such preventable or inheritable disorders.

(b) Collect and send to the State Public Health Laboratory or cause to be collected and sent to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory and are required by the regulations adopted pursuant to subsection 1.

6. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center, ***freestanding birthing center*** or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the ~~mother of~~ ***person who gave birth to*** the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

7. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

8. As used in this section, “sickle cell disease and its variants” has the meaning ascribed to it in NRS 439.4927.

Sec. 5. NRS 442.040 is hereby amended to read as follows:

442.040 1. Any physician, midwife, nurse, obstetric center, ***freestanding birthing center*** or hospital of any nature, parent, relative or person attending or assisting in any way any infant, or the ~~mother of~~ ***person who gave birth to*** any infant, at childbirth, or any time within 2 weeks after childbirth, knowing the condition defined in NRS 442.030 to exist, shall immediately report such fact in writing to the local health officer of the county, city or other political subdivision within which the infant or the ~~mother of~~ ***person who gave birth to*** any infant may reside.

2. Midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician’s instructions.

3. On receipt of such report, the health officer, or the physician notified by a midwife, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes of the infant, and shall,

for indigent cases, provide the necessary treatment at the expense of the county, city or other political subdivision.

Sec. 6. NRS 442.110 is hereby amended to read as follows:

442.110 Any physician, midwife, nurse, manager or person in charge of an obstetric center, ***freestanding birthing center*** or hospital, parent, relative or person attending upon or assisting at the birth of an infant who violates any of the provisions of NRS 442.030 to 442.100, inclusive, shall be punished by a fine of not more than \$250.

Sec. 6.3. NRS 442.130 is hereby amended to read as follows:

442.130 1. The Department is hereby designated as the agency of this State to administer, through the Division, a maternal and child health program, and to supervise the administration of those services included in the program which are not administered directly by it.

2. The purpose of such program shall be to develop, extend and improve health services, and to provide for development of demonstration services in needy areas for ~~mothers~~ **persons who are pregnant, are giving birth or have given birth** and children.

Sec. 6.7. NRS 442.137 is hereby amended to read as follows:

442.137 The purpose of the Advisory Board is to advise the Administrator of the Division concerning perinatal care to enhance the survivability and health of infants and ~~mothers~~ **persons who are pregnant, are giving birth and have given birth**, and concerning programs to improve the health of preschool children, to achieve the following objectives:

1. Ensuring the availability and accessibility of primary care health services;
2. Reducing the rate of infant mortality;
3. Reducing the incidence of preventable diseases and handicapping conditions among children;
4. Identifying the most effective methods of preventing fetal alcohol syndrome and collecting information relating to the incidence of fetal alcohol syndrome in this state;
5. Preventing the consumption of alcohol by women during pregnancy;
6. Reducing the need for inpatient and long-term care services;
7. Increasing the number of children who are appropriately immunized against disease;
8. Increasing the number of children from low-income families who are receiving assessments of their health;
9. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services;
10. Assisting the Division in developing a program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol syndrome;

11. Assisting the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390; and

12. Promoting the health of infants and ~~mothers~~ **persons who are pregnant, are giving birth or have given birth** by ensuring the availability and accessibility of affordable perinatal services.

Sec. 7. NRS 442.325 is hereby amended to read as follows:

442.325 1. Except as otherwise provided in subsection 2, the chief administrative officer of each hospital, ~~and~~ obstetric center ***and freestanding birthing center*** or a representative of the officer shall:

(a) Prepare and make available to the Chief Medical Officer or a representative of the Officer a list of:

(1) Patients who are under 7 years of age and have been diagnosed with one or more birth defects; and

(2) Patients discharged with adverse birth outcomes; and

(b) Make available to the Chief Medical Officer or a representative of the Officer the records of the hospital, ~~for~~ obstetric center ***or freestanding birthing center*** regarding:

(1) Patients who are under 7 years of age and have been diagnosed with one or more birth defects; and

(2) Patients discharged with adverse birth outcomes.

2. The name of a patient must be excluded from the information prepared and made available pursuant to subsection 1 if the patient or, if the patient is a minor, a parent or legal guardian of the patient has requested in writing to exclude the name of the patient from that information in the manner prescribed by the State Board of Health pursuant to NRS 442.320. The provisions of this subsection do not relieve the chief administrative officer of the duty of preparing and making available the information required by subsection 1.

3. The Chief Medical Officer or a representative of the Officer shall abstract from the records and lists required to be prepared and made available pursuant to this section such information as is required by the State Board of Health for inclusion in the system.

4. As used in this section, “hospital” has the meaning ascribed to it in NRS 449.012.

Sec. 7.2. NRS 442.400 is hereby amended to read as follows:

442.400 The agency which provides child welfare services or a licensed child-placing agency shall inquire, during its initial contact with a natural parent of a child who is to be placed for adoption, about consumption of alcohol by or any substance use disorder of the ~~mother of~~ **person who gave birth to** the child during pregnancy. The information obtained from the inquiry must be:

1. Included in the report provided to the adopting parents of the child pursuant to NRS 127.152; and

2. Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

Sec. 7.5. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol by or any substance use disorder of the ~~mother of~~ **person who gave birth to** the child during pregnancy. The information obtained from the inquiry must be:

- (a) Provided to the provider of foster care pursuant to NRS 424.038; and
- (b) Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, “family foster home” has the meaning ascribed to it in NRS 424.013.

Sec. 7.7. NRS 442.410 is hereby amended to read as follows:

442.410 An agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child whom a court has determined must be kept in temporary or permanent custody, about consumption of alcohol by or any substance use disorder of the ~~mother of~~ **person who gave birth to** the child during pregnancy. The information obtained from the inquiry must be:

1. Included in the report the agency is required to make pursuant to NRS 432B.540; and

2. Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

Sec. 8. NRS 442.610 is hereby amended to read as follows:

442.610 “Provider of health care” means:

- 1. A provider of health care as defined in NRS 629.031;
- 2. A midwife; and
- 3. An obstetric center ***or freestanding birthing center*** licensed pursuant to chapter 449 of NRS.

Sec. 8.5. NRS 442.650 is hereby amended to read as follows:

442.650 A provider of health care who attends or assists at the delivery of a child shall, if the ~~mother~~ **person giving birth** has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, ensure that a rapid test for the human immunodeficiency virus is performed on the child unless a parent or legal guardian of the child objects to the performance of the test because it is contrary to the religious beliefs of the parent or legal guardian.

Sec. 9. NRS 442.680 is hereby amended to read as follows:

442.680 1. Except as otherwise provided in subsection 3, any physician, midwife or nurse attending or assisting in any way any infant at childbirth at an obstetric center , ***a freestanding birthing center*** or a hospital which

regularly offers obstetric services in the normal course of business and not only on an emergency basis shall make or cause to be made an examination of the infant, to determine whether the infant may suffer from critical congenital heart disease, including, without limitation, conducting pulse oximetry screening. If the physician, midwife or nurse who conducts the examination is not the attending physician of the infant, the physician, midwife or nurse shall submit the results of the examination to the attending physician of the infant.

2. If the examination reveals that an infant may suffer from critical congenital heart disease, the attending physician of the infant shall conduct an examination to confirm whether the infant does suffer from critical congenital heart disease. If the attending physician determines that the infant suffers from critical congenital heart disease, the attending physician must:

(a) Report the condition to the Chief Medical Officer or a representative of the Chief Medical Officer; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

3. An examination of an infant is not required pursuant to this section if either parent files a written objection with the person responsible for conducting the examination or with the obstetric center, *freestanding birthing center* or hospital at which the infant is born.

4. The State Board of Health may adopt such regulations as necessary to carry out the provisions of this section.

Sec. 9.3. NRS 442.761 is hereby amended to read as follows:

442.761 “Severe maternal morbidity” means an unexpected incident during childbirth that has a serious negative effect on the short-term or long-term health of the ~~mother~~ **person who is giving birth or has given birth to a child.**

Sec. 9.7. NRS 442.774 is hereby amended to read as follows:

442.774 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a maternal death or incident of severe maternal morbidity being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner’s investigative records relating to the death or incident;

(c) Any medical or mental health records of the ~~mother~~ **person who gave birth to a child;**

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the ~~mother~~ **person who gave birth to a child** or the ~~mother’s~~ family **of the person who gave birth to a child;** and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of severe maternal morbidity being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a maternal death or incident of severe maternal morbidity for the purpose of research or to prevent future maternal mortality and severe maternal morbidity if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. The meetings of the Committee are closed to the public.

Sec. 10. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. ***“Freestanding birthing center” means a facility that provides maternity care and birthing services using a family-centered approach in which births are planned to occur in a location similar to a residence that is not the usual place of residence of the ~~mother~~ person giving birth to a child.***

Sec. 12. 1. ***The Board shall adopt:***

(a) Regulations providing for the licensure of freestanding birthing centers; and

(b) Any other regulations necessary for the regulation of freestanding birthing centers.

2. Any regulations adopted pursuant to this section:

(a) Must align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Must allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

3. A freestanding birthing center must be located within 30 miles of a hospital that offers obstetric ~~and nursery services~~, neonatal and emergency services relating to pregnancy.

~~§ 4.~~ ***4. Surgery, including, without limitation, the use of forceps, vacuum extractions, Caesarean sections and tubal ligations, must not be performed at a freestanding birthing center.***

Sec. 13. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 11 of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 449.0155 is hereby amended to read as follows:

449.0155 “Obstetric center” means a facility that is not part of a hospital and provides services for normal, uncomplicated births. ***The term does not include a freestanding birthing center.***

Sec. 15. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 12 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.

Sec. 16. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 12 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, ~~for~~ facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ***or freestanding birthing center*** that is operated and maintained by the United States Government or an agency thereof.

Sec. 17. NRS 449.0307 is hereby amended to read as follows:

449.0307 The Division may:

1. Upon receipt of an application for a license, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of a medical facility, a facility for the dependent ~~for~~, ***a*** facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ~~for~~ ***or a freestanding birthing center***. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal.

2. Upon receipt of a complaint against a medical facility, facility for the dependent, ~~for~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ~~for~~ ***or freestanding birthing center***, except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods

of operation, policies, procedures and records of that facility or any other medical facility, facility for the dependent, ~~for~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive ~~and~~ *, and section 12 of this act.*

Sec. 18. NRS 449.0308 is hereby amended to read as follows:

449.0308 1. Except as otherwise provided in this section, the Division may charge and collect from a medical facility, facility for the dependent, ~~for~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* or a person who operates such a facility without a license issued by the Division the actual costs incurred by the Division for the enforcement of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 12 of this act*, including, without limitation, the actual cost of conducting an inspection or investigation of the facility.

2. The Division shall not charge and collect the actual cost for enforcement pursuant to subsection 1 if the enforcement activity is:

(a) Related to the issuance or renewal of a license for which the Board charges a fee pursuant to NRS 449.050 or 449.089; or

(b) Conducted pursuant to an agreement with the Federal Government which has appropriated money for that purpose.

3. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of NRS 449.029 to 449.2428, inclusive, *and section 12 of this act* and the regulations adopted pursuant thereto.

4. The provisions of this section do not apply to any costs incurred by the Division for the enforcement of the provisions of NRS 449.24185, 449.2419 or 449.24195.

Sec. 19. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, *and section 12 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, *and section 12 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 20. NRS 449.091 is hereby amended to read as follows:

449.091 1. The Division may cancel the license of a medical facility, facility for the dependent, ~~for a~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* and issue a provisional license, effective for a period determined by the Division, to such a facility if it:

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of NRS 449.029 to 449.2428, inclusive, *and section 12 of this act* and the Division determines that the facility requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Division determines that the facility is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license where the Division deems such action necessary for the health and safety of the occupants of any facility.

Sec. 21. NRS 449.101 is hereby amended to read as follows:

449.101 1. A medical facility, facility for the dependent, ~~for~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ***or freestanding birthing center*** and any employee or independent contractor of such a facility shall not discriminate in the admission of, or the provision of services to, a patient or resident based wholly or partially on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status of the patient or resident or any person with whom the patient or resident associates.

2. A medical facility, facility for the dependent, ~~for~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ***or freestanding birthing center*** shall:

(a) Develop and carry out policies to prevent the specific types of prohibited discrimination described in the regulations adopted by the Board pursuant to NRS 449.0302 and meet any other requirements prescribed by regulations of the Board; and

(b) Post prominently in the facility and include on any Internet website used to market the facility the following statement:

[Name of facility] does not discriminate and does not permit discrimination, including, without limitation, bullying, abuse or harassment, on the basis of actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status, or based on association with another person on account of that person's actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status.

3. In addition to the statement prescribed by subsection 2, a facility for skilled nursing, facility for intermediate care or residential facility for groups shall post prominently in the facility and include on any Internet website used to market the facility:

(a) Notice that a patient or resident who has experienced prohibited discrimination may file a complaint with the Division; and

(b) The contact information for the Division.

4. The provisions of this section shall not be construed to:

(a) Require a medical facility, facility for the dependent, ~~for~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ***or freestanding birthing center*** or an employee or independent contractor thereof to take or refrain from taking any action in violation of reasonable medical standards; or

(b) Prohibit a medical facility, facility for the dependent, ~~for~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed ***or freestanding birthing center*** from adopting a

policy that is applied uniformly and in a nondiscriminatory manner, including, without limitation, such a policy that bans or restricts sexual relations.

Sec. 22. NRS 449.102 is hereby amended to read as follows:

449.102 A medical facility, facility for the dependent, ~~for~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* shall:

1. Maintain the confidentiality of personally identifiable information concerning the sexual orientation of a patient or resident, whether the patient or resident is transgender or has undergone ~~to gender transition~~ *gender-affirming surgery* and the human immunodeficiency virus status of the patient or resident and take reasonable actions to prevent the unauthorized disclosure of such information;

2. Prohibit employees or independent contractors of the facility who are not performing a physical examination or directly providing care to a patient or resident from being present during any portion of the physical examination or care, as applicable, during which the patient or resident is fully or partially unclothed without the express permission of the patient or resident or the authorized representative of the patient or resident;

3. Use visual barriers, including, without limitation, doors, curtains and screens, to provide privacy for patients or residents who are fully or partially unclothed; and

4. Allow a patient or resident to refuse to be examined, observed or treated by an employee or independent contractor of the facility for a purpose that is primarily educational rather than therapeutic.

Sec. 23. NRS 449.103 is hereby amended to read as follows:

449.103 1. To enable an agent or employee of a medical facility, facility for the dependent, ~~for~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* who provides care to a patient or resident of the facility to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

- (a) From various ~~gender~~ racial and ethnic backgrounds;
- (b) From various religious backgrounds;
- (c) ~~Lesbian, gay, bisexual, transgender and questioning persons;~~ ***Persons with various sexual orientations and gender identities or expressions;***
- (d) Children and senior citizens;
- (e) Persons with a mental or physical disability; and
- (f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

2. The training relating specifically to cultural competency conducted by a medical facility, facility for the dependent, ~~for~~ facility which is otherwise

required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

Sec. 24. NRS 449.104 is hereby amended to read as follows:

449.104 The Board shall adopt regulations that require a medical facility, facility for the dependent, ~~for~~ facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* to:

1. Develop policies to ensure that a patient or resident is addressed by his or her preferred name and pronoun and in accordance with his or her gender identity or expression;

2. Adapt electronic records to reflect the gender identities or expressions of patients or residents with diverse gender identities or expressions, including, without limitation:

(a) If the facility is a medical facility, adapting health records to meet the medical needs of patients or residents with diverse sexual orientations and gender identities or expressions, including, without limitation, integrating information concerning sexual orientation and gender identity or expression into electronic systems for maintaining health records; and

(b) If the facility is a facility for the dependent or other residential facility, adapting electronic records to include:

(1) The preferred name and pronoun and gender identity or expression of a resident; and

(2) Any other information prescribed by regulation of the Board.

Sec. 25. NRS 449.132 is hereby amended to read as follows:

449.132 Every medical facility, facility for the dependent, ~~for~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* may be inspected at any time, with or without notice, as often as is necessary by:

1. The Division of Public and Behavioral Health to ensure compliance with all applicable regulations and standards; and

2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the facility.

Sec. 26. 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 12 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 12 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.

(c) 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 12 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.

Sec. 27. 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, ~~for~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed **or freestanding birthing center** violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 12 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 12 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 12 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.

Sec. 28. NRS 449.165 is hereby amended to read as follows:

449.165 The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by NRS 449.163. These regulations must:

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations;

4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations; and

5. Establish an administrative penalty to be imposed if a violation by a medical facility, *a* facility for the dependent, ~~for~~ a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or a freestanding birthing center* causes harm or the risk of harm to more than one person.

Sec. 29. NRS 449.171 is hereby amended to read as follows:

449.171 1. If the Division suspends the license of a medical facility, a facility for the dependent, ~~for~~ a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or a freestanding birthing center* pursuant to the provisions of this chapter, or if a facility otherwise ceases to operate, including, without limitation, pursuant to an action or order of a health authority pursuant to chapter 441A of NRS, the Division may, if deemed necessary by the Administrator of the Division, take control of and ensure the safety of the medical records of the facility.

2. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Division shall:

(a) Maintain the confidentiality of the medical records obtained pursuant to subsection 1.

(b) Share medical records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities which have authority to license the facility or to license the owners or employees of the facility.

(c) Release a medical record obtained pursuant to subsection 1 to the patient or legal guardian of the patient who is the subject of the medical record.

3. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any medical records under the control of the Division pursuant to subsection 1 and for payment by the facility of the cost of maintaining medical records.

Sec. 30. NRS 449.209 is hereby amended to read as follows:

449.209 1. In addition to the requirements and prohibitions set forth in NRS 449.0305, and notwithstanding any exceptions set forth in that section, a licensed medical facility or an employee of such a medical facility shall not:

(a) Refer a person to a residential facility for groups that is not licensed by the Division; or

(b) Refer a person to a residential facility for groups if the licensed medical facility or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.

2. If a licensed medical facility or an employee of such a medical facility violates the provisions of subsection 1, the licensed medical facility is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than \$10,000 and for a second or

subsequent offense of not less than \$10,000 or more than \$20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used for the enforcement of this section and the protection of the health, safety, well-being and property of residents of residential facilities for groups.

3. The Board shall:

(a) Establish and maintain a system to track violations of this section and NRS 449.0305. Except as otherwise provided in this paragraph, records created by or for the system are public records and are available for public inspection. The following information is confidential:

(1) Any personally identifying information relating to a person who is referred to a residential facility for groups.

(2) Information which may not be disclosed under federal law.

(b) Educate the public regarding the requirements and prohibitions set forth in this section and NRS 449.0305.

4. As used in this section, “licensed medical facility” means:

(a) A medical facility that is required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive ~~††~~, **and section 12 of this act.**

(b) A facility for the dependent that is required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive ~~††~~, **and section 12 of this act.**

(c) A facility that provides medical care or treatment and is required by regulation of the Board to be licensed pursuant to NRS 449.0303.

(d) A freestanding birthing center that is required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, and section 12 of this act.

Sec. 31. NRS 449.210 is hereby amended to read as follows:

449.210 1. In addition to the payment of the amount required by NRS 449.0308 and any civil penalty imposed pursuant to subsection 4, a person who operates a medical facility, facility for the dependent, ~~†or†~~ a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed **or freestanding birthing center** without a license issued by the Division is guilty of a misdemeanor.

2. If the Division believes that a person is operating a medical facility, facility for the dependent, ~~†or†~~ a facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed **or freestanding birthing center** without such a license, the Division may issue an order to cease and desist the operation of the facility. The order must be served upon the person by personal delivery or by certified or registered mail, return receipt requested. The order is effective upon service.

3. If a person does not voluntarily cease operating a medical facility, facility for the dependent, ~~†or a†~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed **or freestanding birthing center** without a license or apply for licensure within 30 days after the date of service of the order pursuant to subsection 2, the Division may bring an action in a court of competent jurisdiction pursuant to NRS 449.220.

4. Upon a showing by the Division that a person is operating a medical facility, facility for the dependent , ~~for a~~ facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed *or freestanding birthing center* without a license, a court of competent jurisdiction may:

(a) Enjoin the person from operating the facility.

(b) Impose a civil penalty on the operator to be recovered by the Division of not more than \$10,000 for the first offense or not less than \$10,000 or more than \$25,000 for a second or subsequent offense.

5. Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph (b) of subsection 4 into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and sections 11 and 12 of this act* and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 32. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~††~~, *and section 12 of this act*:

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 33. 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 12 of this act*.

Sec. 33.5. NRS 449.245 is hereby amended to read as follows:

449.245 1. No hospital licensed under the provisions of NRS 449.029 to 449.2428, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the ~~mother~~ person who gave birth to the child if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true

copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent address of the person or agency to whom physical custody of the child was delivered.

4. Except as otherwise provided in NRS 239.0115, all information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to 127.310, inclusive, governing placements for adoption and permanent free care.

6. A violation of any provision of this section is a misdemeanor.

Sec. 34. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital, ~~for~~ obstetric center **or freestanding birthing center** shall provide to the child's parents:

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of paternity developed pursuant to NRS 440.283;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital, ~~for~~ obstetric center **or freestanding birthing center** pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 35. NRS 449A.056 is hereby amended to read as follows:

449A.056 "Obstetric center" ~~means a facility that is not part of a hospital and provides services for normal, uncomplicated births.~~ **has the meaning ascribed to it in NRS 449.0155.**

Sec. 36. Any valid license as an obstetric center issued to a freestanding birthing center before January 1, 2022, shall be deemed to be a license as a freestanding birthing center and remains valid until its date of expiration.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 36, 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. 298.

Bill read second time.

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

Amendment No. 242.

AN ACT relating to vehicles; ~~requiring the Commissioner of Financial Institutions to prescribe forms for use in the leasing of vehicles under certain circumstances;~~ setting forth certain requirements for a ~~noncommercial~~ **consumer** vehicle lease; **requiring certain lessors to use a lease agreement that satisfies those requirements; authorizing certain civil actions;** revising ~~the definition of the term “vehicle lease”;~~ **certain definitions** for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law ~~requires~~ **imposes certain requirements on** the lessor of a vehicle ~~to disclose certain information to a lessee before the consummation of~~ **in connection with** a “commercial vehicle lease,” which is generally defined by existing law to mean a lease of a single vehicle for a period of more than 4 months primarily for business or commercial purposes. (NRS 100.095, 100.105) ~~Existing law further requires the Commissioner of Financial Institutions to prescribe forms for the application for credit and contracts that are required to be used in the sale of vehicles if the seller is a dealer, the sale is not a commercial transaction and the sale meets certain other conditions. (NRS 97.299, 97.301) Under existing law, such forms are required to meet certain requirements set forth in existing law for retail installment contracts. (NRS 97.165, 97.299)~~

~~Section 2 of this bill requires the Commissioner to prescribe forms to be used for the lease of a vehicle if the lessor is a dealer and the lease is a “noncommercial”~~

Sections 1.5-5.5 of this bill establish provisions that govern a “consumer vehicle lease,” which is generally defined in **section 6** of this bill to mean a lease of a single vehicle for a period of more than 4 months, primarily for personal, family or household purposes. ~~Section 3 of this bill requires that whenever a vehicle is leased in this State under the circumstances described in section 2, the lessor and any other person necessary to effectuate the lease are required to use the forms prescribed by the Commissioner.~~ **Section 1.5 of this bill requires a lessor who is a dealer to use a lease agreement for a**

consumer vehicle lease of a new vehicle that establishes the conditions under which the lessor can enforce a term regarding a default by the lessee. Section 2 of this bill requires a lessor who is a dealer to use a lease agreement for a consumer vehicle lease of a used vehicle that satisfies certain requirements and includes certain provisions, notices and disclosures that are established by that section. Sections 4 and 5 of this bill set forth certain requirements for a ~~noncommercial~~ consumer vehicle lease which are similar to certain requirements for retail installment contracts set forth in existing law. (NRS 97.165, 97.215) Section 5.5 of this bill provides that a violation of existing law concerning vehicle leases or sections 1.5-5.5 constitutes a deceptive trade practice, and authorizes a lessee and certain other persons to bring a civil action against a lessor for the violation. Section 5.5 further provides that if the person bringing the action is the prevailing party, the court is required to award: (1) the person's actual damages; (2) any appropriate equitable relief; and (3) the person's costs and attorney's fees.

Existing law defines the term “vehicle lease” to generally include only leases of a single vehicle for a period of more than 4 months where the lessee’s obligation upon termination or expiration of the lease is based on the excess of the unamortized capitalized cost of the vehicle over its residual value. (NRS 100.095) Existing law sets forth certain requirements for the establishment of the residual value of the vehicle at the termination or expiration of such a lease. (NRS 100.145, 100.155) **Section 6 defines the terms “closed-end vehicle lease” and “consumer vehicle lease” and revises the definition of the term “open-end vehicle lease” to establish that the lessee’s obligation upon termination or expiration of the lease is based on the difference between the residual value of the leased vehicle and its realized value. Sections ~~6-9~~ 7-9 of this bill change the term “vehicle lease” to “open-end vehicle lease” to account for the addition of the provisions of sections ~~2-5~~ 1.5-5.5 concerning a ~~noncommercial~~ consumer vehicle lease while maintaining the requirements of existing law concerning the establishment of the residual value of a ~~lease for a~~ leased vehicle ~~, where the lessee’s obligation upon termination or expiration of the lease is based on the excess of the unamortized capitalized cost of the vehicle over its residual value.~~**

Section 10 of this bill makes a conforming change to indicate the proper placement of **sections ~~2-5~~ 1.5-5.5** in the Nevada Revised Statutes.

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

Section 1. Chapter 100 of NRS is hereby amended by adding thereto the provisions set forth as sections **~~2 to 5,~~ 1.5 to 5.5**, inclusive, of this act.

Sec. 1.5. 1. A lessor who is a dealer shall use a lease agreement in connection with a consumer vehicle lease for a new vehicle that contains a provision that default on the part of the lessee is only enforceable to the extent that:

(a) The lessee fails to make a payment as required by the lease agreement, but in no case less than 30 days after the date required by the lease agreement; or

(b) The prospect of payment, performance or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment is on the lessor.

2. As used in this section, “new vehicle” has the meaning ascribed to it in 482.076.

~~Sec. 2. 1. {The Commissioner of Financial Institutions shall prescribe, by regulation, forms to be used for the lease of a vehicle if:~~

~~(a) The lease is a noncommercial vehicle lease; and~~

~~(b) The lessor is a dealer.~~

~~2. The forms prescribed pursuant to subsection 1 must meet the requirements of section 4 of this act, must be:~~ A lessor who is a dealer shall use a lease agreement in connection with a consumer vehicle lease for a used vehicle that:

(a) Is accepted and acted upon by the lessor and any other person necessary to effectuate the lease. ~~and must:~~

~~(a) Contain~~

(b) Contains any information required to be disclosed by the Consumer Leasing Act of 1976, 15 U.S.C. §§ 1667 et seq., and the regulations adopted pursuant thereto;

~~(b)}~~, including, without limitation, 12 C.F.R. Part 1013, commonly known as Regulation M.

(c) If the lease provides for the sale of goods or services, ~~identify and itemize~~ identifies and itemizes the goods sold or to be sold or services furnished or rendered or to be furnished or rendered and the price of each item of goods or services.

~~{(c) Contain}~~

(d) Contains a provision that default on the part of the lessee is only enforceable to the extent that:

(1) The lessee fails to make a payment as required by the agreement ~~but~~, but in no case less than 30 days after the date required by the lease agreement; or

(2) The prospect of payment, performance or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment is on the lessor.

~~{(d) Include}~~

(e) Includes the following notice in at least 10-point bold type:

NOTICE TO LESSEE

Do not sign this agreement before you read it or if it contains any blank spaces. You are entitled to a completed copy of this agreement. If you fail to perform your obligations under this agreement, the vehicle

may be repossessed and you may be liable for the unpaid indebtedness evidenced by this agreement.

~~/ 3. The Commissioner shall arrange for or otherwise cause the translation into Spanish of the forms prescribed pursuant to subsection 1.~~

~~4. If a change in state or federal law requires the Commissioner to amend the forms prescribed pursuant to subsection 1, the Commissioner need not comply with the provisions of chapter 233B of NRS when making those amendments.~~

(f) Limits late fees to the lesser of \$15 or 8 percent of any installment amount in default for more than 10 days.

(g) Contains a term regarding residual value in substantially the following form:

Residual value is the value of the leased vehicle at the end of the lease term, as estimated or assigned by the lessor. The residual value is the amount you will have to pay if you decide to buy this vehicle at the end of the lease term.

(h) Contains a term regarding early termination in substantially the following form:

If you terminate this lease before the end of the lease term, you will be responsible for the early termination charge. The early termination charge is the amount you still owe on the vehicle under the lease agreement, commonly referred to as the adjusted lease balance, minus the vehicle's current fair market value as estimated in the then current version of the Kelley Blue Book or its equivalent.

(i) Contains a term regarding default charges in substantially the following form:

If you default under the terms of this agreement, you will be liable for the adjusted lease balance described in paragraph (h) plus any actual costs incurred by the lessor to repossess the vehicle, prepare it for disposition and dispose of it by sale or other means minus the amounts received by the lessor from the disposition of the vehicle and the cancellation of any optional product or service you purchased as part of this agreement.

2. Before a lessor who is a dealer obtains the signature of a lessee on a consumer vehicle lease for a used vehicle, the lessor shall provide the lessee with the disclosures set forth in this subsection. The disclosures must:

(a) Identify the vehicle and identify and itemize any other goods or services included in the lease and, if the lease provides for the sale of goods or services, identify and itemize the goods sold or to be sold or services furnished or rendered or to be furnished or rendered and the price of the vehicle and each other item of goods or services.

(b) Be provided to the lessee before he or she signs the lease agreement, in a form the lessee can keep.

(c) Contain the signature of the lessee and any other party obligated by the terms of the lease agreement.

(d) Contain a notice that default on the part of the lessee is only enforceable to the extent that.

(1) The lessee fails to make a payment as required by the lease agreement, but in no case less than 30 days after the date required by the lease agreement; or

(2) The prospect of payment, performance or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment is on the lessor.

(e) Provide to the lessee the following notices in both English and Spanish in at least 14-point bold type:

NOTICE TO LESSEE

READ EVERYTHING CAREFULLY

Do not sign the agreement provided by the lessor before you read it or if it contains any blank spaces. You are entitled to a completed copy of the agreement. If there are oral promises not included in the written agreement, the written agreement will prevail. If you fail to perform your obligations under the agreement, the vehicle may be repossessed and you may be liable for the unpaid indebtedness evidenced by the agreement.

NOTICE TO LESSEE

THERE IS NO COOLING-OFF PERIOD

Nevada law does not provide for a “cooling off” or other cancellation period for vehicle leases. Therefore, you cannot later cancel the lease simply because you change your mind, decide the vehicle costs too much, or wish you had acquired a different vehicle. You may cancel the lease only with the agreement of the lessor or for legal cause, such as fraud.

3. If a lessor who is a dealer fails to obtain the signature of a lessee on the disclosures required by subsection 2 before obtaining the signature of the lessee on a consumer vehicle lease for a used vehicle, the consumer vehicle lease shall be deemed a retail installment contract for the sale of the vehicle.

4. If a consumer vehicle lease for a used vehicle includes a provision that conflicts with a provision of this section, the provision of this section will control.

5. As used in this section, ~~“dealer”~~:

(a) “Retail installment contract” has the meaning ascribed to it in NRS ~~482.020~~, 97.105.

(b) “Used vehicle” has the meaning ascribed to it in NRS 482.132.

~~Sec. 3. Whenever a vehicle is leased in this State under the circumstances described in subsection 1 of section 2 of this act, the lessor and any other person necessary to effectuate the lease shall use the form prescribed pursuant to that section. (Deleted by amendment.)~~

Sec. 4. 1. Except as otherwise provided in NRS 598.9715, every ~~noncommercial~~ consumer vehicle lease must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction.

2. The ~~noncommercial~~ consumer vehicle lease must be dated, signed by the lessor and completed as to all essential provisions, except as otherwise provided in section 5 of this act. The printed or typed portion of the lease, other than instructions for completion, must be in a size equal to at least 8-point type.

~~3. Any fee charged to the lessee for his or her cancellation of a noncommercial vehicle lease within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the noncommercial vehicle lease.~~

Sec. 5. The lessor shall not obtain the signature of the lessee to any ~~noncommercial~~ consumer vehicle lease when it contains blank spaces of items which are essential provisions of the transaction, except that if delivery of the vehicle leased or any goods purchased under the lease are not made at the time of the execution of the ~~noncommercial~~ consumer vehicle lease, the identifying numbers or marks of the vehicle or goods or similar information and the due date of the first installment may be inserted by the lessor in the lessor’s counterpart of the ~~noncommercial~~ consumer vehicle lease after it has been signed by the lessee.

Sec. 5.5. 1. A violation of NRS 100.095 to 100.175, inclusive, and sections 1.5 to 5.5, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. A lessee or other person who is a debtor or secondary obligor under the consumer vehicle lease may bring a civil action in any court of competent jurisdiction for such violation.

2. If the person bringing the action pursuant to subsection 1 is the prevailing party, the court shall award the person:

(a) Any damages that the person has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The person’s costs in the action and reasonable attorney’s fees.

Sec. 6. NRS 100.095 is hereby amended to read as follows:

100.095 As used in NRS 100.095 to 100.175, inclusive ~~and sections 1.5 to 5.5,~~ 1.5 to 5.5, inclusive, of this act:

1. “Closed-end vehicle lease” means a consumer vehicle lease, other than an open-end vehicle lease, commonly referred to as a walk-away lease,

in which the lessee is not responsible for the residual value of the leased vehicle at the end of the term of the lease.

2. “Commercial vehicle lease” means a bailment or lease of a single vehicle by a person for a period of more than 4 months for a total contractual obligation not exceeding \$25,000, primarily for business or commercial purposes, whether or not the lessee has the option to purchase or otherwise become the owner of the vehicle at the termination or expiration of the lease. The term includes a bailment or lease where the lessee becomes or may become owner of the vehicle by payment to the lessor of an amount which is substantially equal to the residual value or the unamortized capitalized cost, if the payment is not nominal. The term does not include a bailment or lease where the lessee contracts to pay as compensation for use of the vehicle a sum substantially equivalent to or in excess of the capitalized cost of the vehicle and it is agreed that the lessee may become the owner for no other consideration or for a nominal consideration.

~~{2. “Noncommercial”~~

3. “Consumer vehicle lease” means a contract in the form of a bailment or lease of a single vehicle by a person for a period of more than 4 months, primarily for personal, family or household purposes, whether or not the ~~lessee’s obligation upon termination of the lease is based on the excess of the unamortized capitalized cost of the vehicle over its residual value as established pursuant to NRS 100.145.~~ lessee has the option to purchase or otherwise become the owner of the vehicle at the expiration of the lease. The term includes:

(a) A closed-end vehicle lease;

~~(b) An open-end vehicle lease ; entered into primarily for personal, family or household purposes;~~ and

~~{(b)}~~ (c) A bailment or lease entered into primarily for personal, family or household purposes where the lessee becomes or may become owner of the vehicle by payment to the lessor of an amount which is substantially equal to the residual value or the unamortized capitalized cost, if the payment is not nominal.

~~{3.}~~ 4. “Dealer” has the meaning ascribed to it in NRS 482.020.

5. “Open-end vehicle lease” means a ~~bailment or lease of a single vehicle by a person for a period of more than 4 months;~~ consumer vehicle lease where the lessee’s obligation upon termination or expiration of the lease is based on the ~~excess of the unamortized capitalized cost of the vehicle over its residual value as established pursuant to NRS 100.145. The term includes a bailment or lease where the lessee becomes or may become owner of the vehicle by payment to the lessor of an amount which is substantially equal to the residual value or the unamortized capitalized cost, if the payment is not nominal.~~

~~4.} difference between the residual value of the leased vehicle and its realized value.~~

6. “Person” includes any governmental entity.

~~13-5-7~~ 7. “Vehicle” means every device in, upon or by which any person or property is or may be transported upon a public highway, except devices:

- (a) Moved by human power;
- (b) Used exclusively upon stationary rails or tracks; or
- (c) Having a gross vehicle weight of more than 10,000 pounds, exclusive of the weight of any slide-in camper as defined in NRS 482.113 which may be on it.

➔ The term does not include electric personal assistive mobility devices as defined in NRS 482.029.

~~14. “Vehicle lease” means a bailment or lease of a single vehicle by a person for a period of more than 4 months where the lessee’s obligation upon termination or expiration of the lease is based on the excess of the unamortized capitalized cost of the vehicle over its residual value as established pursuant to the provisions of NRS 100.145. The term includes a bailment or lease where the lessee becomes or may become owner of the vehicle by payment to the lessor of an amount which is substantially equal to the residual value or the unamortized capitalized cost, if the payment is not nominal.~~

Sec. 7. NRS 100.145 is hereby amended to read as follows:

100.145 1. Where the lessee’s liability on the date any *open-end* vehicle lease or commercial vehicle lease terminates or expires is based on the residual value of the vehicle at that time and the lessor and lessee do not agree in writing on that value or on another method of establishing it, the lessor may, subject to the provisions of NRS 100.165, for the purpose of establishing residual value and thereby providing the basis for determining the lessee’s liability, obtain written bids from third persons.

2. The lessor shall act in good faith and in a commercially reasonable manner in obtaining bids for the vehicle. The fact that a better price could have been obtained at a different time or in a different method from that selected by the lessor is not of itself sufficient to establish that the lessor did not act in a commercially reasonable manner. If the lessor obtains bids at the price current in any recognized market for such a vehicle at the time of the bidding, the lessor has acted in a commercially reasonable manner.

3. The highest effective bid obtained pursuant to this section or NRS 100.165, where applicable, or the actual sale price, whichever is higher, establishes the residual value of the vehicle.

Sec. 8. NRS 100.155 is hereby amended to read as follows:

100.155 1. The lessor shall give the lessee written notice of his or her intention to establish the residual value of the vehicle under the *open-end* vehicle lease or commercial vehicle lease at least 15 days before that action is taken. The notice must be given in person to the lessee or sent by mail to the address of the lessee shown on the lease, or to the lessee’s last known address, unless the lessee has notified the lessor in writing of a different address.

2. The notice must:

- (a) List separately any actual or estimated charges due under the *open-end* vehicle lease or commercial vehicle lease as of the date of the notice,

notwithstanding any possible limitations on the liability of the lessee provided by the Consumer Leasing Act of 1976 (15 U.S.C. § 1667b);

(b) Inform the lessee that the lessee has the right to submit a written bid for the purchase of the vehicle before its value is established; and

(c) Inform the lessee of the probable residual value of comparable vehicles on the date of the notice as estimated in the then current version of the Kelley Blue Book or its equivalent.

3. If the lease is not in default and has not been terminated before its scheduled expiration, the notice must also inform the lessee that his or her maximum total liability under the *open-end* vehicle lease or commercial vehicle lease is limited to three times the average payment allocable to a monthly period under the lease if the estimated residual value exceeds the actual residual value and the difference is not the result of physical damage to the vehicle beyond reasonable wear and use or to excessive use.

Sec. 9. NRS 100.175 is hereby amended to read as follows:

100.175 If the lessor under ~~an~~ *an open-end* vehicle lease or a commercial vehicle lease fails to comply with NRS 100.145 to 100.165, inclusive, the lessor may not recover any deficiency from the lessee.

Sec. 10. NRS 104A.2104 is hereby amended to read as follows:

104A.2104 1. A lease, although subject to this Article, is also subject to any applicable:

(a) Certificate of title statute of this State, including any applicable provision of chapters 482, 488, 489 and 490 of NRS;

(b) Certificate of title statute of another jurisdiction (NRS 104A.2105); or

(c) Consumer protection statute of this State, including any applicable provision of NRS 97.297, 97.299, 97.301 and 100.095 to 100.175, inclusive, *and sections ~~1.2 to 5.1~~ 1.5 to 5.5, inclusive, of this act* and a final decision of a court of this State concerning the protection of consumers rendered before January 1, 1990.

2. In case of conflict between this Article, other than NRS 104A.2105, subsection 3 of NRS 104A.2304 and subsection 3 of NRS 104A.2305, and a statute or decision referred to in subsection 1, the statute or decision controls.

3. Failure to comply with an applicable law has only the effect specified therein.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 479.

ASSEMBLYMEN C.H. MILLER; ANDERSON, CONSIDINE, FLORES, GONZÁLEZ, ~~LEAVITT,~~ MONROE-MORENO ~~[AND]~~ , PETERS, SUMMERS-ARMSTRONG, THOMAS AND WATTS

AN ACT relating to motor vehicles; requiring a tow operator to immediately release to the owner at no charge a vehicle that has been connected to a tow car or that has been towed for certain reasons related to registration of the vehicle if the owner provides proof in physical or certain electronic formats that the vehicle is registered; revising provisions governing certain fees for towing a motor vehicle; requiring the owner of real property, or authorized agent of the owner, who requests that a vehicle be towed from a residential complex to make reasonable efforts to notify the owner or operator of the vehicle of the date and time after which the vehicle will be towed ~~if~~ if the vehicle is parked in an assigned or designated parking space; requiring a tow operator to independently verify by use of the Internet website of the Department of Motor Vehicles the registration status of a vehicle before towing the vehicle in certain situations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an operator of a tow car to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if: (1) a request is made to release the vehicle; and (2) the owner or agent pays a fee established by the operator for releasing the vehicle. (NRS 706.4469) If a vehicle that has been connected to a tow car due to the vehicle not being registered or due to the vehicle having an expired registration and the owner of the motor vehicle or agent of the owner of the motor vehicle provides proof that the motor vehicle is registered, **section 1** of this bill: (1) requires the operator to immediately release the motor vehicle to the owner or agent of the motor vehicle; and (2) provides that the owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle. ~~Under section 1, if the owner of the motor vehicle or the agent of the owner of the motor vehicle does not provide proof that the motor vehicle is registered, the fee for releasing the vehicle must not exceed \$50.~~

Existing law provides that the owner of real property, or an authorized agent of the owner, may only have a vehicle towed: (1) because of a parking violation; (2) if the vehicle is not registered; (3) if the registration of the vehicle has been expired for not less than 60 days or is expired; or (4) if the vehicle is blocking a fire hydrant, fire lane or parking space designated for the handicapped or is posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of a residential complex. (NRS 706.4477) If a vehicle has been towed ~~due to the vehicle not being registered or~~ due to the vehicle having expired registration and the registered owner of the vehicle provides proof that the vehicle is registered, **section 2** of this bill: (1) requires the operator to immediately release the vehicle to the registered owner of the vehicle; and (2) provides that the registered owner is

not responsible for the cost of removal and storage of the vehicle. **Sections 1 and 2** provide that a person may provide proof by providing current registration documents **in a physical format or in certain electronic formats** that predate the date on which the vehicle was connected or towed.

Existing law provides that the owner of real property, or an authorized agent of the owner, who requests that a vehicle be towed from a residential complex at which the vehicle is located may not have a vehicle towed until 48 hours after affixing a notice to the vehicle which explains when the vehicle is to be towed, unless the tow is requested for an issue relating to the health, safety or welfare of the residents of the residential complex. (NRS 706.4477) **Section 2** requires the owner of real property, or the authorized agent of the owner, to, in addition to affixing the notice to the vehicle, make reasonable efforts to notify the owner or operator of the vehicle to explain that the vehicle will be towed ~~[-] if the vehicle is parked in an assigned or designated parking space.~~ **Section 2** provides that such reasonable efforts include the use of a telephone number or electronic mail address, if available. **Section 2 additionally requires such an owner or authorized agent of the owner to affix a notice to the door of the residential unit whose assigned or designated parking space is being occupied by the vehicle. Furthermore, section 2 requires that a vehicle may not be towed until 5 days after such notices are provided and efforts are made.**

Section 2 requires a tow operator who has been requested by the owner of real property, or an authorized agent of the owner, to tow a vehicle ~~based on the vehicle not being registered or~~ if the registration of the vehicle has expired to independently verify the registration status of the vehicle before towing the vehicle ~~[-] by using the Internet website of the Department of Motor Vehicles.~~ **Section 2** requires the tow operator to retain evidence of such verification for not less than 1 year and further provides that a tow operator who fails to comply with this requirement is responsible for the cost of the removal and storage of the vehicle.

Existing law provides that, in certain situations, a registered owner of a motor vehicle that is towed is responsible for the cost of removal and storage of the motor vehicle and further provides that an operator of a tow car may impose a fee on the owner of the motor vehicle for the towing and storage of the vehicle. (NRS 706.4477, 706.4479) ~~[-] If a vehicle has been towed due to the vehicle not being registered or due to the vehicle having an expired registration and the registered owner of the vehicle does not provide proof that the vehicle is registered, section~~ **Section 2** provides ~~[-: (1) the fee for removing the motor vehicle must be not more than \$50; and (2)] that~~ the operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours has passed since the motor vehicle arrived and was registered at the place of storage. ~~[-Section 3 of this bill makes changes similar to those in sections 1 and 2 that apply to the fee that an operator may impose for the towing and storage of the vehicle.]~~ **If a vehicle has been towed due to the vehicle not being registered or due to the vehicle having an expired registration and the**

registered owner of the vehicle does not provide proof that the vehicle is registered, section 2 provides that a registered owner shall pay a hardship tariff for the removal and storage of a towed motor vehicles if, for reasons outside of the registered owner's control, the registered owner is incapable of paying the normal rate for the removal and storage of the towed motor vehicle. Section 2 requires the Nevada Transportation Authority to adopt regulations to carry out the hardship tariff program.

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

Section 1. NRS 706.4469 is hereby amended to read as follows:

706.4469 **1.** The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

~~{1-}~~ (a) A request is made to release the vehicle; and

~~{2. The}~~

(b) ~~Except as otherwise provided in subsections 2 and 3,~~ subsection 2, ~~and 3,~~ the owner or agent pays a fee established by the operator for releasing the vehicle.

2. ~~If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) or (3) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:~~

(a) ~~The operator shall immediately release the motor vehicle to the owner or agent; and~~

(b) ~~The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.~~

~~3. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) or (3) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, does not provide proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state, the fee established by the operator pursuant to paragraph (b) of subsection 1 for releasing the vehicle must be not more than \$50.~~

~~4.~~ As used in this section, "provide proof" includes, without limitation, the registered owner providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 2. NRS 706.4477 is hereby amended to read as follows:

706.4477 **1.** If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. Except as otherwise

provided in subsection 2, for the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) ~~or~~ or (2) or sub-subparagraph (II) or (III) of subparagraph (3) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed ~~and by making reasonable efforts to notify the owner or operator of the vehicle of the date and time after which the vehicle will be towed, including, without limitation, by the use of a telephone number or electronic mail address, if available.~~ The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(3) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to sub-subparagraph (II) of subparagraph (3) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 5 days before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed and by making reasonable efforts to notify the owner or operator of the vehicle of the date and time after which the vehicle will be towed, including, without limitation, by the use of a telephone number or electronic mail address, if available. In addition to these efforts, the owner of the real property or authorized agent of the owner, which may be the tow operator, shall also affix a notice to the door of the residential unit whose assigned or designated parking space is being occupied by the vehicle. The provisions of this subparagraph do not

apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state;

(3) If the registration of the vehicle:

(I) Has been expired for not less than 60 days, if the vehicle is owned or operated by a resident of the residential complex and the vehicle is not parked in a parking space that is clearly marked as being assigned or designated for a specific resident of the residential complex or for a specific residential unit located in the residential complex, or does not meet the requirements of sub-subparagraph ~~((II), or~~ (III);

(II) Has been expired for not less than 60 days, if the vehicle is owned or operated by a resident of the residential complex and the vehicle is parked in a parking space that is clearly marked as being assigned or designated for a specific resident of the residential complex or for a specific residential unit located in the residential complex, or does not meet the requirements of sub-subparagraph (III); or

(III) Is expired, if the owner of real property or authorized agent of the owner verifies that the vehicle is not owned or operated by a resident of the residential complex; or

(4) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. If towing is requested pursuant to subparagraph ~~((2), or~~ (3) of paragraph (b) of subsection 2, the operator, by use of the Internet website of the Department, must independently verify the registration status of the vehicle before towing the vehicle. The operator shall retain evidence of such

verification for not less than 1 year. If an operator fails to comply with this subsection, the registered owner of the motor vehicle is not responsible for the cost of removal and storage of the vehicle.

5. If a vehicle has been towed pursuant to subparagraph ~~†(2) or†~~ (3) of paragraph (b) of subsection 2 and the registered owner of the vehicle provides proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed:

(a) The operator shall immediately release the vehicle to the registered owner of the vehicle; and

(b) The registered owner is not responsible for the cost of removal and storage of the vehicle.

6. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) ~~†Is†~~ Except as otherwise provided in subsection 4 or 5 ~~††~~ and subject to the provisions of subsection 9, is responsible for the cost of removal and storage of the motor vehicle.

~~†5.†~~ *7. The registered owner may rebut the presumption in subsection ~~†4†~~ 6 by showing that:*

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

~~†6.†~~ *~~8. If a vehicle has been towed pursuant to subparagraph (2) or (3) of paragraph (b) of subsection 2 and the registered owner of the vehicle does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed:~~*

~~*(a) The fee for removing the motor vehicle must be not more than \$50; and*~~

~~*(b) The†*~~ *Subject to the provisions of subsection 9 an operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period begins when the regular business hours of the place of storage next begin.*

9. The registered owner of the vehicle shall pay a hardship tariff for the cost of removal and storage of the motor vehicle if:

(a) A vehicle has been towed pursuant to subparagraph (2) or (3) of paragraph (b) of subsection 2;

(b) The registered owner of the vehicle does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and

(c) The registered owner, for reasons outside of their control as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle.

↪ The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, establishing a range of hardship tariffs a person may pay pursuant to this section and setting forth what qualifies as a reason that is outside of the control of the registered owner.

10. As used in this section:

(a) “Parking violation” means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) “Provide proof” includes, without limitation, the registered owner providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed.

(c) “Residential complex” means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

~~Sec. 3. NRS 706.4479 is hereby amended to read as follows:~~

~~706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:~~

~~(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle or not later than 15 days after placing any other vehicle in storage;~~

~~(1) Of the location where the motor vehicle is being stored;~~

~~(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;~~

~~(3) Of the charge for towing and storage;~~

~~(4) Of the date and time the vehicle was placed in storage;~~

~~(5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and~~

~~— (6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.~~

~~— (b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this State or any other state within:~~

~~— (1) Twenty one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle; or~~

~~— (2) Fifteen days after placing any other motor vehicle in storage.~~

~~— The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.~~

~~— 2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:~~

~~— (a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle; or~~

~~— (b) For more than 15 days after placing any other vehicle in storage;~~

~~— unless the operator complies with the requirements set forth in subsection 1.~~

~~— 3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following a crash involving the motor vehicle or after having been stolen and subsequently recovered, the operator shall not:~~

~~— (a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or~~

~~— (b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.~~

~~— 4. If a vehicle has been towed pursuant to subparagraph (2) or (3) of paragraph (b) of subsection 2 of NRS 706.4477 and the registered owner of the vehicle does not provide proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:~~

~~— (a) The charge for towing the motor vehicle must be not more than \$50;~~

~~— (b) The fee set forth in subsection 2 must be not more than \$50; and~~

~~— (c) The operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period begins when the regular business hours of the place of storage next begin.~~ (Deleted by amendment.)

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

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

Amendment No. 360.

SUMMARY—Revises various provisions governing common-interest communities ~~and~~ **and condominium hotels.** (BDR 10-228)

AN ACT relating to ~~common-interest communities;~~ **property rights;** authorizing the use of electronic ballots for the election and removal of members of the executive board of a unit-owners' association **of a common-interest community** and for the election of delegates or representatives to exercise the voting rights of units' owners in an association; **authorizing a member of the executive board who is subject to removal to submit a written request for a meeting of the executive board to discuss the member's removal;** specifying that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting; ~~providing that a unit's owner is responsible in certain circumstances for the cost of the deductible of property insurance maintained by an association;~~ **authorizing an association that conducts a vote without a meeting to allow the units' owners to vote by using a voting machine; establishing requirements relating to the use of electronic voting for the election or removal of a member of the executive board without a meeting;** authorizing money in the operating account of an association to be withdrawn without the usual required signatures for the purpose of making certain automatic **and annual** payments; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to the transfer of certain items upon the termination or assignment of a management agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes the procedures for the election and removal of members of the executive board of a unit-owners' association of a common-interest community and the election of delegates or representatives to exercise the voting rights of units' owners in certain common-interest communities; and (2) requires that the election and removal of such members, as applicable, be conducted by secret written ballot. (NRS 116.31034, 116.31036, 116.31105) **Sections 1 and 2** of this bill, respectively, authorize the use of secret electronic ballots for the election or removal of any member of the executive board and require that the results of such ballots be reviewed, announced and entered into the record at a meeting of the association. **Section**

4 of this bill makes conforming changes to provide the same authority and impose the same requirement with regard to the election of delegates or representatives to exercise the voting rights of units' owners. **Section 2 additionally provides that, with regard to the removal of a member of the executive board that will be voted on by secret ballot, the member who is the subject of the removal may submit a written request for a meeting of the executive board, which must occur before the meeting scheduled for a vote on the member's removal, at which the removal will be discussed as an agenda item. Section 2 requires notice of such a requested meeting to be given to the units' owners not later than 5 days after receipt of the written request.**

Existing law authorizes an association to conduct a vote without a meeting unless conducting a vote in such a manner is prohibited by the declaration or bylaws of the association. (NRS 116.311) **Section 3** of this bill removes such an exception and specifies that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting.

~~Existing law requires an association to maintain certain property insurance, to the extent reasonably available and subject to reasonable deductibles. (NRS 116.3113) Section 5 of this bill provides that if the executive board determines that the cause of any loss to any portion of the common interest community that is covered by such property insurance originated from a unit and the association has provided the unit's owner with notice and an opportunity for a hearing, the unit's owner is responsible for the cost of the deductible for such property insurance, in an amount not to exceed \$50,000. Section 6 of this bill makes a conforming change to reflect the change in section 5.~~ **Section 3** **authorizes an association that conducts a vote without a meeting to allow the units' owners to vote by using a voting machine that meets certain requirements. Section 3 also provides that if an association conducts a vote for the election or removal of a member of the executive board without a meeting and the association allows the use of electronic voting: (1) a unit's owner may opt out of receiving an electronic ballot; (2) the association is required to deliver a paper ballot to a unit's owner in certain circumstances; (3) if the association allows units' owners to vote by using a voting machine, the association is required to provide to a unit's owner the opportunity to opt out of voting by using a voting machine and instead receive a paper ballot; (4) a meeting of the units' owners must be held to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine and enter the results into the meeting record; and (5) any electronic voting must be conducted by an independent third-party who meets certain requirements.**

Existing law generally prohibits money in the operating account of an association from being withdrawn without the signatures of certain persons, but also establishes certain purposes for which money in the operating account

may be withdrawn without such signatures. (NRS 116.31153) **Section 7** of this bill additionally provides that money in the operating account of an association may be withdrawn without the usual required signatures for the purpose of making : **(1) automatic payments for** ~~the cost of certain insurance policies, (2) telecommunications services maintained by the association, (3) loans obtained to provide for the indemnification of the officers and executive board of the association and to maintain certain liability insurance,~~ and ~~(4) services to the association that are billed on a monthly basis.~~ **(1) ; and (2) annual payments to the Office of the Ombudsman.**

Existing law imposes certain requirements on community managers regarding the transfer of the possession of all books, records and other papers of a client upon the termination or assignment of a management agreement. (NRS 116A.620) **Section 8** of this bill instead requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to such a transfer. **Section 9** of this bill makes a conforming change to remove the provisions of existing law relating to such a transfer when the commission has adopted the regulations required by **section 8**.

Sections 9.2, 9.4 and 9.6 of this bill generally replicate the changes made by sections 1, 2 and 3 in the corresponding provisions of law that apply to condominium hotels. Section 9.8 of this bill replicates the existing provisions of and changes made to section 7 and applies such provisions to condominium hotels.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant;
and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:

(a) The association will not prepare or ~~mail~~ **provide** any ballots to units' owners pursuant to this section; and

(b) The nominated candidates shall be deemed to be duly elected to the executive board at the meeting of the units' owners at which the ballots would have been counted pursuant to paragraph (e) of subsection 15.

6. If the executive board makes the determination set forth in subsection 5, the secretary or other officer specified in the bylaws of the association shall disclose the determination and the provisions of subsection 5 with the notice given pursuant to subsection 4.

7. If, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is less than the number of members to be elected to the executive board at the election, the executive board may fill the remaining vacancies on the executive board by appointment of the executive board at a meeting of the executive board held after the candidates are elected pursuant to subsection 5. Any such person appointed to the executive board shall serve as a member of the executive board until the next regularly scheduled election of members of the executive board. An executive board member elected to a previously appointed position which was temporarily filled by board appointment pursuant to this subsection may only be elected to fulfill the remainder of that term.

8. If, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and ~~mail~~ **provide** ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

9. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in “good standing” if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➡ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and ~~mailed~~ **provided** pursuant to subsection 5, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

10. Except as otherwise provided in subsections 11 and 12, unless a person is appointed by the declarant:

(a) A person may not be a candidate for or member of the executive board or an officer of the association if:

(1) The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association; or

(3) The person, the person’s spouse or the person’s parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a candidate for or member of the executive board of a master association or an officer of that master association if the person, the person’s spouse or the person’s parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

11. A person, other than a person appointed by the declarant, who owns 75 percent or more of the units in an association may:

(a) Be a candidate for or member of the executive board or an officer of the association; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➔ unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.

12. A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➔ if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

13. If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

(a) Must not place his or her name on the ballot; and

(b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

14. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

15. Except as otherwise provided in subsection 5 or NRS 116.311 or 116.31105, the election of any member of the executive board must be conducted by secret ~~written~~ ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret *paper or electronic* ballot *to be provided to each unit's owner* and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope , ~~to be sent,~~ prepaid by United States mail, to the mailing address

of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~}; or~~

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed, **provided or made available** to the unit's owner to return the secret ~~written~~ ballot to the association ~~}; by physical or electronic means.~~

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret ~~written~~ ballots that ~~are returned to~~ the association **receives by physical or electronic means** may be counted to determine the outcome of the election.

(e) ~~The secret written ballots must be opened and counted at~~ **At** the meeting of the units' owners held pursuant to subsection 1 of NRS 116.3108 ~~}; the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.~~ A quorum is not required to be present when the secret ~~written~~ ballots **physically received by the association** are opened and counted **or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record** at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret ~~written~~ ballots that ~~are returned to~~ the association **physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means**, before those secret ~~written~~ ballots have been opened and counted **or reviewed, announced and entered into the record, as applicable**, at a meeting of the association.

16. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

17. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information;
and

(3) May be sent with ~~the~~ a secret ballot mailed pursuant to subsection 15 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

↪ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

18. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 17.

19. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of

that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. NRS 116.31036 is hereby amended to read as follows:

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section, the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and:

(a) The voting rights of the units' owners will be exercised through the use of secret ~~written~~ ballots pursuant to this section:

(1) The secret ~~written~~ ballots for the removal election must be ~~sent~~ **mailed, provided or made available** in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received. ~~and~~

(2) The executive board shall set the date for the meeting to open and count the secret ~~written~~ ballots **physically received by the association and to review, announce and enter into the record the results of the secret ballots received by the association by electronic means** so that the meeting is held not more than 15 days after the deadline for returning the secret ~~written~~ ballots **by physical or electronic means** and not later than 90 days after the date on which the petition was received.

(3) Upon written request submitted to the community manager, president or secretary of the association by a member of the executive board who is the subject of the removal election, the secretary or other officer specified in the bylaws of the association shall cause notice of a meeting of the executive board to be given to the units' owners not later than 5 days after receipt of the written request. The notice must include the date, time and location of the meeting, as requested by the member of the executive board who is the subject of the removal election, and identify the removal of the member from the executive board as an agenda item listed for discussion. A meeting requested pursuant to this subparagraph must occur before the date for the meeting set by the executive board pursuant to subparagraph (2).

(b) The voting rights of the owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 90 days after the date on which the petition is received.

➡ The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Except as otherwise provided in NRS 116.311 or 116.31105, the removal of any member of the executive board must be conducted by secret ~~written~~ ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret *paper or electronic* ballot *to be provided to each unit's owner* and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope , ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~+~~ ; or

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed , *provided or made available* to the unit's owner to return the secret ~~written~~ ballot to the association ~~+~~ *by physical or electronic means.*

(c) Only the secret ~~written~~ ballots that ~~are returned to~~ the association *receives by physical or electronic means* may be counted to determine the outcome.

(d) ~~The secret written ballots must be opened and counted at~~ *At a meeting of the association ~~+~~ , the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.* A quorum is not required to be present when the secret ~~written~~ ballots *physically received by the association* are opened and counted *or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record* at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret ~~written~~ ballots that ~~are returned to~~ the association *physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means*, before those secret ~~written~~ ballots have been opened and counted *or reviewed, announced and entered into the record, as applicable*, at a meeting of the association.

Sec. 3. NRS 116.311 is hereby amended to read as follows:

116.311 1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by electronic or paper ballot pursuant to subsection 9.

2. At a meeting of units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.

(d) Subject to subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to an owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

4. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed, and such a designation includes any recessed session of that meeting.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed and any recessed session of that meeting the number of proxies pursuant to which the holder will be casting votes.

5. A proxy terminates immediately after the conclusion of the meeting, and any recessed sessions of the meeting, for which it is executed.

6. Except as otherwise provided in this subsection, a vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association. A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

7. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

8. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 3 to 7, inclusive.

9. ~~Unless prohibited or limited by the declaration or bylaws, an~~ ***An*** association may conduct a vote without a meeting ~~if, except as otherwise provided in NRS 116.31034 and 116.31036, if~~, ***including, without limitation, a vote for the election or removal of a member of the executive board. If*** an association conducts a vote without a meeting, the following requirements apply:

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter ~~if~~ ***and may allow the units' owners to vote by using a voting machine. Any such voting machine must be a mechanical voting system that has been approved by the Secretary of State in accordance with chapter 293B of NRS and, once voting begins, must be available for use between the hours of 8 a.m. and 8 p.m. each day for a period of 15 consecutive days.***

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the vote is for the election or removal of a member of the executive board and the association allows the use of electronic voting:

(1) Upon the request of a unit's owner, an association shall provide a form to the unit's owner that allows the unit's owner to opt out of receiving electronic ballots.

(2) If a unit's owner has not given the association an electronic mail address or has opted out of using electronic ballots by returning to the association the form provided pursuant to subparagraph (1) at any time not less than 5 days before the date of the meeting when the votes will be counted, the association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(3) If the association allows units' owners to vote by using a voting machine, the association must provide to each unit's owner, not less than 15 days before the date on which voting begins, a notice of the opportunity to vote by using a voting machine that provides the location at which the voting machine will be available for use and the days and times during which the voting machine will be available for use. The association shall also provide with the notice a form that allows a unit's owner to opt out of voting by using a voting machine and instead receive a paper ballot. If a unit's owner returns the form to the association within 15 days after receiving the notice, the association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(4) A meeting of the units' owners must be held in the manner set forth in NRS 116.31034 or 116.31036 to open and count the paper ballots and

review and announce the results obtained from the electronic ballots or voting machine, as applicable, and enter the results into the meeting record. Any paper ballots must be opened and counted in a manner that may be readily observed by the units' owners in attendance at the meeting and must not occur privately behind closed doors or in an area that is not open to observation by the units' owners in attendance.

(5) Any electronic voting must be conducted by an independent third-party through the use of an online voting system, a voting machine, or both an online voting system and a voting machine. The independent third-party shall be deemed to be a data collector pursuant to NRS 603A.030 and is subject to the obligations and liabilities of chapter 603A of NRS with regard to the security and privacy of any personal information, as that term is defined in NRS 603A.040, that is provided or maintained through the use of an online voting system or voting machine. The independent third-party conducting the electronic voting may not be any of the following persons and may not share voting results or information with any of the following persons before the meeting held pursuant to subparagraph (4):

(I) A candidate for or member of the executive board or an officer of the association;

(II) A person who resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is a member of the executive board or an officer of the association or performs the duties of a community manager for the association;

(III) An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit or a fiduciary of an estate that owns a unit if the unit is also owned by another person who is a member of the executive board or an officer of the association or serves as the community manager for the association;

(IV) A person who performs the duties of a community manager for the association, an affiliate of the community manager, an employee of the company by whom the community manager is employed or an affiliate of the company, the spouse of any such person or the parent or child of any such person by blood, adoption or marriage;

(V) The declarant of the association or an affiliate of the declarant;

(VI) A unit's owner or resident of the association; or

(VII) Any person who stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association other than payment only for conducting voting services for the association.

10. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

- (a) This section applies to the lessees as if they were the units' owners;
- (b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;
- (c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and
- (d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

11. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

12. As used in this section, "online voting system" means an Internet-based voting system with a process that has the ability:

- (a) To authenticate:**
 - (1) The identity of a unit's owner; and**
 - (2) The validity of each electronic vote to ensure that the vote is not altered in transit;**
- (b) To enable a unit's owner to transmit an electronic ballot to the online voting system in a way that ensures the secrecy and integrity of the ballot;**
- (c) To transmit an electronic receipt to each unit's owner who casts an electronic vote;**
- (d) To separate any authenticating or identifying information from an electronic ballot, thereby rendering it impossible to match an electronic ballot to a specific unit's owner;**
- (e) To store electronic votes and keep them accessible to units' owners and the Office of the Ombudsman for the purposes of recounts, inspections and reviews;**
- (f) To count all lawful votes; and**
- (g) To identify, reject and record the basis for rejection of all unlawful votes, including, without limitation, a vote by a unit's owner whose voting rights have been suspended, a vote by a person who is not a unit's owner and duplicate votes.**

Sec. 4. NRS 116.31105 is hereby amended to read as follows:

116.31105 1. Except as otherwise provided in subsection 8, if the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

2. Except as otherwise provided in subsection 8, in addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret ~~written~~ ballot.

7. When an election of a delegate or representative is conducted by secret ~~written~~ ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret ~~written~~ **paper or electronic** ballot **to be provided to each unit's owner** and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope , ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~it~~ ; **or**

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed , **provided or made available** to the unit's owner to return the secret ~~written~~ ballot to the association ~~it~~ **by physical or electronic means.**

(c) Only the secret ~~written~~ ballots that ~~are returned to~~ the association ~~in the manner prescribed on the ballot~~ **receives by physical or electronic means** may be counted to determine the outcome of the election.

(d) ~~The secret written ballots must be opened and counted at~~ **At** a meeting called for the purpose of electing delegates or representatives ~~it~~ , **the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.** A quorum is not required to be present when the secret ~~written~~ ballots **physically received by the association** are opened and counted **or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record** at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret ~~written~~ ballots that ~~are returned to~~ the association ~~in the manner prescribed on the ballot~~

physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means, before those secret ~~written~~ ballots have been opened and counted or reviewed, announced and entered into the record, as applicable, at a meeting called for that purpose.

8. Except as otherwise provided in subsection 9, the voting rights of the units' owners in the association for a common-interest community may be exercised by delegates or representatives only during the period that the declarant is in control of the association and during the 2-year period after the declarant's control of the association is terminated pursuant to NRS 116.31032.

9. The provisions of subsection 8 do not apply to:

(a) A time-share plan created pursuant to chapter 119A of NRS which is governed by a master association; or

(b) A condominium or cooperative containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted.

Sec. 5. ~~NRS 116.3113 is hereby amended to read as follows:~~

~~116.3113 1. Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available and subject to reasonable deductibles, all of the following:~~

~~(a) Property insurance on the common elements and, in a planned community, also on property that must become common elements, insuring against risks of direct physical loss commonly insured against, which insurance, after application of any deductibles, must be not less than 80 percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations and other items normally excluded from property policies;~~

~~(b) Commercial general liability insurance, including insurance for medical payments, in an amount determined by the executive board but not less than any amount specified in the declaration, covering all occurrences commonly insured against for bodily injury and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, also of all units;~~

~~(c) Crime insurance which includes coverage for dishonest acts by members of the executive board and the officers, employees, agents, directors and volunteers of the association and which extends coverage to any business entity that acts as the community manager of the association and the employees of that entity. Such insurance may not contain a conviction requirement, and the minimum amount of the policy must be not less than an amount equal to 3 months of aggregate assessments on all units plus reserve funds or \$5,000,000, whichever is less;~~

~~(d) Directors and officers insurance that is a nonprofit organization errors and omissions policy in a minimum aggregate amount of not less than \$1,000,000 naming the association as the owner and the named insured. The coverage must extend to the members of the executive board and the officers;~~

~~employees, agents, directors and volunteers of the association and to the community manager of the association and any employees thereof while acting as agents as insured persons under the policy terms. Coverage must be subject to the terms listed in the declaration.~~

~~2. In the case of a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, the insurance maintained under paragraph (a) of subsection 1, to the extent reasonably available, must include the units, but need not include improvements and betterments installed by units' owners.~~

~~3. If the executive board determines that the cause of any loss to any portion of a common-interest community that is covered by insurance maintained pursuant to paragraph (a) of subsection 1 originated from a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the unit's owner is responsible for the cost of the deductible for such insurance, in an amount not to exceed \$50,000. The association may adopt and establish written, nondiscriminatory policies and procedures relating to the submission of claims, responsibility for deductibles and any other matters relating to the adjustment of claims.~~

~~4. If the insurance described in subsections 1 and 2 is not reasonably available, the association promptly shall cause notice of that fact to be given to all units' owners. The declaration may require the association to carry any other insurance, and the association may carry any other insurance it considers appropriate to protect the association or the units' owners.~~

~~[4.] 5. An insurance policy issued to the association does not prevent a unit's owner from obtaining insurance for the unit's owner's own benefit.]~~

~~(Deleted by amendment.)~~

Sec. 6. ~~[NRS 116.31133 is hereby amended to read as follows:~~

~~116.31133 1. Insurance policies carried pursuant to NRS 116.3113 must provide that:~~

~~(a) Each unit's owner is an insured person under the policy with respect to liability arising out of the unit's owner's interest in the common elements or membership in the association;~~

~~(b) [The] **Except as otherwise provided in subsection 3 of NRS 116.3113,** the insurer waives its right to subrogation under the policy against any unit's owner or member of his or her household;~~

~~(c) No act or omission by any unit's owner, unless acting within the scope of his or her authority on behalf of the association, voids the policy or is a condition to recovery under the policy; and~~

~~(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit's owner covering the same risk covered by the policy, the association's policy provides primary insurance.~~

~~2. Any loss covered by the property policy under subsections 1 and 2 of NRS 116.3113 must be adjusted with the association, but the proceeds for that loss are payable to any insurance trustee designated for that purpose, or~~

~~otherwise to the association, and not to any holder of a security interest. The insurance trustee or the association shall hold any insurance proceeds in trust for the association, units' owners and lienholders as their interests may appear. Subject to NRS 116.31125, the proceeds must be disbursed first for the repair or restoration of the damaged property, and the association, units' owners, and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored, or the common interest community is terminated.~~

~~3. An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit's owner or holder of a security interest. The insurer issuing the policy may not cancel or refuse to renew it until 30 days after notice of the proposed cancellation or nonrenewal has been mailed to the association, each unit's owner and each holder of a security interest to whom a certificate or memorandum of insurance has been issued at their respective last known addresses.~~ **(Deleted by amendment.)**

Sec. 7. NRS 116.31153 is hereby amended to read as follows:

116.31153 1. Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

3. Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:

(a) Transfer money to the reserve account of the association at regular intervals;

(b) Make automatic payments for utilities;

(c) *Make automatic payments for the cost of any insurance policies maintained pursuant to NRS 116.3113;*

(d) *Make automatic payments for telecommunications services maintained by the association, including, without limitation, telephone, cable, satellite and Internet services;*

~~(e) Make automatic payments for loans obtained in compliance with paragraph (p) of subsection 1 of NRS 116.3102 and the governing documents;~~

~~(f) Make automatic payments for any services to the association that are billed on a monthly basis;~~

(f) Make annual payments to the Office of the Ombudsman;

(g) Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or

~~[(d)]~~ **(h)** Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.

4. An association may use electronic signatures to withdraw money in the operating account of the association if:

(a) The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;

(b) The executive board has expressly authorized the electronic transfer of money; and

(c) The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.

5. As used in this section, “electronic transfer of money” has the meaning ascribed to it in NRS 353.1467.

Sec. 8. NRS 116A.620 is hereby amended to read as follows:

116A.620 1. Any management agreement must:

(a) Be in writing and signed by all parties;

(b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;

(c) State the term of the management agreement;

(d) State the basic consideration for the services to be provided and the payment schedule;

(e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:

(1) The costs for any new client or start-up costs;

(2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;

(3) Reimbursable expenses;

(4) The fees for the sale or resale of a unit or for setting up the account of a new member; and

(5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;

(f) State the identity and the legal status of the contracting parties;

(g) State any limitations on the liability of each contracting party;

(h) Include a statement of the scope of work of the community manager;

(i) State the spending limits of the community manager;

(j) Include provisions relating to the grounds and procedures for termination of the community manager;

(k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:

(1) A requirement that the community manager or his or her employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of \$1,000,000 or more;

(2) An indication of which contracting party will maintain fidelity bond coverage; and

(3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;

(l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. ~~Except~~ ***Until the regulations adopted by the Commission pursuant to subsection 8 become effective, and except*** as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination

or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.

7. Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS.

8. The Commission shall adopt regulations establishing the requirements relating to the transfer of all books, records and other papers of the client upon the termination or assignment of a management agreement.

Sec. 9. NRS 116A.620 is hereby amended to read as follows:

116A.620 1. Any management agreement must:

- (a) Be in writing and signed by all parties;
- (b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;
- (c) State the term of the management agreement;
- (d) State the basic consideration for the services to be provided and the payment schedule;
- (e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:
 - (1) The costs for any new client or start-up costs;
 - (2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;
 - (3) Reimbursable expenses;
 - (4) The fees for the sale or resale of a unit or for setting up the account of a new member; and
 - (5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;
- (f) State the identity and the legal status of the contracting parties;
- (g) State any limitations on the liability of each contracting party;
- (h) Include a statement of the scope of work of the community manager;
- (i) State the spending limits of the community manager;
- (j) Include provisions relating to the grounds and procedures for termination of the community manager;
- (k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:
 - (1) A requirement that the community manager or his or her employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of \$1,000,000 or more;

(2) An indication of which contracting party will maintain fidelity bond coverage; and

(3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;

(l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. ~~Until the regulations adopted by the Commission pursuant to subsection 8 become effective, and except as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.~~

~~—7.1~~ Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS.

~~18.1~~ 7. The Commission shall adopt regulations establishing the requirements relating to the transfer of all books, records and other papers of the client upon the termination or assignment of a management agreement.

Sec. 9.2. NRS 116B.445 is hereby amended to read as follows:

116B.445 1. Not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members. At least a majority of the members of the executive board must be residential unit owners and at least one member of the executive board must be a duly authorized representative of the hotel unit owner. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant or the hotel unit owner. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

- (a) Members of the executive board who are appointed by the declarant;
- (b) Members of the executive board who are appointed by the hotel unit owner; and
- (c) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

- (a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and
- (b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good

standing” if the candidate has any unpaid and past due assessments or charges that are required to be paid to the association.

↪ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of the association if the person, the person’s spouse or the person’s parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~“The~~ **Except as otherwise provided in NRS 116B.550, the** election of any member of the executive board must be conducted by secret ~~“written”~~ ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret **paper or electronic** ballot **to be provided to each unit’s owner** and **:**

(1) If a paper ballot is provided, shall send the ballot and a return envelope, ~~“to be sent,”~~ prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit’s owner ~~“.”~~ **;** or

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit’s owner.

(b) Each unit’s owner must be provided with at least 15 days after the date the secret ~~“written”~~ ballot is mailed, **provided or made available** to the unit’s owner to return the secret ~~“written”~~ ballot to the association ~~“.”~~ **by physical or electronic means.**

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret ~~“written”~~ ballots that ~~“are returned to”~~ the association **receives by physical or electronic means** may be counted to determine the outcome of the election.

(e) ~~[(The secret written ballots must be opened and counted at)]~~ At a meeting of the association ~~[(, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.]~~ A quorum is not required to be present when the secret ~~[(written)]~~ ballots are opened and counted or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret ~~[(written)]~~ ballots that ~~[(are returned to)]~~ the association physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means, before those secret ~~[(written)]~~ ballots have been opened and counted or reviewed, announced and entered into the record, as applicable, at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of the member's ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116B.625.

Sec. 9.4. NRS 116B.450 is hereby amended to read as follows:

116B.450 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant or elected by the hotel unit owner, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section, the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and the voting rights of the units' owners will be exercised through the use of secret ~~[(written)]~~ ballots pursuant to this section:

(a) The secret ~~written~~ ballots for the removal election must be ~~sent~~ mailed, provided or made available in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received. ~~and~~

(b) The executive board shall set the date for the meeting to open and count the secret ~~written~~ ballots physically received by the association and to review, announce and enter into the record the results of the secret ballots received by the association by electronic means so that the meeting is held not more than 15 days after the deadline for returning the secret ~~written~~ ballots by physical or electronic means and not later than 90 days after the date on which the petition was received.

(c) Upon written request submitted to the community manager, president or secretary of the association by a member of the executive board who is the subject of the removal election, the secretary or other officer specified in the bylaws of the association shall cause notice of a meeting of the executive board to be given to the units' owners not later than 5 days after receipt of the written request. The notice must include the date, time and location of the meeting, as requested by the member of the executive board who is the subject of the removal election, and identify the removal of the member from the executive board as an agenda item listed for discussion. A meeting requested pursuant to this paragraph must occur before the date for the meeting set by the executive board pursuant to paragraph (b).

3. ~~The~~ Except as otherwise provided in NRS 116B.550, the removal of any member of the executive board must be conducted by secret ~~written~~ ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret paper or electronic ballot to be provided to each unit's owner and :

(1) If a paper ballot is provided, shall send the ballot and a return envelope, ~~to be sent,~~ prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner ~~;~~ ; ~~or~~

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~written~~ ballot is mailed, provided or made available to the unit's owner to return the secret ~~written~~ ballot to the association ~~;~~ by physical or electronic means.

(c) Only the secret ~~written~~ ballots that ~~are returned to~~ the association receives by physical or electronic means may be counted to determine the outcome.

(d) ~~The secret written ballots must be opened and counted at~~ At a meeting of the association ~~;~~ , the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and

entered into the record. A quorum is not required to be present when the secret ~~written~~ ballots physically received by the association are opened and counted or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret ~~written~~ ballots that ~~are returned to~~ the association physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means, before those secret ~~written~~ ballots have been opened and counted or reviewed, announced and entered into the record, as applicable, at a meeting of the association.

Sec. 9.6. NRS 116B.550 is hereby amended to read as follows:

116B.550 1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, the units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by paper or electronic ballot pursuant to subsection 9.

2. At a meeting of the units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of the units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.

(d) Subject to the provisions of subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to a unit's owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the condominium hotel, the hotel unit owner

or another unit's owner who resides in the condominium hotel. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

4. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed, and such a designation includes any recessed session of the meeting.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed and any recessed session of that meeting the number of proxies pursuant to which the holder will be casting votes.

5. A proxy terminates immediately after the conclusion of the meeting, and any recessed sessions of the meeting, for which it is executed.

6. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association.

7. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

8. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 3 to 7, inclusive.

9. ~~{Unless prohibited or limited by the declaration or bylaws, an}~~ An association may conduct a vote without a meeting ~~{. Except as otherwise provided in NRS 116B.445 and 116B.450, if}~~ , including, without limitation, a vote for the election or removal of a member of the executive board. If an association conducts a vote without a meeting, the following requirements apply:

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter ~~{,}~~ and may allow the units' owners to

vote by using a voting machine. Any such voting machine must be a mechanical voting system that has been approved by the Secretary of State in accordance with chapter 293B of NRS and, once voting begins, must be available for use between the hours of 8 a.m. and 8 p.m. each day for a period of 15 consecutive days.

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the vote is for the election or removal of a member of the executive board and the association allows the use of electronic voting:

(1) Upon the request of a unit's owner, an association shall provide a form to the unit's owner that allows the unit's owner to opt out of receiving electronic ballots.

(2) If a unit's owner has not given the association an electronic mail address or has opted out of using electronic ballots by returning to the association the form provided pursuant to subparagraph (1) at any time not less than 5 days before the date of the meeting when the votes will be counted, the association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(3) If the association allows units' owners to vote by using a voting machine, the association must provide to each unit's owner, not less than 15 days before the date on which voting begins, a notice of the opportunity to vote by using a voting machine that provides the location at which the voting machine will be available for use and the days and times during which the voting machine will be available for use. The association shall also provide with the notice a form that allows a unit's owner to opt out of voting by using a voting machine and instead receive a paper ballot. If a unit's owner returns the form to the association within 15 days after receiving the notice, the

association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(4) A meeting of the units' owners must be held in the manner set forth in NRS 116B.445 or 116B.450 to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine, as applicable, and enter the results into the meeting record. Any paper ballots must be opened and counted in a manner that may be readily observed by the units' owners in attendance at the meeting and must not occur privately behind closed doors or in an area that is not open to observation by the units' owners in attendance.

(5) Any electronic voting must be conducted by an independent third-party through the use of an online voting system, a voting machine, or both an online voting system and a voting machine. The independent third-party shall be deemed to be a data collector pursuant to NRS 603A.030 and is subject to the obligations and liabilities of chapter 603A of NRS with regard to the security and privacy of any personal information, as that term is defined in NRS 603A.040, that is provided or maintained through the use of an online voting system or voting machine. The independent third-party conducting the electronic voting may not be any of the following persons and may not share voting results or information with any of the following persons before the meeting held pursuant to subparagraph (4):

(I) A candidate for or member of the executive board or an officer of the association;

(II) A person who resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is a member of the executive board or an officer of the association or performs the duties of a community manager for the association;

(III) An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit or a fiduciary of an estate that owns a unit if the unit is also owned by another person who is a member of the executive board or an officer of the association or serves as the community manager for the association;

(IV) A person who performs the duties of a community manager for the association, an affiliate of the community manager, an employee of the company by whom the community manager is employed or an affiliate of the company, the spouse of any such person or the parent or child of any such person by blood, adoption or marriage;

(V) The declarant of the association or an affiliate of the declarant;

(VI) A unit's owner or resident of the association; or

(VII) Any person who stands to gain any personal profit or compensation of any kind from a matter before the executive board of the

association other than payment only for conducting voting services for the association.

10. If the declaration requires that votes on specified matters affecting the condominium hotel must be cast by the lessees of leased units rather than the units' owners who have leased the units:

- (a) This section applies to the lessees as if they were the units' owners;
- (b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;
- (c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and
- (d) The units' owners must be given notice, in the manner provided in this chapter, of all meetings at which the lessees are entitled to vote.

11. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

12. As used in this section, "online voting system" means an Internet-based voting system with a process that has the ability:

- (a) To authenticate:**
 - (1) The identity of a unit's owner; and**
 - (2) The validity of each electronic vote to ensure that the vote is not altered in transit;**
- (b) To enable a unit's owner to transmit an electronic ballot to the online voting system in a way that ensures the secrecy and integrity of the ballot;**
- (c) To transmit an electronic receipt to each unit's owner who casts an electronic vote;**
- (d) To separate any authenticating or identifying information from an electronic ballot, thereby rendering it impossible to match an electronic ballot to a specific unit's owner;**
- (e) To store electronic votes and keep them accessible to units' owners and the Office of the Ombudsman for the purposes of recounts, inspections and reviews;**
- (f) To count all lawful votes; and**
- (g) To identify, reject and record the basis for rejection of all unlawful votes, including, without limitation, a vote by a unit's owner whose voting rights have been suspended, a vote by a person who is not a unit's owner and duplicate votes.**

Sec. 9.8. NRS 116B.615 is hereby amended to read as follows:

116B.615 **1.** Money in the reserve account of an association required by NRS 116B.590 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and

a member of the executive board, an officer of the association or the community manager.

3. Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:

(a) Transfer money to the reserve account of the association at regular intervals;

(b) Make automatic payments for utilities;

(c) Make automatic payments for the cost of any insurance policies maintained pursuant to NRS 116.3113;

(d) Make automatic payments for telecommunications services maintained by the association, including, without limitation, telephone, cable, satellite and Internet services;

(e) Make automatic payments for any services to the association that are billed on a monthly basis;

(f) Make annual payments to the Office of the Ombudsman;

(g) Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or

(h) Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.

4. An association may use electronic signatures to withdraw money in the operating account of the association if:

(a) The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;

(b) The executive board has expressly authorized the electronic transfer of money; and

(c) The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.

5. As used in this section, “electronic transfer of money” has the meaning ascribed to it in NRS 353.1467.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Section 8 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of that section; and

(b) On October 1, 2021, for all other purposes.

3. Sections 1 to 7, inclusive, **and 9.2 to 9.8, inclusive**, of this act become effective on October 1, 2021.

4. Section 9 of this act becomes effective on the effective date of the regulations adopted by the Commission for Common-Interest Communities and Condominium Hotels establishing the requirements relating to the transfer

of all books, records and other papers of a client upon the termination or assignment of a management agreement pursuant to that section.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 327.

Bill read second time.

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

Amendment No. 243.

AN ACT relating to mental health; requiring certain mental health professionals to complete continuing education concerning cultural competency and diversity, equity and inclusion; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires behavior analysts, physicians, physician assistants, nurses, psychologists, marriage and family therapists, clinical professional counselors, social workers, clinical alcohol and drug counselors, alcohol and drug counselors and problem gambling counselors to complete certain continuing education as a condition to the renewal of a license or certificate. (NRS ~~437.225~~, 630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280, 641C.450) Existing law requires certain facilities that provide health care to conduct training relating to cultural competency for any agent or employee of such a facility who provides care to a patient or resident of the facility. (NRS 449.103) Sections ~~1-7~~ 1-7.5 of this bill require a psychiatrist, physician assistant practicing under the supervision of a psychiatrist, nurse, ~~who provides psychiatric care,~~ marriage and family therapist, clinical professional counselor, social worker, clinical alcohol and drug counselor, alcohol and drug counselor, ~~or~~ problem gambling counselor or behavior analyst to complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion as part of that continuing education. Sections 1-7.5 authorize such a provider who receives training relating to cultural competency as the employee of a facility that provides health care to use that training to satisfy the requirement that such a provider complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion.

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

↪ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection ~~5~~ 6.

(d) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least ~~4~~ 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

~~1~~↪

3. The Board may ~~thereafter~~ determine whether to include in a program of continuing education ~~additional~~ courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction ~~1~~ ***in addition to the course of instruction required by paragraph (b) of subsection 2.***

~~3~~↪ 4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

~~4-1~~ **5.** The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

~~5-1~~ **6.** The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

~~6-1~~ **7.** The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

~~7-1~~ **8.** A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~8-1~~ **9.** A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or care for persons with an addictive disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~9-1~~ **10.** As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or
- (d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse, a course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection ~~5~~ 6.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For ~~for~~ each person licensed pursuant to this chapter, ~~who provides psychiatric care,~~ one or more courses of instruction that provide at least ~~4~~ 2 hours of instruction relating to cultural competency and diversity, equity

and inclusion to be completed biennially. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

~~4-1~~

4. The Board may ~~hereafter~~ determine whether to include in a program of continuing education ~~additional~~ courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction ~~+~~ ***in addition to the course of instruction required by paragraph (b) of subsection 3.***

~~4-1~~ 5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

~~5-1~~ 6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

~~6-1~~ 7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

~~7-1~~ 8. As used in this section:

- (a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.
- (b) “Biological agent” has the meaning ascribed to it in NRS 202.442.
- (c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.
- (d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.
- (e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 3. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~10-1~~ **11** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

- (a) Applying for renewal on forms provided by the Board;
- (b) Paying the annual license renewal fee specified in this chapter;
- (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;
- (d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 8.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a

license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management or care of persons with addictive disorders.

8. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

- (a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;
- (b) Approaches to engaging other professionals in suicide intervention; and
- (c) The detection of suicidal thoughts and ideations and the prevention of suicide.

9. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. ***The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least ~~16~~ 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.***

11. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 4. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Board for renewal;
- (b) Pay the biennial fee for the renewal of a license;
- (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and
- (d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation ~~1-a~~ :

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The

hours of instruction required by this ~~subsection~~ **paragraph** must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least ~~4~~ 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

Sec. 5. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

- (a) Apply to the Board for renewal;
- (b) Pay the fee for the biennial renewal of a license set by the Board;
- (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and
- (d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation ~~the~~ :

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least ~~4~~ 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

Sec. 6. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

- (a) Applying to the Board for renewal;
- (b) Paying the annual renewal fee set by the Board;
- (c) Submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and
- (d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation ~~the~~ :

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another

course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least ~~6~~ 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

Sec. 7. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate. ~~1-1~~
2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470. ~~1-1~~
3. Evidence of completion of the continuing education required by the Board, which must include, without limitation ~~1-1~~ :

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification. ~~1-1~~ and

(b) A requirement that the applicant receive at least ~~3 hours~~ 1 hour of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification ~~1-1~~. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant. ~~1-1 and~~

5. All information required to complete the renewal.

Sec. 7.5. NRS 437.225 is hereby amended to read as follows:

437.225 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Division for renewal;
- (b) Pay the biennial fee for the renewal of a license or registration;
- (c) Submit evidence to the Division:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal

history in the manner prescribed in paragraph (b) of subsection 1 of NRS 437.200.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable. ~~and~~

(b) Include, without limitation ~~the~~:

(1) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(2) A requirement that the holder of a license as a behavior analyst receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~17.1~~ 7.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~July 1, 2021,~~ January 1, 2022, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 335.

Bill read second time.

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

Amendment No. 461.

AN ACT relating to redevelopment; revising the requirements for the submission of an employment plan for a redevelopment project located in certain cities; requiring a developer and certain businesses to submit progress reports related to redevelopment projects in certain cities; requiring the Nevada Commission on Minority Affairs to provide an analysis of employment plans and progress reports related to certain redevelopment projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each proposal for a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas), to include an employment plan which must include: (1) a description of the existing opportunities for employment within

the area; (2) a projection of the effect that the redevelopment project will have on employment opportunities within the area; (3) a description of the manner in which an employer relocating a business into the area plans to employ certain persons, ~~for~~, **including persons who have a physical disability**; (4) a description of the manner in which the developer will, in hiring for construction jobs for the project, use its best efforts to hire certain persons; and (5) a description of the manner in which each employer relocating a business into the area will use its best efforts to hire certain persons living within certain areas. (NRS 279.482)

Sections 2 and 5 of this bill reorganize existing requirements for an employment plan that apply to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas). **Section 2** requires the employment plan to include **:(1) certain information about persons with any disability; and (2) a** description of how the developer will seek the participation in the redevelopment project of local small business contractors and subcontractors who are licensed in this State and whose place of business is located within 100 miles of the project. **Section 2** also requires that a redevelopment agency submit the employment plan to the Nevada Commission on Minority Affairs and the Southern Nevada Enterprise Community Board. **Section 2** further provides that an employment plan is a public record.

Sections 3 and 4 of this bill require, respectively, developers and businesses that receive incentives from an agency for a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas) to submit progress reports on the employment plan to the agency. **Sections 3 and 4** also require the progress reports to be submitted by the agency to the Nevada Commission on Minority Affairs and the Southern Nevada Enterprise Community Board. **Sections 3 and 4** also provide that the progress reports are public records.

Section 6 of this bill provides that **sections 2-4** apply only to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas).

Existing law requires a public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas) to submit an employment plan. (NRS 279.6094) **Section 7** of this bill provides that the employment plan must meet the requirements of **section 2**.

Section 8 of this bill requires the Nevada Commission on Minority Affairs to analyze the information provided in the employment plans and progress reports that it receives pursuant to **sections 2-4**.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *Except as otherwise provided in NRS 279.6094, if an agency proposes to provide an incentive to a developer for a redevelopment project, the proposal for the redevelopment project must include an employment plan. The employment plan must include:*

(a) A description of the existing opportunities for employment within the area;

(b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area;

(c) A description of the manner in which an employer relocating a business into the area plans to employ persons living within the area of operation who:

(1) Are economically disadvantaged;

(2) Have ~~in a physical~~ any disability;

(3) Are members of racial minorities;

(4) Are veterans; or

(5) Are women; and

(d) A description of the manner in which:

(1) The developer will seek the participation in the redevelopment project of local small business contractors and subcontractors who are licensed in this State and whose place of business is located within 100 miles of the project;

(2) The developer will, in hiring for construction jobs for the project, use its best efforts to hire veterans and persons of ~~both~~ all sexes and diverse ethnicities living within the redevelopment area, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570, or the Southern Nevada Enterprise Community; and

(3) Each employer relocating a business into the area will use its best efforts to hire veterans and persons of ~~both~~ all sexes and diverse ethnicities living within any of the areas described in subparagraph (2).

2. A description provided pursuant to paragraph (d) of subsection 1 must include an agreement by the developer or employer to offer and conduct training for the residents described in that paragraph or make a good faith effort to provide such training through a program of training that is offered by a governmental agency and reasonably available to the developer or employer.

3. The agency shall submit the employment plan within 30 days after receipt to:

(a) The Nevada Commission on Minority Affairs created by NRS 232.852; and

(b) If the redevelopment project is located within the Southern Nevada Enterprise Community, the Southern Nevada Enterprise Community Board.

Upon request of the Board, a developer must present the employment plan to the Board.

4. An employment plan submitted to an agency pursuant to this section is a public record.

Sec. 3. 1. A developer that receives an incentive from an agency for a redevelopment project shall submit to the agency a progress report on the employment plan submitted pursuant to section 2 of this act:

(a) Not more than 120 days after the date on which the redevelopment project is 50 percent completed; and

(b) Not more than 120 days after the completion of the redevelopment project.

2. A progress report submitted pursuant to subsection 1 must include, without limitation:

(a) The number of persons who have worked on the redevelopment project who:

(1) Are economically disadvantaged;

(2) Have ~~in physical~~ any disability;

(3) Are members of racial minorities;

(4) Are veterans; or

(5) Are women; and

(b) The number of persons who have worked on the redevelopment project who are residents of an area described in subparagraph (2) of paragraph (d) of subsection 1 of section 2 of this act;

(c) The number of local small business contractors and subcontractors who are licensed in this State and whose place of business is located within 100 miles of the redevelopment project who have worked on the redevelopment project; and

(d) A comparison between the information presented in the progress report and the information contained in the original employment plan submitted for the project pursuant to section 2 of this act.

3. The agency shall submit a progress report received pursuant to this section within 30 days after receipt to:

(a) The Nevada Commission on Minority Affairs created by NRS 232.852; and

(b) If the redevelopment project is located within the Southern Nevada Enterprise Community, the Southern Nevada Enterprise Community Board. Upon request of the Board, a developer shall present the progress report to the Board.

4. A progress report submitted pursuant to this section is a public record.

Sec. 4. 1. A business that receives an incentive to relocate into the redevelopment area must submit to the agency a progress report not more than 120 days after the opening of the business and annually thereafter for the term during which the business is receiving the incentive.

2. A progress report submitted pursuant to subsection 1 must include, without limitation:

(a) The number of persons employed by the business who:

- (1) Are economically disadvantaged;*
- (2) Have ~~to a physical~~ any disability;*
- (3) Are members of racial minorities;*
- (4) Are veterans; or*
- (5) Are women;*

(b) The number of persons employed by the business who are residents of an area described in subparagraph (2) of paragraph (d) of subsection 1 of section 2 of this act; and

(c) A comparison between the information presented in the progress report and the information included in the original employment plan submitted for the project pursuant to section 2 of this act.

3. The agency shall submit a progress report received pursuant to this section within 30 days after receipt to:

(a) The Nevada Commission on Minority Affairs created by NRS 232.852; and

(b) If the redevelopment project is located within the Southern Nevada Enterprise Community, the Southern Nevada Enterprise Community Board. Upon request of the Board, a business must present the progress report to the Board.

4. A report submitted pursuant to this section is a public record.

Sec. 5. NRS 279.482 is hereby amended to read as follows:

279.482 1. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

- (a) Use the property for the purpose designated in the redevelopment plans.
- (b) Begin the redevelopment of the area within a period of time which the agency fixes as reasonable.
- (c) Comply with other conditions which the agency deems necessary to carry out the purposes of this chapter, including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.

2. Except as otherwise provided in ~~NRS 279.6094, 1~~ **section 2 of this act**, as appropriate for the particular project, each proposal for a redevelopment project must also include an employment plan. The employment plan must include:

- (a) A description of the existing opportunities for employment within the area;
- (b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area; **and**
- (c) A description of the manner in which an employer relocating a business into the area plans to employ persons living within the area of operation who:
 - (1) Are economically disadvantaged;
 - (2) Have ~~to a physical~~ any disability;
 - (3) Are members of racial minorities;
 - (4) Are veterans; or

(5) Are women . ~~f~~ and

~~— (d) For a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, a description of the manner in which:~~

~~— (1) The developer will, in hiring for construction jobs for the project, use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within the redevelopment area, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570, or the Southern Nevada Enterprise Community; and~~

~~— (2) Each employer relocating a business into the area will use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within any of the areas described in subparagraph (1).~~

~~— 3. A description provided pursuant to paragraph (d) of subsection 2 must include an agreement by the developer or employer to offer and conduct training for the residents described in that paragraph or make a good faith effort to provide such training through a program of training that is offered by a governmental agency and reasonably available to the developer or employer.~~

Sec. 6. NRS 279.6092 is hereby amended to read as follows:

279.6092 The provisions of NRS 279.6092 to 279.6099, inclusive, *and sections 2, 3 and 4 of this act*, apply only to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more.

Sec. 7. NRS 279.6094 is hereby amended to read as follows:

279.6094 A public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work pursuant to chapter 338 of NRS shall submit an employment plan pursuant to ~~{NRS 279.482}~~ *section 2 of this act*.

Sec. 8. NRS 232.860 is hereby amended to read as follows:

232.860 The Commission shall, within the limits of available money:

1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;

2. Collect and disseminate information on activities, programs and essential services available to minorities in the State of Nevada;

3. Study the:

(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing, as defined in NRS 278.0105, for minorities;

4. In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:

(a) The laws of this State that prohibit discriminatory practices; and

(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;

5. To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;

6. *Analyze the information provided in the employment plans and reports for a redevelopment project submitted pursuant to sections 2, 3 and 4 of this act;*

7. Advise the Governor on matters relating to minorities and of concern to minorities; and

~~{7.}~~ 8. Recommend proposed legislation to the Governor.

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

(Deleted by amendment.)

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time and ordered to third reading.

Assembly Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 345.

SUMMARY—~~{Revises provisions}~~ Requires the Legislative Committee on Health Care to study certain issues related to the economics of health care. (BDR ~~{38-541}~~ **S-541)**

{CONTAINS UNFUNDED MANDATE (§ 31)}

{Not Requested by Affected Local Government}

AN ACT relating to health care; ~~{authorizing the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on certain health care providers; prescribing the authorized uses of the revenue generated by such an assessment; requiring the Division to adopt regulations establishing administrative penalties against a health care provider who does not pay an assessment in a timely manner; authorizing the Division to take certain measures to collect an unpaid assessment or administrative penalty; establishing procedures for fixing the rates charged by certain hospitals, independent centers for emergency medical care, surgical centers for ambulatory patients and physicians for certain services; authorizing the imposition of a civil penalty and initiation of disciplinary action against such a facility or a physician who fails to comply with provisions concerning rate fixing; creating certain causes of action to~~

~~enforce those provisions,} **requiring the Legislative Committee on Health Care to study matters relating to the economics of health care in this State;**~~

and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{ Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on agencies to provide personal care services in the home or medical facilities that are required to obtain a certain type of license after obtaining the approval of at least 67 percent of the operators of such agencies or facilities. (NRS 422.3794) Existing law requires the Division to expend the revenue generated from the assessment to provide increased payments to operators of agencies to provide personal care in the home and operators of medical facilities for services rendered to recipients of Medicaid and to pay administrative costs. (NRS 422.37945) Sections 2-8 of this bill authorize the imposition of a similar assessment on groups of health care providers who provide similar services or physicians who practice in a specialty area. Sections 3-5 of this bill define necessary terms. Section 6 of this bill provides for the imposition of the assessment upon the affirmative vote of at least 67 percent of the affected providers. Section 7 of this bill creates the Account to Improve Health Care Quality and Access for Patients of Certain Providers and requires the Division to deposit the proceeds from the assessment into the Account. Section 7 authorizes the Division to use the money in the Account to: (1) increase the rates of reimbursement of providers in the assessed group receive from Medicaid to rates equal to those paid by Medicare; and (2) pay administrative costs related to the assessment. Section 8 of this bill requires the Division to adopt regulations establishing administrative penalties against a health care provider who fails to pay an assessment in a timely manner. Section 8 also authorizes the Division, after notifying the provider, to deduct the amount of an unpaid assessment or administrative penalty from future payments owed to the operator under the State Plan for Medicaid. Finally, section 8 authorizes the Division to negotiate a payment plan with a health care provider before making such deductions. Section 9 of this bill makes a conforming change to indicate the proper placement of sections 2-8 in the Nevada Revised Statutes. — Sections 14-23 of this bill establish procedures for fixing the rates charged by certain hospitals, independent centers for emergency medical care, surgical centers for ambulatory patients and physicians for services that are reimbursable through Medicare when provided to a patient who is not indigent and is not covered by Medicare or Medicaid. Sections 15-17 of this bill define necessary terms. Section 18 of this bill generally prohibits such a health care facility or a physician from charging rates different from those established under sections 14-23. Section 19 of this bill requires the Division to fix rates to ensure that each health care facility and physician is able to cover reasonable costs and earn a fair and reasonable profit. Section 19 requires the Division to generally: (1) presume that the rates paid by Medicare allow a health care facility or physician to cover reasonable costs and earn a fair and reasonable~~

~~profit; and (2) fix rates at that amount. However, section 19 authorizes a health care facility, physician or group of physicians to request a different rate if the health care facility, physician or group of physicians determine the rates paid by Medicare do not allow the health care facility, physician or physicians in the group to cover reasonable costs and earn a fair and reasonable profit. Section 20 of this bill: (1) requires the Administrator of the Division to appoint a panel of employees who are experienced or trained in rate fixing to evaluate such requests; and (2) prescribes the procedure for evaluating such a request and the criteria that the panel is required to consider during the evaluation. Section 21 of this bill prescribes requirements concerning an order relating to such a request. Section 21 provides that such an order is valid for 1 year and authorizes a health care facility, physician or group of physicians to request to renew a rate.~~

~~Section 22 of this bill requires the Division to adopt certain regulations governing rate fixing, including regulations establishing civil penalties to be imposed against a health care facility or physician that violates provisions governing rate fixing. Sections 23, 26, 32 and 33 of this bill provide for the imposition of disciplinary action against a health care facility or physician for such a violation. Section 23 also authorizes: (1) the Division or Attorney General to maintain a suit for an injunction against such a violation; and (2) any person or entity injured by such a violation to maintain a suit for damages. Sections 10 12, 24, 25, 27 31, 34 44 and 47 of this bill make conforming changes to clarify the application of or remove existing provisions concerning the rates that a health care facility or physician may charge for certain services.]~~

Existing law establishes the Legislative Committee on Health Care to review and examine certain issues relating to the provision of health care in this State. (NRS 439B.200, 439B.220) This bill requires the Legislative Committee on Health Care, during the 2021-2023 legislative interim, to study: (1) the economics of the system of setting reimbursement rates for health care services by private and public health insurers; (2) the impact of current reimbursement rates paid by insurers for health care services on patients; (3) opportunities to set rates charged for health care services at a level to allow providers of health care, including health care institutions, to cover and reduce costs and make a reasonable profit; (4) incentives for providers of health care to provide services to recipients of Medicaid; and (5) make recommendations to the 82nd Session of the Nevada Legislature.

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

Delete existing sections 1 through 48 of this bill and replace with the following new sections 1 and 2:

Section 1. 1. As part of its review of health care during the 2021-2023 legislative interim, the Legislative Committee on Health Care shall study:

(a) The economics of the system of setting reimbursement rates for health care services in this State by private and public health insurers, including, without limitation, Medicaid, and a comparison of that system with such systems in other states;

(b) The impact of current reimbursement rates paid by health insurers for health care services on patients in this State, including, without limitation, costs relating to health care services imposed on such patients and the cost of premiums for health insurance;

(c) Opportunities and options to set rates charged for health care services at a level that would allow providers of health care to cover reasonable costs of providing health care services, earn a fair and reasonable profit and reduce administrative costs relating to billing for health care; and

(d) Opportunities and options to provide incentives for providers of health care to provide health care services to recipients of Medicaid throughout this State, including, without limitation, by:

(1) Increasing reimbursement rates for Medicaid by imposing assessments on certain groups of providers of health care; and

(2) Reducing administrative burdens.

2. On or before September 1, 2022, the Legislative Committee on Health Care shall submit its findings and any recommendations to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

3. As used in this section:

(a) “Health care services” has the meaning ascribed to it in NRS 695G.022.

(b) “Provider of health care” has the meaning ascribed to it in NRS 695G.070.

Sec. 2. 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. 349.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 375.

AN ACT relating to motor vehicles; revising provisions that govern an owner of an Old Timer vehicle, ~~street rod,~~ classic rod or classic car, including providing that such vehicles are exempt from the provisions governing the

control of emissions from engines as long as they are not used for general transportation and further providing that such vehicles which are used for general transportation shall not receive special license plates **, except in certain situations,** and instead must comply with the provisions governing the control of emissions from engines; requiring the owner of an Old Timer vehicle, ~~street rod,~~ classic rod or classic car to pay a certain fee annually instead of only once; authorizing approved inspectors to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations; authorizing the Department of Motor Vehicles to establish a remote sensing system to test the emissions from motor vehicles operating in certain counties; exempting a new motor vehicle from emissions testing for the first ~~four~~ **3** years of the life of the motor vehicle and then requiring that emissions testing be conducted on new motor vehicles annually after the ~~fourth~~ **fourth** registration of the motor vehicle; ~~prohibiting~~ **requiring** the State Environmental Commission ~~from issuing~~ **to provide for issuing** certain waivers to the owner of a motor vehicle who performs repairs on the motor vehicle; increasing certain fees relating to emissions testing stations and forms certifying emission control compliance; **requiring certain fees charged for certain electronic monitoring programs to be equal in amount to the fee charged for forms certifying emission control compliance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes special license plates and registration certificates to be issued to residents of Nevada for antique motor vehicles that qualify as Old Timer vehicles, ~~street rods,~~ classic rods or classic vehicles. (NRS 482.381, ~~482.3812,~~ 482.3814, 482.3816) Existing law provides that such vehicles are exempt from certain regulations governing exhaust emissions, fuel evaporative emissions and visible emissions of smoke from certain engines if the owner of the vehicle certifies to the Department of Motor Vehicles that the vehicle was not driven more than 5,000 miles during the immediately preceding year. (NRS 445B.760) **Sections 1, ~~1~~, 3 and 4** of this bill provide that such motor vehicles must not be used for general transportation, defined as being driven more than 5,000 miles during the immediately preceding year, but may be used for club activities, exhibitions, tours, parades or similar activities and for such other uses as are necessary for the operation and maintenance of the vehicle. **Sections 1, ~~1~~, 3 and 4** provide that such motor vehicles not used for general transportation are exempt from the provisions governing the control of emissions from engines and that, if the owner of such a motor vehicle elects to use the motor vehicle for general transportation, he or she: (1) shall not be issued special license plates or a registration certificate; and (2) must comply with the provisions governing the control of emissions from engines. Existing law requires that such vehicles being used for general transportation and required to comply with the provisions governing the control of emissions from engines which fail the emissions test shall not be issued the special license plates for a period of 90 days after failing the emissions test. (NRS

482.2655) ~~{Section 11 of this bill repeals this provision, which is replaced by the changes made in sections}~~ **Sections 1, 3 and 4** ~~{provide that this 90-day period is an exception to the prohibition for issuing a special license plate to a vehicle that is used for general transportation.~~

Existing law requires that the owner of an Old Timer vehicle, ~~{street rod,}~~ classic rod or classic vehicle which is exempt from the provisions governing the control of emissions from engines pay a one-time fee to the Department, to be accounted for in the Pollution Control Account, in an amount equal to the cost for a certificate of compliance with emissions standards. (NRS 482.381, ~~{482.3812,}~~ 482.3814, 482.3816) **Sections 1, 3 and 4** require this fee to be paid annually.

Sections 1, 3 and 4 require for the issuance of special license plates and a registration certificate for an Old Timer vehicle, ~~{street rod,}~~ classic rod or classic vehicle that the motor vehicle must have proof satisfactory to the Department that the vehicle is covered by insurance that: (1) is designed or designated specifically for classic or antique vehicles; or (2) includes an endorsement that is designed or designated specifically for classic or antique vehicles.

Existing law provides that an approved inspector is a person who is licensed by the Department to inspect motor vehicles and devices for the control of pollution for an authorized station or authorized inspection station. (NRS 445B.705) Existing law provides that: (1) an authorized inspection station is a station that is licensed to inspect vehicles and devices for emissions; and (2) an authorized station is a station that is licensed to inspect vehicles and devices for emissions and is also licensed to install, repair and adjust such devices. (NRS 445B.710, 445B.720) Existing regulations provide that for an authorized inspection station or a class 1 fleet station which only tests exhaust emissions to be licensed, the station must employ at least one: (1) class 1 approved inspector who is licensed only to test exhaust emissions; or (2) class 2 approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096-445B.4098, 445B.462) Existing regulations provide that for an authorized station or a class 2 fleet station which tests exhaust emissions and diagnoses, repairs and services devices for the control of exhaust emissions to be licensed, the station must employ at least one approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096, 445B.4098, 445B.4099, 445B.462) **Sections 6 and 7** of this bill require the regulations adopted by the State Environmental Commission and the Department for the licensing of such stations to authorize any approved inspector who is licensed: (1) only to test exhaust emissions to work at any authorized inspection station, any authorized station or any class of fleet station or multiple locations of such stations, provided that the approved inspector only tests exhaust emissions; and (2) to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection

station, any authorized station or any class of fleet station or multiple locations of such stations.

Existing law authorizes the Department, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), to conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. (NRS 445B.798) **Section 8** of this bill authorizes the Department, in a county whose population is 100,000 or more, to establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. If the Department establishes such a remote sensing system, **section 8** requires the Department to adopt regulations: (1) to carry out the remote sensing system; (2) that provide how a person may register to participate in the remote sensing system, including requiring the person to pay a fee; and (3) that allow for the collection of data from the remote sensing system for use by the Department and other agencies of this State.

Existing law requires the State Environmental Commission, in cooperation with the Department and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in areas designated by the Commission that are in any county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 445B.770) Existing law also authorizes the Commission to exempt designated classes of motor vehicles, including classes based upon the year of manufacture of motor vehicles, from having to comply with the emissions standards. (NRS 445B.825) Existing regulations exempt new motor vehicles from compliance with emissions standards until the third registration of the vehicle, which is the first 2 years of the life of the motor vehicle. (NAC 445B.592) **Section 9** of this bill exempts new motor vehicles from the test of emissions conducted by the Department until the ~~fifth~~ **fourth** registration of the vehicle, which is the first ~~44~~ **3** years of the life of the motor vehicle, and requires the Department to conduct the test annually after the ~~fifth~~ **fourth** registration of the motor vehicle. Finally, **section 9** makes a technical change to reference a federal regulation relating to the exemption afforded to hybrid electric vehicles. **Sections 5 and 8** of this bill make conforming changes.

Existing law requires the Commission to: (1) provide for a waiver from having to comply with the provisions governing the control of emissions from engines if compliance involves repair and equipment costs which exceed the limits set by the Commission; and (2) establish such limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. (NRS 445B.825) **Section 9** ~~prohibits~~ **requires** the Commission ~~from providing a~~ **to provide for an additional** waiver if the vehicle is repaired by the owner of the vehicle in any situation and clarifies that such repairs include: (1) the owner purchasing parts for the repair of the vehicle; (2) the owner buying equipment for the repair of the vehicle; and (3) the owner performing labor for the repair of the vehicle.

Existing law requires certain fees to be paid to the Department and accounted for in the Pollution Control Account where a program governing the control of emissions from engines is commenced. (NRS 445B.830) **Section 10** of this bill increases: (1) from \$25 to ~~\$150~~ **\$100** the fee for the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station; (2) from \$150 to \$250 the fee for each set of 25 forms certifying emission control compliance; and (3) from \$6 to ~~\$10~~ **\$8.50** the fee for each form issued to a fleet station. **Existing law authorizes the Commission, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt regulations to establish a voluntary program of electronic monitoring of emission information from certain vehicles. Existing law requires the Department to charge an annual fee of \$6 for each vehicle electronically monitored in such a manner. (NRS 445B.767) Section 5.5 of this bill instead requires the Department to charge an annual fee that is equal in amount to the fee for each form issued to a fleet station.**

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

Section 1. NRS 482.381 is hereby amended to read as follows:

482.381 1. Except as otherwise provided in ~~NRS 482.2655,~~ **subsection 4**, the Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which ~~is~~ :

(a) *Is a model manufactured more than 40 years before the date of application for registration pursuant to this section* ~~†~~ ; and

(b) *Has proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:*

(1) *Is designed or designated specifically for a classic or antique vehicle; or*

(2) *Includes an endorsement designed or designated specifically for classic or antique vehicles.*

2. *Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:*

(a) *Club activities, exhibitions, tours, parades or similar activities; and*

(b) *Such other uses that are necessary for the operation and maintenance of the vehicle.*

3. *A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*

4. *If the owner of the vehicle elects to use the vehicle for general transportation, he or she:*

(a) ~~shall~~ **Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and**

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. License plates issued pursuant to this section must bear the inscription “Old Timer,” and the plates must be numbered consecutively.

~~6. The Nevada Old Timer Club members shall bear the cost of the~~
~~dies for carrying out the provisions of this section.~~

~~7. The Department shall charge and collect the following fees for the~~
~~issuance of these license plates, which fees are in addition to all other license~~
~~fees and applicable taxes:~~

(a) For the first issuance..... \$35

(b) For a renewal sticker \$10

~~8. In addition to the fees required pursuant to subsection 7, the~~
~~Department shall charge and collect~~ **an annual** ~~fee for the first issuance~~
~~of the license plates] for those motor vehicles exempted pursuant to~~ **subsection 3** ~~from the provisions of~~
~~paragraph (b) of subsection 1 of NRS 445B.760]~~ **subsection 3** ~~from the provisions of~~
~~NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal~~
~~to the amount of the fee for a form certifying emission control compliance set~~
~~forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~9. Fees paid to the Department pursuant to subsection 8 must be~~
~~accounted for in the Pollution Control Account created by NRS 445B.830 and~~
~~distributed in accordance with subsection 6 of NRS 445B.830.~~

10. As used in this section, “general transportation” means a vehicle
that is ~~driven~~ **:**

(a) Driven more than 5,000 miles during the immediately preceding year
; ~~or~~

(b) Used in any capacity for commercial purposes.

~~Sec. 2. NRS 482.3812 is hereby amended to read as follows:~~

~~482.3812 1. Except as otherwise provided in NRS 482.2655,~~
~~subsection 4, the Department may issue special license plates and registration~~
~~certificates to residents of Nevada for any passenger car or light commercial~~
~~vehicle:~~

~~(a) Having a manufacturer’s rated carrying capacity of 1 ton or less; and]~~

~~(b) Manufactured not later than 1948 [.] ; and~~

~~(c) Having proof satisfactory to the Department that the vehicle is covered~~
~~by insurance that meets the requirements of NRS 485.185 and that:~~

~~(1) Is designed or designated specifically for a classic or antique~~
~~vehicle; or~~

~~(2) Includes an endorsement designed or designated specifically for~~
~~classic or antique vehicles.~~

~~2. Except as otherwise provided in subsection 4, any vehicle issued~~
~~special license plates and a registration certificate pursuant to subsection 1~~
~~shall not be used for general transportation but may be used for:~~

~~(a) Club activities, exhibitions, tours, parades or similar activities; and~~

~~(b) Such other uses that are necessary for the operation and maintenance~~
~~of the vehicle.~~

~~3. A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.~~

~~4. If the owner of the vehicle elects to use the vehicle as general transportation, he or she:~~

~~(a) Shall not be issued special license plates and a registration certificate pursuant to subsection 1; and~~

~~(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.~~

~~5. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~[3.] 6. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:~~

~~(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~[4.] 7. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.~~

~~[5.] 8. In addition to the fees required pursuant to subsection [4.] 7, the Department shall charge and collect [a] an annual fee [for the first issuance of the special license plates] for those motor vehicles exempted pursuant to [paragraph (b) of subsection 1 of NRS 445B.760] subsection 3 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~[6.] 9. Fees paid to the Department pursuant to subsection [5.] 8 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.~~

~~10. As used in this section, "general transportation" means a vehicle that is driven more than 5,000 miles during the immediately preceding year.~~
(Deleted by amendment.)

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in ~~[NRS 482.2655]~~ **subsection 4**, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; ~~and~~

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department ~~+~~; and

(c) Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle; or

(2) Includes an endorsement designed or designated specifically for classic or antique vehicles.

2. Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:

(a) Club activities, exhibitions, tours, parades or similar activities; and
(b) Such other uses that are necessary for the operation and maintenance of the vehicle.

3. A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.

4. If the owner of the vehicle elects to use the vehicle as general transportation, he or she:

(a) ~~Shall~~ Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. Except as otherwise provided in subsection ~~3~~, 6, license plates issued pursuant to this section must be inscribed with the words “CLASSIC ROD” and a number of characters, including numbers and letters, as determined necessary by the Director.

~~3~~ *6. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection ~~2~~ 5 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.*

~~4~~ *7. If, during a registration year, the holder of special plates issued pursuant to subsection ~~2~~ 5 or ~~3~~ 6 disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:*

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~5~~ *8. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.*

~~6~~ *9. In addition to the fees required pursuant to subsection ~~5~~ 8, the Department shall charge and collect ~~a~~ an annual fee ~~for the first issuance of the special license plates~~ for those motor vehicles exempted pursuant to ~~paragraph (b) of subsection 1 of NRS 445B.760~~ subsection 3 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.*

~~17-1~~ 10. Fees paid to the Department pursuant to subsection ~~16-1~~ 9 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

11. *As used in this section, “general transportation” means a vehicle that is ~~driven~~:*

(a) Driven more than 5,000 miles during the immediately preceding year
~~11-1~~ *; or*

(b) Used in any capacity for commercial purposes.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in ~~NRS 482.2655,1~~
subsection 4, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer’s rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; ~~and~~

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts ~~11-1~~; **and**

*(d) **Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:***

*(1) **Is designed or designated specifically for a classic or antique vehicle; or***

*(2) **Includes an endorsement designed or designated specifically for classic or antique vehicles.***

2. *Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:*

*(a) **Club activities, exhibitions, tours, parades or similar activities; and***

*(b) **Such other uses that are necessary for the operation and maintenance of the vehicle.***

3. *A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*

4. *If the owner of the vehicle elects to use the vehicle as general transportation, he or she:*

*(a) ~~13-1~~ **Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and***

*(b) **Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.***

5. Except as otherwise provided in subsection ~~13-1~~ 6, license plates issued pursuant to this section must be inscribed with the words “CLASSIC VEHICLE” and a number of characters, including numbers and letters, as determined necessary by the Director.

~~13-1~~ 6. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to

subsection ~~4-1~~ 5 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

~~4-1~~ 7. If, during a registration period, the holder of special plates issued pursuant to subsection ~~4-1~~ 5 or ~~4-1~~ 6 disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~4-1~~ 8. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~4-1~~ 9. In addition to the fees required pursuant to subsection ~~4-1~~ 8, the Department shall charge and collect ~~for the first issuance of the special license plates~~ ~~for those motor vehicles exempted pursuant to paragraph (b) of subsection 1 of NRS 445B.760~~ **an annual fee** ~~for those motor vehicles exempted pursuant to subsection 3 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~4-1~~ 10. Fees paid to the Department pursuant to subsection ~~4-1~~ 9 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

11. As used in this section, “general transportation” means a vehicle that is ~~driven~~:

(a) Driven more than 5,000 miles during the immediately preceding year

~~4-1~~; or

(b) Used for any capacity for commercial purposes.

Sec. 5. NRS 482.461 is hereby amended to read as follows:

482.461 1. ~~4-1~~ **Except as otherwise provided in subsection 3 of NRS 445B.825, if** the test conducted pursuant to NRS 445B.798 indicates that a motor vehicle which is registered in a county whose population is 100,000 or more does not comply with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, the Department shall mail to the registered owner of the vehicle a notice that the vehicle has failed the test.

2. The notice must include:

(a) The information set forth in subsection 3;

(b) A written statement which contains the results of the test conducted pursuant to NRS 445B.798; and

(c) Any other information the Department deems necessary.

3. The Department shall rescind and cancel the registration of any motor vehicle which fails the test conducted pursuant to NRS 445B.798, unless within 30 days after the notice is mailed by the Department pursuant to subsection 2, the registered owner of the vehicle:

(a) Has the vehicle inspected by an authorized station or authorized inspection station to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto; and

(b) Provides to the Department evidence of compliance issued by the authorized station or authorized inspection station certifying that the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.

4. The registered owner of the vehicle shall pay the cost of the inspection required pursuant to subsection 3.

5. As used in this section:

(a) “Authorized inspection station” has the meaning ascribed to it in NRS 445B.710.

(b) “Authorized station” has the meaning ascribed to it in NRS 445B.720.

Sec. 5.5. NRS 445B.767 is hereby amended to read as follows:

445B.767 1. In any county whose population is 100,000 or more, the Commission may, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations to establish a voluntary program of electronic monitoring of emission information, from vehicles equipped with onboard diagnostic equipment that permits such monitoring, for the purposes of compliance with this chapter.

2. The Department of Motor Vehicles shall charge an annual fee ~~of \$64~~ **that is equal in amount to the fee imposed pursuant to paragraph (c) of subsection 1 of NRS 445B.830** for each vehicle electronically monitored pursuant to subsection 1. Fees collected by the Department pursuant to this section must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 6. NRS 445B.775 is hereby amended to read as follows:

445B.775 1. The regulations adopted by the Commission pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:

~~1-1~~ (a) Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. The regulations adopted by the Commission pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:

~~(a)~~ (I) Except as otherwise provided in ~~paragraph (b)~~, **subparagraph (2)**, may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

~~(b)~~ (2) May perform the following activities in connection with a motor vehicle:

~~(1)~~ (I) The changing of oil;

~~(2)~~ (II) The replacing of an oil filter, air filter, fuel filter, belt or hose;

and

~~{(3)}~~ **(III)** The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

~~{2-}~~ **(b)** Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

2. The regulations adopted by the Commission pursuant to NRS 445B.770 must authorize any approved inspector who is licensed by the Department of Motor Vehicles:

(a) Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station.

(b) To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations.

Sec. 7. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall, in cooperation with the Commission, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized stations and fleet stations. The regulations adopted pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that:

(1) The equipment complies with any applicable standards of the United States Environmental Protection Agency; and

(2) Use of the equipment is specifically authorized by the Commission.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized station and fleet station.

3. *The regulations adopted by the Department of Motor Vehicles pursuant to this section must authorize any approved inspector who is licensed by the Department of Motor Vehicles:*

(a) *Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station.*

(b) *To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations.*

Sec. 8. NRS 445B.798 is hereby amended to read as follows:

445B.798 ~~¶¶~~

1. *Notwithstanding subsection 3 of NRS 445B.825 and except as otherwise provided in subsection 2, in a county whose population is 100,000 or more, the Department of Motor Vehicles may conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.*

2. *As an alternative to the test of the emissions authorized to be conducted pursuant to subsection 1, in a county whose population is 100,000 or more, the Department of Motor Vehicles may establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto. If the Department of Motor Vehicles establishes a remote sensing system pursuant to this subsection, the Department of Motor Vehicles shall adopt regulations:*

(a) *As necessary for carrying out the remote sensing system, including, without limitation, the implementation and enforcement of the remote sensing system and the control of quality assurance of the remote sensing system;*

(b) *That provide the procedure for a person to register to participate in the remote sensing system, including, without limitation, requiring the person to pay a fee that is equivalent to any fee charged by the Department of Motor Vehicles for conducting a test of the emissions from a motor vehicle pursuant to subsection 1; and*

(c) *That allow for the collection of data from the remote sensing system. The Department of Motor Vehicles and any other agency of this State may use the data collected from the remote sensing system, so long as the*

information of a person who participates in the remote sensing system is not disclosed to the public.

3. *As used in this section, “remote sensing system” means an emissions profiling system that uses remote sensing devices (RSD) on a highway in a county whose population is 100,000 or more to identify the emissions from a motor vehicle.*

Sec. 9. NRS 445B.825 is hereby amended to read as follows:

445B.825 1. The Commission may provide for exemption from the provisions of NRS 445B.770 to 445B.815, inclusive, of designated classes of motor vehicles, including, without limitation, classes based upon the year of manufacture of motor vehicles.

2. A hybrid electric vehicle, as defined in 40 C.F.R. § ~~186.1702-99.1~~ **86.1803-01**, is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive, until the model year of the vehicle is 6 years old.

3. *A new motor vehicle is exempt from the test conducted pursuant to NRS 445B.798 and the provisions of NRS 445B.770 to 445B.815, inclusive, until the ~~fifth~~ fourth registration of the motor vehicle. If the Department of Motor Vehicles conducts a test pursuant to NRS 445B.798, the Department of Motor Vehicles shall conduct the test pursuant to NRS 445B.798 to determine whether the motor vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, annually after the ~~fifth~~ fourth registration of the motor vehicle.*

4. The Commission shall provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if ~~compliance~~ :

(a) Compliance involves repair and equipment costs which exceed the limits established by the Commission ~~1. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. The Commission shall not provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if:~~ ; or

(b) The following applies:

~~1(a)~~ (1) Compliance involves repair and equipment costs which exceed the limits established by the Commission; and

~~1(b)~~ (2) The vehicle is repaired by the owner of the vehicle. Such repairs by the owner of the vehicle include, without limitation:

~~1(1)~~ (I) The owner purchasing parts for the repair of the vehicle;

~~1(2)~~ (II) The owner buying equipment for the repair of the vehicle; and

~~1(3)~~ (III) The owner performing labor on the vehicle for the repair of the vehicle.

↪ The Commission shall establish the limits referenced in this section in a manner which avoids unnecessary financial hardship to motor vehicle owners.

5. *As used in this section, “new motor vehicle” means a motor vehicle that has never been registered with the Department of Motor Vehicles and has never been registered with the appropriate agency or authority of any*

other state, the District of Columbia, any territory or possession of the United States or a foreign state, province or country.

Sec. 10. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station ~~150~~ ~~150~~ ~~150~~

100

(b) For each set of 25 forms certifying emission control compliance. ~~150~~ ~~150~~ ~~150~~

250

(c) For each form issued to a fleet station ~~150~~ ~~150~~ ~~150~~

8.50

2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.

(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) Local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.

5. Each local air pollution control agency that receives money pursuant to subsections 4 and 6 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1 and an amount proportionate to the amount of fees paid in the county pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816. As used in this subsection, “excess money” means:

(a) The money in excess of \$1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2; and

(b) The money deposited in the Pollution Control Account by the Department of Motor Vehicles pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816.

7. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Establish goals and objectives for the program for control of emissions from motor vehicles;

(b) Identify areas where funding should be made available; and

(c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770.

Sec. 11. ~~NRS 482.2655 is hereby repealed.~~ (Deleted by amendment.)

Sec. 11.5. 1. This section and sections 2, 5 to 9, inclusive, and 11 of this act, become effective on October 1, 2021.

2. Section 10 of this act becomes effective on January 1, 2022.

3. Sections 1, 3 and 4 of this act become effective on January 1, 2023.

†

TEXT OF REPEALED SECTION

~~482.2655 Department not to issue special license plates for certain older motor vehicles within 90 days after failed emissions test~~

~~1. If, with respect to a motor vehicle that is required to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto, an authorized inspection station or authorized station tests the emissions from the motor vehicle and the motor vehicle fails the emissions test, the Department shall not issue a special license plate for that~~

~~vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period of 90 days after the motor vehicle fails the emissions test.~~

~~2. As used in this section:~~

~~(a) “Authorized inspection station” has the meaning ascribed to it in NRS 445B.710.~~

~~(b) “Authorized station” has the meaning ascribed to it in NRS 445B.720.~~

~~(c) “Fails the emissions test” means that a motor vehicle does not comply with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto.~~

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 359.

Bill read second time.

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

Amendment No. 471.

AN ACT relating to trade practices; providing that it is a deceptive trade practice not to provide certain translations in a language other than English of certain contracts, agreements or disclosures to certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 4 of this bill requires a business and an agent or employee of a business that advertises in a language other than English and negotiates certain transactions in a language other than English to provide a translation of the contract or agreement that results from such advertising and negotiations in the language that was used in the advertisement and negotiation to the person who is party to the contract. **Section 4** requires such translated contracts or agreements to be provided before the execution of the contract or agreement and to include every term and condition in the contract or agreement. **Section 5** of this bill provides that if the business is a financial institution that is required to provide certain disclosures to comply with the federal Consumer Leasing Act and the Truth in Lending Act, such disclosures are required to be translated into the same language as the contract or agreement. **Section 5** requires such translated disclosures to be provided before the execution of the contract or agreement. ~~[Sections 7 and 8 of this bill provide certain exceptions to these requirements for translations. Section 7 of this bill provides that such contracts or agreements or disclosures, if applicable, are not required to be translated if the person who is party to the contract participated in negotiations through the person’s own interpreter.]~~ **Section 8** ~~[of this bill]~~ provides that certain words, expressions and numerals are not required to be translated. ~~[Section 6 of this bill requires certain businesses to: (1) post a notice that such translations are required in a~~

~~conspicuous place in the business's place of business; and (2) notify the person who is being negotiated with in a language other than English that such translations are required.]~~ **Section 9** of this bill authorizes a person who is aggrieved by a party that fails to comply with the provisions of **sections 3-9** of this bill to rescind the contract or agreement.

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law provides that evidence which shows that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition. (NRS 598.0953) Unless a fine has been previously imposed against a person committing a deceptive trade practice by the Department of Motor Vehicles, existing law authorizes a court to impose a civil penalty of not more than \$12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than \$10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may have to pay not more than \$5,000 for each violation; and (2) is guilty of a misdemeanor for the first offense, a gross misdemeanor for the second offense and a category D felony for the third and all subsequent offenses. (NRS 598.0999) **Section 2** of this bill provides that a person engages in a deceptive trade practice when, in the course of his or her business or occupation, he or she knowingly violates the provisions of **sections 3-9**. **Sections 10-22** of this bill make conforming changes to indicate the placement of **section 2** in the Nevada Revised Statutes.

Existing law provides that certain deceptive trade practices constitute consumer fraud. (NRS 41.600) Existing law additionally authorizes the Department of Motor Vehicles to impose an administrative fine of not more than \$10,000 against any person who engages in a deceptive trade practice. (NRS 482.554) Existing law provides that a person is deemed to engage in a deceptive trade practice in the business of automotive repairs if the person engages in certain deceptive trade practices that involve the repair of a motor

vehicle set forth in existing law. (NRS 487.6889, 598.0915-598.0925)
Sections 20-22 of this bill include the deceptive trade practice created by **section 2** in the list of actions that qualify as deceptive trade practices.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *A person engages in a “deceptive trade practice” when, in the course of his or her business or occupation, he or she knowingly violates a provision of sections 3 to 9, inclusive, of this act.*

Sec. 3. 1. *As used in sections 3 to 9, inclusive, of this act, unless the context otherwise requires, “contract or agreement” means the document that creates the rights and obligations of the parties which results from a negotiation or transaction described in section 4 of this act.*

2. *The term includes, without limitation, any subsequent document that makes substantial changes to the rights and obligations of the parties.*

3. *The term does not include:*

(a) Any subsequent documents authorized or contemplated by the original document or the document described in subsection 2. Such subsequent documents that are authorized or contemplated include, without limitation:

(1) Periodic statements;

(2) Sales slips or invoices which represent purchases made pursuant to a credit card agreement;

(3) ~~1.4 retail installment contract or account or other revolving sales or loan accounts;~~

~~(4)~~ Memoranda of purchases in an add-on sale; and

~~(5)~~ (4) Documents relating to the refinancing of a purchase as provided for or required by the original document or the document described in subsection 2.

(b) Matters incorporated during the regular course of business in contracts or agreements that result from a transaction listed in paragraph ~~(c)~~ (b) of subsection 3 of section 4 of this act. Such matters include, without limitation:

(1) Rules and regulations governing a tenancy; and

(2) Inventories of furnishings.

Sec. 4. *Except as otherwise provided in ~~sections 7 and~~ section 8 of this act:*

1. *A person who, in the course of his or her business or occupation, advertises in a language other than English and negotiates orally or in writing any of the transactions listed in subsection 3 in a language other than English, or who allows an employee or agent of the person to advertise in a language other than English and to negotiate orally or in writing any of the transactions listed in subsection 3 in a language other than English, shall deliver a translation of the contract or agreement that results from such*

advertising and negotiations in the language that was used in the advertisement and negotiation of the contract or agreement to the person who is a party to the contract or agreement and to any other person who may sign the contract or agreement.

2. The translation of the contract or agreement required by subsection 1 must:

(a) Be provided to the person who is a party to the contract or agreement and to any other person who may sign the contract or agreement before the execution of the contract or agreement; and

(b) Include, without limitation, every term and condition in the contract or agreement.

3. A person must provide pursuant to subsection 1 a translation of a contract or agreement that results from the following transactions:

(a) A loan or extension of credit that is secured by property, other than real property, that is used for personal, family or household purposes;

(b) ~~An unsecured loan that is used for personal, family or household purposes; or~~

~~—(c)—~~ A lease, sublease, rental contract or agreement or other contract or agreement containing a term of tenancy if the lease, sublease, rental contract or agreement or other contract or agreement:

(1) Is for a period that is at least 1 month; and

(2) Applies to a dwelling, apartment, mobile home or other dwelling unit that is used as a residence ~~for~~; or

(c) Except as otherwise provided in this paragraph, an unsecured loan that is used for personal, family or household purposes. A credit instrument, as defined in NRS 463.01467, is not an unsecured loan for the purposes of this paragraph.

Sec. 5. 1. Except as otherwise provided in ~~sections 7 and~~ section 8 of this act, if a financial institution is required pursuant to Regulation M or Regulation Z to provide a disclosure to a person in addition to any contract or agreement described in section 4 of this act, the financial institution shall be deemed to be in compliance with section 4 of this act if:

(a) The disclosure required pursuant to Regulation M or Regulation Z is translated into the same language that the contract or agreement was translated pursuant to section 4 of this act; and

(b) The translated disclosure is provided to the person who is a party to the contract or agreement and to any other person who may sign the contract or agreement before the execution of the contract or agreement.

2. As used in this section:

(a) “Consumer Leasing Act” means the federal Consumer Leasing Act, as amended, 15 U.S.C. §§ 1667 et seq.

(b) “Regulation M” means the federal regulations, as amended, 12 C.F.R. Part 1013, adopted pursuant to the Consumer Leasing Act and commonly known as Regulation M.

(c) “Regulation Z” means the federal regulations, as amended, 12 C.F.R. Part 226, adopted pursuant to the Truth in Lending Act and commonly known as Regulation Z.

(d) “Truth in Lending Act” means the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq.

Sec. 6. ~~1. A person who provides a translation of a contract or agreement or of a disclosure, if applicable, that results from a transaction listed in paragraph (a) or (b) of subsection 3 of section 4 of this act shall:~~

~~1. Conspicuously display a notice in the place of business of the person that such translations are required to be provided pursuant to sections 4 and 5 of this act, if applicable; and~~

~~2. Notify the person who is being negotiated with in a language other than English that such translations are required to be provided pursuant to sections 4 and 5 of this act, if applicable.~~ (Deleted by amendment.)

Sec. 7. ~~1. A contract or agreement that results from a negotiation described in section 4 of this act and any disclosure discussed in section 5 of this act, if applicable, need not be translated pursuant to sections 4 and 5 of this act, if applicable, if the person who is a party to the contract or agreement participated in the negotiations described in section 4 of this act through the person’s own interpreter.~~

~~2. As used in this section, “person’s own interpreter” means a person who is:~~

~~(a) At least 18 years of age;~~

~~(b) Able to speak fluently and read with full understanding both the English language and the language being used in the negotiations described in section 4 of this act; and~~

~~(c) Not an employee or agent of the person engaged in the business or occupation.~~ (Deleted by amendment.)

Sec. 8. A translation that is required pursuant to sections 4 and 5 of this act, if applicable, may retain the following elements of the executed English language contract or agreement or disclosure, if applicable, without translation:

1. Names and titles of persons;
2. Addresses;
3. Brand names;
4. Trade names;
5. Trademarks;
6. Registered service marks;
7. Full or abbreviated designations of the make and model of goods or services;
8. Alphanumeric codes, numerals, dollar amounts expressed in numerals and dates; and
9. Individual words or expressions that do not have a generally accepted non-English translation.

Sec. 9. *If a person fails to comply with the provisions of sections 3 to 9, inclusive, of this act, the aggrieved party may rescind the contract or agreement.*

Sec. 10. NRS 598.0903 is hereby amended to read as follows:

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

Sec. 11. NRS 598.0953 is hereby amended to read as follows:

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

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

Sec. 12. NRS 598.0955 is hereby amended to read as follows:

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

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

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

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

2. The provisions of NRS 598.0903 to 598.0999, inclusive, **and section 2 of this act** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~†~~, **and section 2 of this act**.

Sec. 13. NRS 598.0963 is hereby amended to read as follows:

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

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

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a

temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

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

Sec. 14. NRS 598.0967 is hereby amended to read as follows:

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

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

Sec. 15. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

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

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

and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

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

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

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

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

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

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

5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that:

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

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

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

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

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

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

(b) An order that the person cease doing business within this State; and
(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

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

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

Sec. 16. NRS 598.0985 is hereby amended to read as follows:

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

Sec. 17. NRS 598.0993 is hereby amended to read as follows:

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

Sec. 18. NRS 598.0999 is hereby amended to read as follows:

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

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

any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

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

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

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

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

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

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

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, **and section 2 of this act**, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

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

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

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

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

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

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

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

Sec. 19. NRS 11.190 is hereby amended to read as follows:

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

1. Within 6 years:

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

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

2. Within 4 years:

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

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, **and section 2 of this act**, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term “livestock,” which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner’s fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue

upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 20. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, “consumer fraud” means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~†~~, **and section 2 of this act.**

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant’s costs in the action and reasonable attorney’s fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 21. NRS 482.554 is hereby amended to read as follows:

482.554 1. The Department may impose an administrative fine of not more than \$10,000 against any person who engages in a deceptive trade practice. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. For the purposes of this section, a person shall be deemed to be engaged in a “deceptive trade practice” if, in the course of his or her business or occupation, the person:

(a) Enters into a contract for the sale of a vehicle on credit with a customer, exercises a valid option to cancel the vehicle sale and then, after the customer returns the vehicle with no damage other than reasonable wear and tear, the seller:

(1) Fails to return any down payment or other consideration in full, including, returning a vehicle accepted in trade;

(2) Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the vehicle on less favorable terms; or

(3) Fails to use the disclosure as required in subsection 3.

(b) Uses a contract for the sale of the vehicle or a security agreement that materially differs from the form prescribed by law.

(c) Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, *and section 2 of this act* that involves the purchase and sale or lease of a motor vehicle.

(d) Engages in any other acts prescribed by the Department by regulation as a deceptive trade practice.

3. If a seller of a vehicle exercises a valid option to cancel the sale of a vehicle to a customer, the seller must provide a disclosure, and the customer must sign that disclosure, before the seller and customer may enter into a new agreement for the sale of the same vehicle on different terms, or for the sale of a different vehicle. The Department shall prescribe the form of the disclosure by regulation.

4. All administrative fines collected by the Department pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. The administrative remedy provided in this section is not exclusive and is in addition to any other remedy provided by law. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.

Sec. 22. NRS 487.6889 is hereby amended to read as follows:

487.6889 A person shall be deemed to be engaged in a “deceptive trade practice” if, in the course of his or her business or occupation, the person:

1. Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, **and section 2 of this act** that involves the repair of a motor vehicle; or

2. Engages in any other acts prescribed by the Director by regulation as a deceptive trade practice.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 396.

~~ASSEMBLYMAN~~ ASSEMBLYMEN HAFEN ; AND HARDY

SUMMARY—Revises provisions relating to ~~vapor~~ tobacco products. (BDR 32-864)

AN ACT relating to ~~vapor~~ tobacco products; requiring a ~~manufacturer of vapor products sold in this State to certify that it has complied with certain federal requirements and submit a list of its vapor products sold in this State to the Department of Taxation; requiring the Department of Taxation to create and maintain a directory of certain vapor products; prohibiting the sale of vapor products not included in the directory maintained by the Department;~~ person to conduct age verification through enhanced controls before selling cigarettes, cigarette paper or other tobacco products to a person under 40 years of age; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{Before marketing a tobacco product that was not commercially marketed in the United States before February 15, 2007, or a modification of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007, federal law requires a manufacturer of such a tobacco product to obtain from the United States Secretary of Health and Human Services an order that the tobacco product is substantially similar to a tobacco product commercially marketed as of February 15, 2007, or an order of exemption. (21 U.S.C. § 387j(a)(2)(A))} Section 2 of this bill requires a manufacturer of vapor products whose vapor products are sold in this State to execute and deliver to the Department of Taxation on or before April 30 of each year a certification that the manufacturer of vapor products is in compliance with those federal requirements with respect to each vapor product of the manufacturer to which those requirements apply. Section 2 requires the manufacturer to include in this certification a list of each vapor product of the manufacturer that is sold in this State and to update this list at least 30 days before modifying the selection of vapor products sold in this State.~~

~~—Section 3 of this bill requires the Department of Taxation to create and maintain a directory of vapor products which are listed in the certifications submitted by vapor product manufacturers. Section 3 prohibits the sale of~~

~~vapor products not included in the directory maintained by the Department.] Existing law prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to a child under the age of 18 years. (NRS 202.24935, 370.521) Section 5 of this bill prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to a person under 40 years of age without first conducting age verification through enhanced controls to verify that the person is at least 18 years of age and imposes a civil penalty of \$100 on a person who fails to do so.~~

~~Section 6 of this bill makes a conforming change.~~

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

Section 1. ~~[Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. ~~{1. A manufacturer of vapor products whose vapor products are sold in this State, whether directly or through a distributor, retailer or similar intermediary, shall, not later than April 30 of each year, execute and deliver to the Department, on a form provided by the Department, a certification which certifies under penalty of perjury that, as of the date of that certification, the manufacturer of vapor products is in compliance with 21 U.S.C. § 387j and any regulations adopted pursuant thereto with respect to each vapor product of the manufacturer sold in this State to which 21 U.S.C. § 387j and any regulations adopted pursuant thereto apply.~~

~~2. A manufacturer of vapor products shall include in its certification pursuant to this section a list of each vapor product of the manufacturer sold in this State, including, without limitation, those vapor products to which 21 U.S.C. § 387j and any regulations adopted pursuant thereto do not apply. The manufacturer shall update that list at least 30 calendar days before it adds to or modifies the selection of vapor products sold in this State by executing and delivering a supplemental certification to the Department.] (Deleted by amendment.)~~

Sec. 3. ~~{1. The Department shall create and maintain on its Internet website and otherwise make available for public inspection a directory that lists all manufacturers of vapor products that have provided current and accurate certifications conforming to the requirements of section 2 of this act and all vapor products that are listed in those certifications. The Department shall not include or retain in the directory the vapor product of any manufacturer that has failed to provide the required certification or whose certification has been determined by the Department to be not in compliance with the requirements of section 2 of this act, unless the Department has determined that the violation has been cured to its satisfaction.~~

~~2. The Department shall update the directory as necessary to correct mistakes and to add or remove vapor products or a manufacturer of vapor~~

~~products to keep the directory in conformity with the requirements of this section.~~

~~3. Any determination of the Department not to include in or to remove from the directory a vapor product or manufacturer of vapor products is a final decision for the purposes of judicial review.~~

~~4. It is unlawful for a person to sell or offer for sale vapor products not included in the directory. (Deleted by amendment.)~~

Sec. 4. ~~NRS 370.440 is hereby amended to read as follows:~~

~~370.440 As used in NRS 370.440 to 370.503, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires:~~

~~1. “Alternative nicotine product” has the meaning ascribed to it in NRS 370.008.~~

~~2. “Other tobacco product” has the meaning ascribed to it in NRS 370.0318.~~

~~3. “Retail dealer” means any person who is engaged in selling other tobacco products to ultimate consumers.~~

~~4. “Sale” means any transfer, exchange, barter, gift, offer for sale, or distribution for consideration of other tobacco products.~~

~~5. “Ultimate consumer” means a person who purchases one or more other tobacco products for his or her household or personal use and not for resale.~~

~~6. “Wholesale dealer of other tobacco products” means any person who:~~

~~(a) Maintains a place of business in this State, purchases other tobacco products from the manufacturer or a wholesale dealer and possesses, receives, sells or otherwise disposes of such other tobacco products to wholesale dealers or retail dealers within this State;~~

~~(b) Does not maintain a place of business in this State and sells or otherwise disposes of other tobacco products by any means, including, without limitation, through an Internet website, to wholesale dealers, retail dealers or ultimate consumers within this State; or~~

~~(c) Manufactures, produces, fabricates, assembles, processes, labels or finishes other tobacco products within this State.~~

~~7. “Wholesale price” means:~~

~~(a) Except as otherwise provided in paragraph (b), the price for which other tobacco products are sold to a wholesale dealer of other tobacco products, valued in money, whether paid in money or otherwise, without any discount or other reduction on account of any of the following:~~

~~(1) Trade discounts, cash discounts, special discounts or deals, cash rebates or any other reduction from the regular sales price;~~

~~(2) The cost of materials used, labor or service cost, interest charged, losses or any other expenses;~~

~~(3) The cost of transportation of the other tobacco products before its purchase by the wholesale dealer of other tobacco products;~~

~~(4) Any services that are a part of the sale, including, without limitation, shipping, freight, warehousing, customer service, advertising or any other service related to the sale; or~~

~~(5) The amount of any tax, not including any excise tax, imposed by the United States upon or with respect to the other tobacco product.~~

~~(b) For other tobacco products sold to a retail dealer or an ultimate consumer by a wholesale dealer of other tobacco products described in paragraph (c) of subsection 6, the established price for which the other tobacco product is sold to the retail dealer or ultimate consumer before any discount or other reduction is made.~~ **(Deleted by amendment.)**

Sec. 5. NRS 370.521 is hereby amended to read as follows:

370.521 1. Except as otherwise provided in subsections 2 and ~~{3,}~~ **4**, a person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any child under the age of 18 years.

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

(a) Demands that the other person present a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 18 years of age or older;

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

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

3. A person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system to verify that the person is 18 years of age or older. A person who violates this subsection is liable for a civil penalty of \$100 for each offense.

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

~~{4,}~~ **5.** A person who violates ~~[this section]~~ **subsection 1** is liable for a civil penalty of:

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

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

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

~~{5,}~~ **6.** If an employee or agent of a licensee has violated ~~[this section]~~ **subsection 1:**

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

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

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

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

~~{6.}~~ 7. A peace officer or any person performing an inspection pursuant to NRS 202.2496 may issue a notice of infraction for a violation of this section. A notice of infraction must be issued on a form prescribed by the Department and must contain:

- (a) The location at which the violation occurred;
- (b) The date and time of the violation;
- (c) The name of the establishment at which the violation occurred;
- (d) The signature of the person who issued the notice of infraction;
- (e) A copy of the section which allegedly is being violated;
- (f) Information advising the person to whom the notice of infraction is issued of the manner in which, and the time within which, the person must submit an answer to the notice of infraction; and

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

~~{7.}~~ 8. A notice of infraction issued pursuant to subsection ~~{6.}~~ 7. or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a duty imposed by law and is prima facie evidence of the facts alleged in the notice.

~~{8.}~~ 9. A person to whom a notice of infraction is issued pursuant to subsection ~~{6.}~~ 7. shall respond to the notice by:

(a) Admitting the violation stated in the notice and paying to the Department the applicable civil penalty set forth in subsection ~~{4. or 3.5.}~~ 4. or 3.5. or 6.

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

~~{9.}~~ 10. Any money collected by the Department from a civil penalty pursuant to this section must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

~~{10.}~~ 11. As used in this section, “licensee” means a person who holds a license issued by the Department pursuant to this chapter.

Sec. 6. NRS 202.24935 is hereby amended to read as follows:

202.24935 1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products to a child

under the age of 18 years through the use of a computer network, telephonic network or other electronic network.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500. Any money recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection ~~9~~ **10** of NRS 370.521.

3. Every person who sells or distributes cigarettes, cigarette paper, tobacco of any description, products made or derived from tobacco, vapor products or alternative nicotine products through the use of a computer network, telephonic network or electronic network shall:

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

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

(1) Requires the customer to:

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

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

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

Sec. 7. This act becomes effective on January 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time and ordered to third reading.

Assembly Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 258.

AN ACT relating to tourism improvement districts; revising the reporting requirements for the Department of Taxation related to tourism improvement districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, the Department of Taxation to prepare and submit a semiannual report to the Director of the Legislative Counsel Bureau and the governing body of a municipality related to a tourism improvement district (TID) that states: (1) the amount of revenue from the taxable sales made each month by the businesses within a TID; (2) the portion of revenue which is attributable to persons who are not residents of this State; (3) the amount of the wages paid each month by the businesses within the TID; and (4) the number of full-time and part-time employees employed each month by businesses within the TID. The report must provide the information separately for each TID in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business. Further, the Department is not required to prepare and submit the report if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business. (NRS 271A.105)

Section 1 of this bill ~~[(1)]~~ **additionally requires the report to state: (1) the name and geographic location of the TID; (2) the total amount of money pledged and distributed to the municipality; and (3) the remaining number of payments, and the amount of those payments, on any bonds or notes issued by the municipality. Section 1 requires the Department to report alternate information if the Department determines that reporting the prescribed information for a district which includes more than one business would disclose or result in the disclosure of proprietary information about an individual business. Section 1 also requires, to the extent possible,** the report to provide the information separately for each TID ~~unless reporting the information separately would disclose or result in the disclosure of proprietary information about an individual business; and (2) provides that the Department is not required to prepare and submit the report if the report cannot be prepared in a manner which would not disclose or result in the disclosure of proprietary information about an individual business.] that includes more than one business.~~ **Section 2** of this bill makes a conforming change to make an exception to the law that provides that records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged.

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

Section 1. NRS 271A.105 is hereby amended to read as follows:

271A.105 1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall ~~[-~~

~~-(a) On~~ **on** or before April 1 and October 1 of each year, except as otherwise provided in ~~[subsection 3,]~~ **subsections 3 and 5**, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states ~~[-~~

~~-(1)]~~ **the name and geographic location of the district and:**

(a) The amount of revenue from the taxable sales made each month by the businesses within the district;

~~[-(2)]~~ **(b) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;**

~~[-(3)]~~ **(c) The total amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality;**

(d) The remaining number of payments, and the amounts of those payments, on any bonds or notes issued by the municipality pursuant to NRS 271A.120;

(e) The amount of the wages paid each month by the businesses within the district; and

~~[-(4)]~~ **(f) The number of full-time and part-time employees employed each month by the businesses within the district.**

➡ The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of **proprietary** information about an individual business, in which case ~~[-the report must provide]~~ the information **may be provided** in the aggregate ~~[-(b) Require each]~~ **for two or more districts in the municipality in a manner that does not result in the disclosure of proprietary information about an individual business. To the extent possible, the report must provide the information separately for each district which includes more than one business.**

3. Except as otherwise provided in subsection 5, if the Department of Taxation determines that reporting the information set forth in paragraphs (a) to (f), inclusive, of subsection 2 for a district that includes more than one business would disclose or result in the disclosure of proprietary information about an individual business, the Department shall provide the following information for that district:

(a) The taxable sales and the amount of money pledged pursuant to NRS 271A.070 from the taxable sales in a manner that reports the number of businesses, taxable sales and pledged money in ranges of taxable sales and does not result in the disclosure of proprietary information about individual businesses in the district;

(b) The number of businesses in the district;

(c) The amount of revenue from taxable sales made each month in the district; and

(d) The amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality.

4. Each business within the district ~~to~~ shall report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of ~~paragraph (a) of~~ subsections 2 and 3.

~~3.~~ 5. The Department of Taxation is not required to prepare and submit a report pursuant to ~~paragraph (a) of~~ subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of *proprietary* information about an individual business.

~~4.~~ 6. As used in this section, “taxable sales” means any sales that are taxable pursuant to chapter 372 of NRS.

Sec. 2. NRS 360.255 is hereby amended to read as follows:

360.255 1. Except as otherwise provided in this section and NRS 239.0115 , **271A.105** and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department, a grand jury or any court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure to any federal agency, state or local law enforcement agency, including, without limitation, the Cannabis Compliance Board, or local regulatory agency that requests the information for the use of the agency in a federal, state or local prosecution or criminal, civil or regulatory investigation.

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer or licensee, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer or licensee who must file a return with the Department. The request must set forth the social security number of the taxpayer or licensee about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing

upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) Disclosure of the identity of a licensee against whom disciplinary action has been taken and the type of disciplinary action imposed against the licensee at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the licensee disciplinary action becomes final or is affirmed by the Nevada Tax Commission.

(l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

(m) With respect to an application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020, which was submitted on or after May 1, 2017, and on or before June 30, 2020, and regardless of whether the application was ultimately approved, disclosure of the following information:

(1) The identity of an applicant, including, without limitation, any owner, officer or board member of an applicant;

(2) The contents of any tool used by the Department to evaluate an applicant;

(3) The methodology used by the Department to score and rank applicants and any documentation or other evidence showing how that methodology was applied; and

(4) The final ranking and scores of an applicant, including, without limitation, the score assigned to each criterion in the application that composes a part of the total score of an applicant.

(n) Disclosure of the name of a licensee and the jurisdiction of that licensee pursuant to chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, and any regulations adopted pursuant thereto.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record. The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) “Applicant” means any person listed on the application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020.

(b) “Disciplinary action” means any suspension or revocation of a license, registration, permit or certificate issued by the Department pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, or any other disciplinary action against the holder of such a license, registration, permit or certificate.

(c) “Licensee” means a person to whom the Department has issued a license, registration, permit or certificate pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020. The term includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license.

(d) “Records” or “files” means any records and files related to an investigation or audit or a disciplinary action, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer or licensee.

(e) “Taxpayer” means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 3. 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. 4. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 305.

~~ASSEMBLYWOMAN~~ ASSEMBLYMEN BRITTNEY MILLER, MONROE-MORENO, GONZÁLEZ; ANDERSON, BENITEZ-THOMPSON, COHEN, CONSIDINE, DURAN, FLORES, FRIERSON, GORELOW, JAUREGUIL, MARTINEZ, MARZOLA, C.H. MILLER, NGUYEN, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, THOMAS, TORRES, WATTS AND YEAGER

JOINT SPONSORS: SENATORS DENIS, DONATE, D. HARRIS, NEAL AND SPEARMAN

AN ACT relating to education; establishing provisions relating to discrimination based on race; including discrimination based on race in existing law relating to bullying and cyber-bullying; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Office for a Safe and Respectful Learning Environment within the Department of Education. (NRS 388.1323) Existing law prohibits bullying and cyber-bullying on the premises of a school, at an activity sponsored by a school or on any school bus. (NRS 388.135) Existing law establishes various provisions relating to the protocol for addressing incidents of bullying and cyber-bullying. (NRS 388.135-388.137) Under existing law, a principal, administrator or other person in charge of a school must investigate a report of an incident of bullying or cyber-bullying and take various actions to address the incident. (NRS 388.1351) This bill extends those provisions to additionally prohibit and address incidents of discrimination based on race.

Section 4 of this bill defines the term “discrimination based on race.” **Section 20** of this bill prohibits discrimination based on race in addition to bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on a school bus. **Section 5** of this bill authorizes a pupil or parent or legal guardian of a pupil who witnesses an incident of discrimination based on race to report the incident to an administrator. **Section 5** requires a board of trustees of a school district and a governing body of a charter school to categorize an incident of discrimination based on race as a racially motivated or hate incident. **Section 21** of this bill adds to the list of information required to be included in a report submitted to the direct supervisor of a principal or the Office the number of reports concerning incidents of discrimination based on race. **Section 21** requires the Office ~~for a~~ **, in consultation with the** direct supervisor, after reviewing the reports, to make recommendations for intervention or training to address discrimination based on race, bullying or cyber-bullying. **Section 6** of this bill requires the board of trustees of a school district or the governing body of a charter school to develop restorative practices for both victims and perpetrators of discrimination based on race.

~~Existing law provides that the provisions of NRS 388.1351 do not apply to a violation of the prohibition against bullying and cyber-bullying committed by an employee of a school or school district against another employee. (NRS 388.13535) Section 22 of this bill removes that exemption.~~ Existing law requires the State Board of Education to adopt regulations to establishing a statewide performance evaluation system for employees. (NRS 391.465) **Section 25** of this bill requires an evaluation to include whether an employee knowingly and willfully violated the provisions of NRS 388.1351.

Existing law requires annual reports of accountability to include information related to bullying and cyber-bullying. (NRS 385A.250, 385A.460) Existing law prohibits a pupil publication from being used to engage in bullying or cyber-bullying. (NRS 388.077) Existing law establishes various provisions related to the provision of a safe and respectful learning environment that is free from bullying and cyber-bullying. (NRS 388.132, 388.1321, 388.1323, 388.1325, 388.1327, 388.133, 388.1341-388.1344, **388.13535**, 388.139,

388.1395) Under existing law, a department of juvenile services or court that determines that a child has unlawfully engaged in bullying or cyber-bullying must provide certain information to a court or the school district in which the child is enrolled, as appropriate. (NRS 62C.400, 62E.030) Existing also requires the Governor annually to proclaim a “Week of Respect” that includes providing information relating to bullying and cyber-bullying. (NRS 236.073) **Sections 1, 2, 7, 9, 10, 12-19, ~~23, 24~~ 22-24 and 26-28** of this bill add discrimination based on race to those provisions.

Sections 8-11 of this bill make conforming changes to indicate the proper placement of **sections 4-6** in the Nevada Revised Statutes.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, ~~and~~ **categorized by types of incidents and the demographics identified in subsection 1 of section 4 of this act:**

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be **discrimination based on race**, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for **discrimination based on race**, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of **discrimination based on race**, bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

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

(c) ***“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.***

Sec. 2. NRS 385A.460 is hereby amended to read as follows:

385A.460 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:

(a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, ~~++~~, **and categorized by types of incidents and the demographics identified in subsection 1 of section 4 of this act:**

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be ***discrimination based on race***, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for ***discrimination based on race***, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of ***discrimination based on race***, bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

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

(c) ***“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.***

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. ***“Discrimination based on race” means any single or repeated or pervasive act ~~++~~ or acts, whether targeted to a specific person or targeted in general to any demographic identified in subsection 1:***

1. ~~Based on~~ Regarding the race, color, culture, religion, language, ethnicity or national origin of a person that causes harm or creates a hostile

work or learning environment, which may include, without limitation, jokes, threats, physical altercations or intimidation; and

2. That occurs in person, online or in any other setting including, without limitation, in a course of distance education.

Sec. 5. 1. A pupil or the parent or legal guardian of a pupil who witnesses an incident of discrimination based on race may report the incident to an administrator or his or her designee.

2. A governing body shall categorize an incident of discrimination based on race as a racially motivated or hate incident ~~for~~ on the appropriate system to track pupil information used by a school.

Sec. 6. A governing body shall develop restorative practices in accordance with the provisions of NRS 388.133 for both victims and perpetrators of discrimination based on race.

Sec. 7. NRS 388.077 is hereby amended to read as follows:

388.077 1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to engage in **discrimination based on race**, bullying or cyber-bullying or intimidate any person and must not be organized, broadcast or endorsed by a public school, including, without limitation, a university school for profoundly gifted pupils.

3. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a written policy for pupil publications which:

(a) Establishes reasonable provisions governing the time, place and manner for the distribution of pupil publications;

(b) Protects the right of expression described in subsection 1 for pupils working on pupil publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the pupil publications;

(c) Prohibits, without limitation, the following:

(1) Restricting the publication of any content in pupil publications unless the content would substantially disrupt the ability of the public school to perform its educational mission;

(2) Dismissing, suspending, disciplining or retaliating against an employee or other person acting as an adviser for a pupil publication or as an adviser for pupils working as journalists on a pupil publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a pupil engaged in conduct protected pursuant to the written policy or refusing to perform an action which violates the written policy; and

(3) Expelling, suspending or otherwise disciplining a pupil for engaging in conduct in accordance with the policy, unless such conduct substantially disrupts the ability of the public school to perform its educational mission and the disruption was intentional; and

(d) Includes a disclaimer indicating that any content published in a pupil publication is not endorsed by the public school.

4. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 or 3 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

5. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

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

(c) ***“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.***

Sec. 8. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ***and sections 4, 5 and 6 of this act***, unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, ***and section 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. Pupils are the most vital resource to the future of this State;

2. A learning environment that is safe and respectful is essential for the pupils enrolled in the schools in this State and is necessary for those pupils to achieve academic success and meet this State’s high academic standards;

3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a school in this State must be maintained as a safe and respectful learning environment, and no form of ***discrimination based on race***, bullying or cyber-bullying will be tolerated within the system of public education in this State;

4. Any form of ***discrimination based on race***, bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

6. It will ensure that:

(a) The schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;

(b) All administrators, teachers and other personnel of the school districts and schools in this State demonstrate appropriate and professional behavior on the premises of any school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate ***discrimination based on race***, bullying and cyber-bullying, and by taking immediate action to protect a victim or target of ***discrimination based on race***, bullying or cyber-bullying when witnessing, overhearing or being notified that ***discrimination based on race***, bullying or cyber-bullying is occurring or has occurred;

(c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, teachers, coaches or other personnel of a school district or school;

(d) All persons in a school are entitled to maintain their own beliefs and to respectfully disagree without resorting to ***discrimination based on race***, bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, coach or other staff member or pupil who tolerates or engages in an act of ***discrimination based on race***, bullying or cyber-bullying or violates a provision of NRS 388.121 to 388.1395, inclusive, ***and sections 4, 5 and 6 of this act*** regarding a response to ***discrimination based on race***, bullying or cyber-bullying against a pupil will be held accountable; and

7. By declaring this mandate that the schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while at school and that pupils be provided with an environment that allows them to learn.

Sec. 10. NRS 388.1321 is hereby amended to read as follows:

388.1321 1. The Legislature hereby declares that the members of a governing body and all administrators and teachers have a duty to create and provide a safe and respectful learning environment for all pupils that is free of ***discrimination based on race***, bullying and cyber-bullying.

2. A parent or guardian of a pupil may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provisions of NRS 388.121 to 388.1395, inclusive ~~and~~, ***and sections 4, 5 and 6 of this act***.

3. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil from seeking any remedy available at law or in equity.

Sec. 11. NRS 388.1322 is hereby amended to read as follows:

388.1322 A private school, as defined in NRS 394.103, and the governing body and administrator of the private school are authorized to comply with NRS 388.121 to 388.1395, inclusive, **and sections 4, 5 and 6 of this act** wholly or in part. Any such compliance is wholly voluntary, and no liability attaches to any failure to comply on the part of the private school, governing body or administrator.

Sec. 12. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, **and sections 4, 5 and 6 of this act** and obtain information about **antidiscrimination and** anti-bullying efforts and organizations; and

(b) Provides outreach and **antidiscrimination and** anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing **discrimination based on race**, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding **discrimination based on race**, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between **discrimination based on race**, bullying or cyber-bullying and suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of **discrimination based on race**, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive ~~†~~, **and sections 4, 5 and 6 of this act**.

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive ~~†~~, **and sections 4, 5 and 6 of this act**. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

Sec. 13. NRS 388.1325 is hereby amended to read as follows:

388.1325 1. The ***Discrimination and*** Bullying Prevention Account is hereby created in the State General Fund, to be administered by the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to NRS 388.1323. The Director of the Office may accept gifts and grants from any source for deposit into the Account. The interest and income earned on the money in the Account must be credited to the Account.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the ***Discrimination and*** Bullying Prevention Account shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from ***discrimination based on race***, bullying and cyber-bullying;

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.1395, inclusive ~~††~~, ***and sections 4, 5 and 6 of this act***; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.1395, inclusive ~~††~~, ***and sections 4, 5 and 6 of this act***.

Sec. 14. NRS 388.1327 is hereby amended to read as follows:

388.1327 The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the Department for a grant of money from the ***Discrimination and*** Bullying Prevention Account pursuant to NRS 388.1325.

2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive ~~††~~, ***and sections 4, 5 and 6 of this act***.

Sec. 15. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of ***discrimination based on race***, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices; and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of ***discrimination based on race***, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of ***discrimination based on race***, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 16. NRS 388.1341 is hereby amended to read as follows:

388.1341 1. The Department, in consultation with persons who possess knowledge and expertise in ***discrimination based on race***, bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in schools in this State in resolving incidents of ***discrimination based on race***, bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive ~~to~~, ***and sections 4, 5 and 6 of this act***;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for ***discrimination based on race***, bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by a governing body.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 17. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in ***discrimination based on race***, bullying and cyber-bullying, shall establish a program of training:

(a) On methods to prevent, identify and report incidents of ***discrimination based on race***, bullying and cyber-bullying for members of the State Board.

(b) On methods to prevent, identify and report incidents of ***discrimination based on race***, bullying and cyber-bullying for the members of a governing body.

(c) For school district and school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive ~~†~~, ***and sections 4, 5 and 6 of this act.***

(d) For school district and school personnel in the prevention of violence and suicide, including, without limitation, violence and suicide associated with ***discrimination based on race***, bullying and cyber-bullying, and appropriate methods to respond to incidents of violence or suicide. Such training must include, without limitation, instruction concerning the identification of:

(1) Appropriate mental health services at the school and in the community in which the school is located and how and when to refer pupils and their families for such services; and

(2) Other persons and organizations in the community in which the school is located, including, without limitation, religious and other nonprofit organizations, that may be able to assist with the response to a suicide.

(e) For school district and school personnel concerning the needs of persons with diverse gender identities or expressions.

(f) For school district and school personnel concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on ***discrimination based on race***, bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a governing body shall, within 1 year after the member begins his or her service on the governing body, complete the program of training on ***discrimination based on race***, bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the governing body.

4. Each administrator of a school shall complete the program of training established pursuant to paragraphs (d), (e) and (f) of subsection 1:

- (a) Within 90 days after becoming an administrator;
- (b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and
- (c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The governing body may allow school personnel to attend the program established pursuant to paragraph (c), (d), (e) or (f) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

Sec. 18. NRS 388.1343 is hereby amended to read as follows:

388.1343 The administrator of each school or his or her designee shall:

- 1. Establish a school safety team to develop, foster and maintain a school environment which is free from *discrimination based on race*, bullying and cyber-bullying;
- 2. Conduct investigations of violations of NRS 388.135 occurring at the school; and
- 3. Collaborate with the governing body and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 19. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:

- (a) A school counselor, school psychologist or social worker if the school employs a person in such a position full-time;
- (b) At least one teacher who teaches at the school;
- (c) At least one parent or legal guardian of a pupil enrolled in the school;
- (d) A school police officer or school resource officer if the school employs a person in such a position full-time;
- (e) For a middle school, junior high school or high school, one pupil enrolled in the school; and
- (f) Any other persons appointed by the administrator.

2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

- (a) Meet at least two times each year;
- (b) Identify and address patterns of *discrimination based on race*, bullying or cyber-bullying;
- (c) Review and strengthen school policies to prevent and address *discrimination based on race*, bullying or cyber-bullying;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; ~~and~~

(e) **To the extent practicable, work with members of the community with expertise in cultural competency; and**

(f) **To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.**

4. To the extent practicable, the school safety team must consist of members who are representative of the demographic groups identified in subsection 1 of section 4 of this act.

Sec. 20. NRS 388.135 is hereby amended to read as follows:

388.135 A member of a governing body, any employee of a governing body, including, without limitation, an administrator, teacher or other staff member, a member of a club or organization which uses the facilities of any school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in **discrimination based on race**, bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus.

Sec. 21. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the **discrimination based on race**, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the **discrimination based on race**, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported **discrimination based on race**, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the **discrimination based on race**, bullying or cyber-bullying. The notification must be provided:

(1) If the **discrimination based on race**, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's

administrative office closes on the day on which the ***discrimination based on race***, bullying or cyber-bullying is reported; or

(2) If the ***discrimination based on race***, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the ***discrimination based on race***, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation. The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the ***discrimination based on race***, bullying or cyber-bullying must be ***based on restorative disciplinary practices and*** carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or his or her designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the **discrimination based on race**, bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported **discrimination based on race**, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of **discrimination based on race**, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 ~~that~~ **concerning incidents of bullying or cyber-bullying;**

(b) **Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;**

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

~~that~~ (d) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar

quarter ~~14~~ **and categorized by types of incidents and the demographics identified in subsection 1 of section 4 of this act,** the:

(a) Total number of reports received pursuant to subsection 1 ~~14~~ ***concerning bullying or cyber-bullying;***

(b) ***Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;***

(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and

~~14~~ (d) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. ***The Office for a Safe and Respectful Learning Environment ~~for~~, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office ~~for~~ direct supervisor, as applicable, determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber-bullying at the school.***

15. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

~~15~~ 16. The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 22. NRS 388.13535 is hereby amended to read as follows:

388.13535 1. If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or his or her designee may, after providing the notification required by paragraph (a) of subsection 3 of NRS 388.1351, defer the investigation required by that section until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation pursuant to this subsection, the administrator or designee shall:

(a) Immediately develop and carry out a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388.135; and

(b) To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each pupil directly involved in the alleged violation of NRS 388.135 with that information.

2. Except as otherwise provided in this section, the deferral authorized by subsection 1 does not affect the obligations of the administrator or designee pursuant to NRS 388.121 to 388.1395, inclusive ~~14~~, ***and sections 4, 5 and 6 of this act.***

3. Any plan developed pursuant to subsection 1 must be carried out in a manner that causes the least possible disruption for the reported victim or victims of ***discrimination based on race***, bullying or cyber-bullying. When necessary, the administrator or his or her designee shall give priority to

protecting the reported victim or victims over any interest of the reported perpetrator or perpetrators when determining how to carry out the plan.

4. If the administrator or designee determines that a violation of NRS 388.135 was caused by the disability of the pupil who committed the violation:

(a) The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil's individualized education program; and

(b) The administrator or designee shall take any measures necessary to protect the safety of the victim of the violation.

5. The provisions of NRS 388.1351 do not apply to a violation of NRS 388.135 committed by:

(a) A pupil who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the pupil.

(b) An employee of a school or school district against another employee of a school or school district.

(c) An adult who is not a pupil or employee of a school or school district against another such adult.

Sec. 23. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.1395, inclusive, *and sections 4, 5 and 6 of this act* and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading ~~["Bullying"]~~ **"Discrimination Based on Race, Bullying and Cyber-Bullying Is Prohibited in Public Schools,"** within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

Sec. 24. NRS 388.1395 is hereby amended to read as follows:

388.1395 The governing body of each school shall determine the most effective manner for the delivery of information to the pupils of the school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of **discrimination based on race**, bullying and cyber-bullying;

2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

3. Methods to facilitate positive human relations among pupils by eliminating the use of **discrimination based on race**, bullying and cyber-bullying.

Sec. 25. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

(f) If an employee knowingly and willfully failed to comply with the provisions of NRS 388.1351, indicate any disciplinary actions taken against the employee pursuant to NRS 388.1354.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed

evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 26. NRS 62C.400 is hereby amended to read as follows:

62C.400 1. If a department of juvenile services determines that a child who is currently enrolled in school unlawfully engaged in ***discrimination based on race***, bullying or cyber-bullying, the department shall provide the information specified in subsection 2 to the juvenile court in the judicial district in which the child resides and to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

- (a) The name of the child;
- (b) The name of the person who was the subject of the ***discrimination based on race***, bullying or cyber-bullying; and
- (c) A description of any ***discrimination based on race***, bullying or cyber-bullying committed by the child against the other person.

3. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (c) ***“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.***

Sec. 27. NRS 62E.030 is hereby amended to read as follows:

62E.030 1. If a court determines that a child who is currently enrolled in school unlawfully caused or attempted to cause serious bodily injury to another person, the court shall provide the information specified in subsection 2 to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

- (a) The name of the child;
- (b) A description of any injury sustained by the other person;
- (c) A description of any weapon used by the child; and
- (d) A description of any threats made by the child against the other person before, during or after the incident in which the child injured or attempted to injure the person.

3. If a court determines that a child who is currently enrolled in school unlawfully engaged in ***discrimination based on race***, bullying or cyber-bullying, the court shall provide the information specified in subsection 4 to the school district in which the child is currently enrolled.

4. The information required to be provided pursuant to subsection 3 must include:

- (a) The name of the child;
- (b) The name of the person who was the subject of the *discrimination based on race*, bullying or cyber-bullying; and

(c) A description of any *discrimination based on race*, bullying or cyber-bullying committed by the child against the other person.

5. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) *“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.*

Sec. 28. NRS 236.073 is hereby amended to read as follows:

236.073 1. The Governor shall annually proclaim the first week in October to be “Week of Respect.”

2. The proclamation may call upon:

(a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding *discrimination based on race*, bullying and cyber-bullying, including, without limitation:

(1) Statistical information regarding the number of pupils who *experience discrimination based on race or* are bullied or cyber-bullied each year;

(2) The methods to identify and assist pupils who are at risk of *discrimination based on race*, bullying or cyber-bullying; and

(3) The methods to prevent *discrimination based on race*, bullying and cyber-bullying; and

(b) Governing bodies to provide instruction on the ways in which pupils can prevent *discrimination based on race*, bullying and cyber-bullying during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) *“Discrimination based on race” has the meaning ascribed to it in section 4 of this act.*

(d) “Governing body” has the meaning ascribed to it in NRS 388.126.

Sec. 29. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 376.

Bill read second time.

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

Amendment No. 212.

AN ACT relating to immigration; enacting the Keep Nevada Working Act; prohibiting certain state and local agencies from performing certain actions relating to immigration enforcement; prohibiting certain state or local law enforcement agencies, school police units and campus police departments from collecting, using and providing certain information to federal immigration authorities; requiring state or local law enforcement agencies to provide certain written disclosures to persons before making inquiries relating to immigration; limiting the circumstances under which a state or local law enforcement agency may permit federal immigration authorities to interview persons who are under state or local custody; prohibiting state or local law enforcement agencies from detaining persons on the basis of a hold request or for the purpose of determining the immigration status of the person; prohibiting state or local law enforcement agencies from contracting for or otherwise using the language services of federal immigration authorities; creating the Keep Nevada Working Task Force and establishing the power and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 2 of this bill declares that the primary purpose of certain law enforcement agencies and related entities in this State is not to enforce immigration. **Sections 4-7** of this bill define the terms “campus police department,” “federal immigration authority,” “notification request” and “state or local law enforcement agency,” respectively, for the purposes of **sections 2-14** of this bill.

Sections 8 and 9 of this bill prohibit state or local law enforcement agencies, school police units and campus police departments from providing certain information pursuant to a notification request from a federal immigration authority. **Section 9** of this bill additionally prohibits state or local law enforcement agencies from providing federal immigration authorities with certain personal demographic information of persons subject to the custody or supervision of the state or local law enforcement agency.

Section 8 of this bill also prohibits school police units and campus police departments from inquiring into and collecting information concerning the immigration or citizenship status of a person or the place of birth of the person. **Section 9** sets forth the same prohibition for state or local law enforcement agencies unless there is a direct connection between the information sought and a criminal violation of a state law or local ordinance. In such circumstances where the state or local law enforcement agency is permitted to make such an inquiry, **section 9** requires the state or local law enforcement agency, before making the inquiry, to provide certain written disclosures to the person and an interpreter for the disclosures under certain circumstances. **Section 29** of this bill makes a conforming change by repealing provisions of law which require certain disclosures be made to a person in a county or city jail or a detention facility before questioning the person regarding his or her immigration status, as such disclosures are encompassed by and expanded under **section 9**.

Additionally, **section 10** of this bill prohibits state or local law enforcement agencies from using agency ~~[money]~~ **funds, facilities, property, equipment** or personnel to investigate, question, interrogate, detain, detect or arrest a person for the purpose of immigration enforcement.

Section 11 of this bill prohibits state or local law enforcement agencies from detaining a person solely for the purpose of determining the immigration status of the person. Additionally, **section 11** prohibits state or local law enforcement agencies from detaining a person on the basis of a hold request relating to immigration enforcement unless the hold request is ~~[; (1)]~~ accompanied by a warrant for the arrest of the person ~~[; or (2) supported by probable cause that the person has committed a crime independent of the crime for which the state or local law enforcement agency originally asserted custody over the person.]~~

Section 12 of this bill prohibits state or local law enforcement agencies from permitting federal immigration authorities to interview a person who is subject to state or local custody concerning a noncriminal matter unless: (1) the interview is required by law or court order; or (2) the person ~~[consents]~~ **gives informed consent** in writing to the interview. Specifically, **section 12** requires the state or local law enforcement agency to provide certain oral and written disclosures to the person before obtaining such written consent and requires the use of an interpreter for the disclosures under certain circumstances.

Section 13 of this bill prohibits school police units, campus police departments and state or local law enforcement agencies from entering into contracts for the provision of language services by federal immigration authorities or otherwise accepting the provision of such language services.

Section 14 of this bill requires the Attorney General to publish model policies which provide guidance and training recommendations to state or local law enforcement agencies and which must be consistent with **sections 2-14**. **Section 14** also requires each state or local law enforcement agency to: (1) adopt policies that are consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies.

Section 18 of this bill creates the Keep Nevada Working Task Force and sets forth the membership of the Task Force. **Section 26** of this bill provides for the appointment of the members to the Task Force. **Section 19** of this bill requires the Task Force to meet quarterly and sets forth various other administrative functions. Finally, **section 20** of this bill : (1) prescribes the duties of the Task Force ~~[and]~~ ; (2) requires the Task Force to submit an annual report to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission ~~[;]~~ ; (3) **authorizes the Lieutenant Governor to accept gifts, grants or donations for the purpose of the Task Force; and (4) requires state and local agencies, boards, commissions, departments and officers, employees and agents thereof to assist the Task Force under certain circumstances.**

Section 21.5 of this bill declares that it is not the primary purpose of an agency or regulatory body of this State or a political subdivision thereof to enforce civil federal immigration law. Section 22 of this bill prohibits state or local agencies **and regulatory bodies** from using agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents exclusively on the basis of race, religion, immigration or citizenship status or national or ethnic origin. ~~Sections 23 and 25 of this bill require~~ **requires** certain agencies of this State to publish agency policies which are consistent with **section 22** and which relate to the collection, use and disclosure of information by the agency and the provision of its services.

Section 24 of this bill requires the Attorney General to publish model policies which provide recommendations to limit immigration enforcement at public schools, institutions of higher education, certain health care facilities, ~~and~~ courthouses, ~~and~~ **and other state and local governmental agencies.** Additionally, **section 24** requires such entities to: (1) adopt policies consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the entity is not adopting policies consistent with the model policies of the Attorney General. **Section 24** also encourages certain other organizations to adopt policies consistent with the model policies of the Attorney General.

WHEREAS, The economy of this State encompasses a broad range of industries necessitating the need for a skilled workforce in a variety of industries to ensure the economic vitality of this State; and

WHEREAS, Immigrants make up 19 percent of the population in this State, with immigrants accounting for approximately one in every four workers in this State; and

WHEREAS, Business owners have a large impact on the economy of this State through innovation and the creation of jobs, and immigrants account for approximately 30 percent of business owners in this State; and

WHEREAS, In recognition of the significant contribution of immigrants to the overall prosperity and strength of this State, there is a compelling interest in ensuring that this State remains a place where the rights and dignity of all residents are maintained and protected in order to keep this State working; now, therefore,

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 14, inclusive, of this act.

Sec. 2. *The Legislature hereby finds and declares that:*

1. *It is not the primary purpose of state or local law enforcement agencies, school police units or campus police departments to enforce civil federal immigration law.*

2. *State or local law enforcement agencies, school police units or campus police departments should not be concerned with any matter which exclusively involves one or more of the following circumstances:*

- (a) The immigration status of a person;*
- (b) The presence of a person in the United States;*
- (c) The entry or reentry of a person into the United States; or*
- (d) The employment of a person in the United States.*

3. *Federal immigration authorities have primary jurisdiction over the enforcement of Title 8 of the United States Code relating to the illegal entry of persons into the United States.*

Sec. 3. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Campus police department” has the meaning ascribed to it in NRS 179D.015.*

Sec. 5. *“Federal immigration authority” means any officer, employee or person who is paid by or acting as an agent of:*

- 1. The United States Immigration and Customs Enforcement of the United States Department of Homeland Security, or any division thereof;*
- 2. The United States Customs and Border Protection of the United States Department of Homeland Security, or any division thereof; or*
- 3. The United States Department of Homeland Security or any other component thereof charged with immigration enforcement.*

Sec. 6. *“Notification request” means a formal or informal request from a federal immigration authority for information concerning the date and time for the release of a person under the custody or supervision of a state or local law enforcement agency.*

Sec. 7. *“State or local law enforcement agency” means:*

- 1. The sheriff’s office of a county;*
- 2. A metropolitan police department;*
- 3. A police department of an incorporated city;*
- 4. Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;*
- 5. The Division of Parole and Probation of the Department of Public Safety; ~~and~~*
- 6. Any department of alternative sentencing ~~and~~; and*
- 7. Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:*

- (a) Has a duty to enforce the law; and*
- (b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 8. *A school police unit or campus police department shall not:*

1. *Inquire into or collect information concerning:*

(a) *The immigration or citizenship status of a person; or*

(b) *The place of birth of a person.*

2. *Provide information pursuant to a notification request, except as otherwise required by law.*

Sec. 9. 1. *A state or local law enforcement agency shall not inquire into or collect information relating to the immigration or citizenship status of a person or the place of birth of the person unless there is a direct connection between the information sought and a criminal violation of a state law or local ordinance.*

2. *Except as otherwise provided by law, a state or local law enforcement agency shall not provide federal immigration authorities with:*

(a) *Information pursuant to a notification request; or*

(b) *Personal demographic information that is not publicly available concerning a person subject to the custody or supervision of the state or local law enforcement agency.*

3. *A state or local law enforcement agency who seeks to question a person concerning his or her immigration or citizenship status or place of birth in accordance with subsection 1 shall, before making such an inquiry ~~to~~, provide the person with a written document which:*

(a) ~~Inform~~ Informs *the person of the purpose of the questions concerning his or her immigration or citizenship status or place of birth;*

(b) ~~Warn~~ Warns *the person that any statement made about his or her immigration or citizenship status or place of birth may be shared with federal immigration authorities and possibly used in a federal proceeding for the deportation or removal of the person; ~~and~~*

(c) ~~Inform~~ Informs *the person whether he or she is required by law to answer the questions concerning his or her immigration or citizenship status or place of birth ~~if~~, and if the person is not so required, ~~inform~~ informs the person of that fact ~~if~~; and*

(d) *Informs the person that the person:*

(1) *May decline to answer the questions of the state or local law enforcement agency; or*

(2) *Require that his or her attorney be present during the questioning with the state or local law enforcement agency.*

4. *The state or local law enforcement agency making an inquiry pursuant to this section shall, to the extent practicable, provide an interpreter for translation of the ~~disclosures required pursuant to~~ document described in subsection 3.*

5. *As used in this section, “personal demographic information” means ~~any~~:*

(a) *Any information relating to the person’s race, color, gender identity or expression, age, religion, disability, national origin, place of birth, ancestry, sexual orientation, marital status, military status, order of protection status, pregnancy, unfavorable discharge from military service ;*

(b) Any personally identifiable information, including, without limitation, a home address, physical address, electronic mail address, telephone number, social security number, driver's license number, photo identification number, individual tax payer identification number or any other identifier of the person; or ~~any~~

(c) Any other information concerning a person that could be used to contact, track, locate, identify or reasonably infer the identity of the person.

Sec. 10. 1. In addition to any limitation pursuant to section 22 of this act, a state or local law enforcement agency shall not use agency ~~money~~ funds, facilities, property, equipment or personnel to investigate, question, interrogate, detain, detect or arrest any person for immigration enforcement purposes.

2. The limitations set forth in this section do not apply to a detention authorized pursuant to paragraph (b) of subsection 1 of section 11 of this act.

Sec. 11. 1. A state or local law enforcement agency shall not detain a person:

(a) Solely for the purpose of determining the immigration status of the person; or

(b) On the basis of a hold request unless the hold request is:

(1) Accompanied by a warrant which is:

(I) Based upon probable cause; and

(II) Issued by a federal judge or federal magistrate judge. ~~for~~

~~(2) Supported by probable cause to believe that the person subject to the hold request has committed a crime independent of the underlying crime for which the state or local law enforcement agency originally asserted custody over the person.~~

2. As used in this section, "hold request" means a formal or informal request by a federal immigration authority that a state or local law enforcement agency maintain custody of a person who is in the custody of the state or local law enforcement agency for a period not to exceed 48 hours, excluding Saturdays, Sundays and holidays, or beyond the time the person would otherwise be eligible for release from the custody of the state or local law enforcement agency, in order to facilitate the transfer of custody of the person to the federal immigration authority.

Sec. 12. 1. A state or local law enforcement agency shall not permit a federal immigration authority to interview a person about a noncriminal matter while the person is in the custody of the state or local law enforcement agency unless:

(a) The interview is required by law or court order; or

(b) The state or local law enforcement agency obtains the informed, written consent of the person.

2. Before obtaining the informed, written consent of the person, the state or local law enforcement agency shall disclose orally and in writing:

(a) The purpose of the interview with the federal immigration authority;

(b) *That the interview with the federal immigration authority is voluntary and that the person will not be punished or suffer retaliation for declining to be interviewed by the federal immigration authority; ~~and~~*

(c) *That the person:*

(1) *May decline to be interviewed by the federal immigration authority;*
or

(2) *Require that his or her attorney be present for the interview with the federal immigration authority ~~if~~; and*

(d) That any statement made about his or her immigration or citizenship status or place of birth may be used in a federal proceeding for the deportation or removal of the person.

3. *The state or local law enforcement agency shall:*

(a) *Make the written disclosures available in English and Spanish and any other language prescribed by the state or local law enforcement agency; and*

(b) *Use an interpreter for the oral disclosures if the person is unable to read the written disclosures.*

Sec. 13. *A state or local law enforcement agency, school police unit or campus police department shall not:*

1. *Enter into or renew a contract for the provision of language services from federal immigration authorities; or*

2. *Accept any language services offered for free or otherwise by federal immigration authorities.*

Sec. 14. 1. *The Attorney General shall, in consultation with relevant stakeholders ~~if~~ and the Keep Nevada Working Task Force created by section 18 of this act, publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must:*

(a) *Be consistent with sections 2 to 14, inclusive, of this act; and*

(b) *Prioritize guidance and training recommendations which:*

(1) *Foster trust between the community and state or local law enforcement agencies; and*

(2) *Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.*

2. *Every state or local law enforcement agency shall:*

(a) *Adopt policies consistent with the model policies of the Attorney General; or*

(b) *Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.*

3. *The notification described in subsection 2 must include, without limitation:*

(a) *The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General;*
~~and~~

(b) *A copy of the policies of the state or local law enforcement agency*
~~;~~ and

(c) *A certification of whether the policies of the state or local law enforcement agency are in compliance with sections 2 to 14, inclusive, of this act.*

Sec. 15. Chapter ~~223~~ 224 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 20, inclusive, of this act.

Sec. 16. *Sections 16 to 20, inclusive, of this act may be cited as the Keep Nevada Working Act.*

Sec. 17. *As used in sections 16 to 20, inclusive, of this act, "Task Force" means the Keep Nevada Working Task Force created by section 18 of this act.*

Sec. 18. 1. *The Keep Nevada Working Task Force is hereby created within the Office* ~~*for New Americans established pursuant to NRS 223.910,*~~ *of Lieutenant Governor.*

2. *The Task Force consists of:*

(a) *The* ~~*Director of the Office for New Americans,*~~ *Lieutenant Governor,* or his or her designee;

(b) ~~*Four*~~ *Seven* members appointed by the ~~*Legislative Commission,*~~ *Lieutenant Governor;* and

(c) ~~*Four members*~~ *One member* appointed *jointly* by the Governor ~~*;*~~ *and the Office for New Americans.*

3. *Every member appointed to the Task Force shall represent at least one of the following:*

(a) *An immigrant advocacy group;*

(b) *A professional association representing business;*

(c) *A labor organization with a statewide presence;*

(d) ~~*An agricultural*~~ *A workforce or economic development interest;*

(e) ~~*A legal interest*~~ *bar association or like association of lawyers which is involved in the advocacy of immigrants;*

(f) *A faith-based, nonprofit organization;*

(g) *An advocacy group which focuses on immigration and criminal justice;*

(h) *An institution of higher education; or*

(i) *A state or local law enforcement agency.*

4. ~~*After the initial terms, the*~~ *The* members of the Task Force *shall* serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. *The members of the Task Force serve without compensation.*

Sec. 19. 1. *At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.*

2. *The Task Force shall meet at least once each quarter and hold meetings at various locations throughout the State.*

3 *A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.*

Sec. 20. 1. *The Task Force ~~shall~~ may:*

(a) *Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State;*

(b) *Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries;*

(c) *Support the efforts of business ~~and agriculture~~ leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in ~~the agriculture industry, and~~ this State;*

(d) *Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities ~~for~~; and*

(e) *Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.*

2. *On or before July 1, 2022, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.*

3. *The Lieutenant Governor may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 16 to 20, inclusive, of this act.*

4. *The ~~Director of the Office for New Americans~~ Office of Lieutenant Governor shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.*

5. *Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.*

Sec. 21. Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~221~~ 21.5 to 25, inclusive, of this act.

Sec. 21.5. *The Legislature hereby finds and declares that it is not the primary purpose of an agency or regulatory body of this State or a political subdivision thereof to enforce civil federal immigration law.*

Sec. 22. 1. *Except as otherwise provided in subsection 2, an agency or regulatory body of this State or a political subdivision thereof shall not:*

(a) *Use agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or*

enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents of this State solely on the basis of race, religion, immigration or citizenship status or national or ethnic origin.

(b) Condition the provision of agency services on or otherwise require proof of the immigration or citizenship status of a person or the place of birth of the person.

2. An agency of this State or political subdivision thereof may collect, use or disclose information that would otherwise violate subsection 1, if the collection, use or disclosure is:

(a) Required by law or court order;

(b) Necessary to perform agency duties, functions or other business and such performance:

(1) Is expressly authorized by law; and

(2) Is not related to immigration enforcement;

(c) Required to comply with policies, grants, waivers or other requirements necessary to maintain the funding of the agency; or

(d) Provided in aggregate form or another like form which does not include personally identifiable information.

3. As used in this section, “court order” does not include an order of an administrative court.

Sec. 23. The following agencies shall each publish agency policies which are consistent with section 22 of this act and which relate to the collection, use and disclosure of information by the agency and the provision of services to persons in this State regardless of the immigration or citizenship status of the person or his or her place of birth:

1. The Department of Administration;

2. The Department of Agriculture;

3. The Department of Business and Industry;

~~2.~~ 4. The Department of Education;

~~3.~~ 5. The Department of Employment, Training and Rehabilitation;

~~4.~~ 6. The Department of Health and Human Services;

~~5.~~ 7. The Department of Motor Vehicles;

~~6.~~ 8. The Department of Public Safety; and

~~7.~~ 9. The Department of Taxation.

10. The Department of Tourism and Cultural Affairs;

11. The Department of Transportation; and

12. The Public Employees’ Retirement System.

Sec. 24. 1. The Attorney General shall, in consultation with relevant stakeholders ~~and the Keep Nevada Working Task Force created by section 18 of this act,~~ publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities, ~~and~~ courthouses and governmental agencies to ensure that such places remain safe and accessible to residents of this State regardless of the immigration or citizenship of such persons.

2. Every public school, institution of higher education, health care facility and courthouse of this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General.

4. The notification described in subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; ~~and~~

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable ~~if~~; and

(c) Whether the policies of the public school, institution of higher education, health care facility or court house, as applicable, are in compliance with this section.

5. A policy adopted pursuant to this section must comply with:

(a) Any applicable law;

(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) “Health care facility” means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

(b) “Institution of higher education” has the meaning ascribed to it in NRS 179D.045.

(c) “Public school” means any school described in NRS 388.020.

Sec. 25. ~~Section 23 of this act is hereby amended to read as follows:~~

~~Sec. 23. The following agencies shall each publish agency policies which are consistent with section 22 of this act and which relate to the collection, use and disclosure of information by the agency and the provision of services to persons in this State regardless of the immigration or citizenship status of the person or his or her place of birth:~~

~~1. The State Department of Agriculture;~~

~~2. The Department of Business and Industry;~~

~~[2.] 3. The State Department of Conservation and Natural Resources;~~

- ~~4. The Department of Education;~~
- ~~[3.] 5. The Department of Employment, Training and Rehabilitation;~~
- ~~[4.] 6. The Department of Health and Human Services;~~
- ~~[5.] 7. The Department of Motor Vehicles;~~
- ~~[6.] 8. The Department of Public Safety; and~~
- ~~7.] 9. The Department of Taxation [.] ;~~
- ~~10. The Department of Transportation;~~
- ~~11. The Department of Wildlife; and~~
- ~~12. The Public Employees' Retirement System.] (Deleted by amendment.)~~

Sec. 26. ~~[1. As soon as practicable after July 1, 2021, the Governor and the Legislative Commission, as applicable, shall appoint the members of the Keep Nevada Working Task Force described in subsection 2 of section 18 of this act.~~

~~2. The terms of the members of the Keep Nevada Working Task Force appointed pursuant to subsection 1 expire on June 30, 2024.] (Deleted by amendment.)~~

Sec. 27. 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. 28. 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. 29. NRS 211.007 is hereby repealed.

Sec. 30. 1. This section ~~and sections~~ **becomes effective upon passage and approval.**

2. Sections 15 to 20, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Keep Nevada Working Task Force created by section 18 of this act and performing any preparatory administrative tasks necessary to carry out the provisions of sections 15 to 20, inclusive of this act; and

(b) On July 1, 2021, for all other purposes.

3. Sections 1 to 13, inclusive, ~~sections 15 to~~ and 21, 21.5, 22, ~~inclusive,~~ and ~~sections 26~~ 25 to 29, inclusive, of this act become effective on July 1, 2021.

~~[2.]~~ **4. Sections 14 and 24 of this act become effective:**

(a) On July 1, 2021, for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of sections 14 and 24 of this act; and

(b) On July 1, 2022, for all other purposes.

~~[3.]~~ **5. Section 23 of this act becomes effective:**

(a) On July 1, 2021, for the purposes of performing any preparatory administrative tasks necessary to carry out the provisions of section 23 of this act; and

(b) On October 1, 2021, for all other purposes.

~~[4. Section 25 of this act becomes effective:~~

~~(a) On January 1, 2022, for the purposes of performing any preparatory administrative tasks necessary to carry out the provisions of section 25 of this act; and~~

~~(b) On April 1, 2022, for all other purposes.]~~

TEXT OF REPEALED SECTION

211.007 Required information before questioning prisoner regarding immigration status. Before questioning a prisoner who is in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time.

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

Amendment No. 292.

AN ACT relating to public lands; revising the purpose of the State Land Office; ~~eliminating provisions relating to the State providing land use planning assistance in areas of critical environmental concern;~~ revising provisions relating to the duties of the State Land Use Planning Agency; repealing various provisions relating to public lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Land Office for the purpose of selecting and disposing of certain lands granted by the United States to the State of Nevada. (NRS 321.010) **Section 1** of this bill provides, instead, that the purpose of the State Land Office is for selecting, ~~and,~~ managing and, where appropriate, disposing of such lands.

~~[Existing law provides that it is the intent of the Legislature to limit the participation of the State in land use planning to certain activities. (NRS 321.640) Section 2 of this bill removes language that allowed the participation of the State in land use planning to include providing land use planning assistance in areas of critical environmental concern when directed by the Governor or requested by local governments.]~~

Section 3 of this bill eliminates the ~~definitions~~ definition of ~~“areas of critical environmental concern” and~~ “public lands” for purposes of state planning for the use of certain lands.

Existing law designates the Division of State Lands of the State Department of Conservation and Natural Resources as the State Land Use Planning Agency and sets forth various duties and responsibilities of the Agency. (NRS

321.640-321.770) **Section 5** of this bill eliminates from the list of priorities of the Agency: (1) activities relating to federal lands in this State; and (2) investigation and review of proposals for the designation of areas of critical environmental concern and the development of standards and plans therefor.

Section 6 of this bill revises the duties of the Administrator of the Division of State Lands with respect to the State Land Use Planning Agency to ~~remove the requirement~~ **require** that the Administrator provide assistance to counties in developing **plans and policies, in addition to** programs, to increase the ~~responsibility~~ **involvement** of local governments ~~for~~ **in the coordinated** management of lands in the State that are under federal management.

Section 7 of this bill revises the duties of the State Land Use Planning Agency concerning the purchase by the Federal Government of private land or the exchange of public land for private land to remove the requirement that the State Land Use Planning Agency include comments received from the governing body of an affected county or city in any written comments submitted by the State Land Use Planning Agency to the Federal Government ~~[.]~~ **and instead authorizes the State Land Use Planning Agency to include such comments received from the governing body of an affected county or city.**

Section 8 of this bill removes from the duties of the State Land Use Planning Agency the duty to ~~[(1) prepare plans concerning the acquisition and use of lands in the State that are under federal management; and (2)]~~ identify lands that are suitable for acquisition. ~~[Sections 9, 11 and 12 make conforming changes to remove references to such plans.]~~

Section 14 of this bill repeals various provisions relating to public lands, including provisions: (1) creating the Board of Review to review regulations, decisions and plans or statements of policy of the State Registrar and State Land Use Planning Agency; (2) directing the management of certain public lands; (3) creating the Public Land Trust Fund; (4) authorizing the State Land Use Planning Agency to represent interests of certain entities that are affected by policies and activities involving the use of federal law; and (5) setting forth procedures for state consent to the federal use of public lands. **Section 14** also repeals language declaring the intent of the State to seek the acquisition of lands retained by the Federal Government within the borders of the State.

Sections [4,] 10 and 13 make conforming changes to remove references to these repealed provisions.

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

Section 1. NRS 321.010 is hereby amended to read as follows:

321.010 1. For the purpose of selecting **, managing** and **, where appropriate, disposing of [managing]** the lands granted by the United States to the State of Nevada, including the 16th and 36th sections, and those selected in lieu thereof, in accordance with the terms and conditions of the several

grants of land by the United States to the State of Nevada, a State Land Office is hereby created.

2. The Administrator as executive head of the Division is the ex officio State Land Registrar.

3. The State Land Registrar may appoint one Deputy State Land Registrar and such technical, clerical and operational staff as the execution of the duties of the State Land Registrar and the operation of the State Land Office may require.

Sec. 2. ~~NRS 321.640 is hereby amended to read as follows:~~

~~321.640 The Legislature hereby finds and declares that:~~

~~1. It is in the public interest to place the primary authority for the planning process with the local governments, which are closest to the people;~~

~~2. Unregulated growth and development of the State will result in harm to the public safety, health, comfort, convenience, resources and general welfare;~~

~~3. The cities of the State have a responsibility for guiding the development of areas within their respective boundaries for the common good, and the counties have similar responsibilities with respect to their unincorporated areas;~~

~~4. City, county, regional and other planning must be done in harmony to ensure the orderly growth and preservation of the State; and~~

~~5. State participation in land use planning should be limited to coordination of information and data, the acquisition and use of federal lands within the State [, providing land use planning assistance in areas of critical environmental concern when directed by the Governor or requested by local governments,] and providing assistance in resolving inconsistencies between the land use plans of local governmental entities when requested to do so by one of the entities.† (Deleted by amendment.)~~

Sec. 3. NRS 321.655 is hereby amended to read as follows:

321.655 As used in NRS 321.640 to 321.770, ~~321.763,~~ inclusive:

1. “Administrator” means the executive head of the Division.

2. “Area of critical environmental concern” means any area in this State where there is or could develop irreversible degradation of more than local significance but does not include an area of depleting water supply which is caused by the beneficial use or storage of water in other areas pursuant to legally owned and fully appropriated water rights.

3. “Planning agency” means:

(a) The planning commission for the city in which the land is entirely located; or

(b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe Regional Planning Agency, within whose jurisdiction the land is located.

~~4. “Public lands” means all lands within the exterior boundaries of the State of Nevada except lands:~~

~~—(a) To which title is held by any private person or entity;~~

~~— (b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;~~

~~— (c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;~~

~~— (d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or~~

~~— (e) Which are held in trust for Indian purposes or are Indian reservations.]~~

Sec. 4. ~~NRS 321.700 is hereby amended to read as follows:~~

~~321.700 In addition to any other functions assigned to it by law, the Division is hereby designated as the State Land Use Planning Agency for the purpose of carrying out the provisions of NRS 321.640 to [321.770,] 321.763, inclusive, and fulfilling any land use planning requirements arising under federal law.] (Deleted by amendment.)~~

Sec. 5. NRS 321.710 is hereby amended to read as follows:

321.710 1. The Administrator shall administer the activities of the State Land Use Planning Agency. The Administrator has authority and responsibility for the development and distribution of information useful to land use planning.

2. The ~~activities of the~~ State Land Use Planning Agency ~~which have priority are:~~

~~— (a) Provision of ~~shall~~ **may provide** technical assistance to a county or city in areas where such assistance is requested. ‡;~~

~~— (b) Activities relating to federal lands in this State; and~~

~~— (c) Investigation and review of proposals for designation of areas of critical environmental concern and the development of standards and plans therefor.]~~

3. In addition to the assistant provided by subsection 3 of NRS 321.010 the Administrator may appoint, subject to the availability of money, such professional, technical, administrative, clerical and other persons as the Administrator may require for assistance in performing his or her land use planning duties.

Sec. 6. NRS 321.720 is hereby amended to read as follows:

321.720 1. The Administrator shall develop and make available to cities and counties information useful to land use planning, including:

(a) Preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

(b) Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the acquisition and use of federal lands within the State;

(c) Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning and management within the State and of state and local programs and activities which have a land use impact of more than local concern;

(d) Provision, where appropriate, of technical assistance and training programs for state and local agency personnel concerned with the development and implementation of state and local land use programs;

(e) Coordination and exchange of land use planning information and data among state agencies and local governments, with the Federal Government, among the several states and interstate agencies, and with members of the public, including conducting of public hearings, preparation of reports and soliciting of comments on reports concerning information useful to land use planning;

(f) Coordination of planning for state and local acquisition and use of federal lands within the State, except that in the case of a plan which utilizes both federal and private lands the governing body of the area where private lands are to be utilized has final authority to approve the proposal; ~~land~~

(g) Provision of assistance to counties to develop **plans, policies and programs to increase the ~~responsibility~~ involvement of local governments ~~for the~~ in the coordinated management of lands in the State of Nevada that are under federal management; and**

(h) Consideration of, and consultation with, the relevant states on the interstate aspects of land use issues of more than local concern.

2. To the extent practicable, the Administrator shall:

- (a) Compile any information developed pursuant to subsection 1; and
- (b) Make the compilation available to cities and counties.

Sec. 7. NRS 321.7353 is hereby amended to read as follows:

321.7353 1. Upon receipt of a notice of realty action from the United States concerning the purchase by the Federal Government of private land or the exchange of public land for private land, the State Land Use Planning Agency shall give written notice of the proposed action to the governing body of each county or city affected within 1 week after its receipt of the notice.

2. The governing body of each affected county or city may, in addition to submission of comments directly to the Federal Government, deliver its written comments on the proposed realty action, including an estimation of any related reduction in the total assessed valuation of the real property within the jurisdiction of the local government and recommendations for mitigation of the loss of assessed valuation, to the State Land Use Planning Agency within 30 days after receipt of the notice.

3. If the State Land Use Planning Agency elects to submit written comment to the Federal Government upon the realty action, it ~~shall~~ **may** include in its submission any comments it received pursuant to subsection 2.

Sec. 8. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency ~~shall~~ **may** prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the ~~acquisition and use~~ **administration** of lands in the State of Nevada that are under federal management.

~~{2.} The State Land Use Planning Agency shall, in preparing the plans and statements of policy, identify lands which are suitable for acquisition for:~~

- ~~— (a) Commercial, industrial or residential development;~~
- ~~— (b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or~~
- ~~— (c) Accommodating increases in the population of this State.~~

~~→} The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.~~

~~{3.}~~ 2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands; and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

~~{4.}~~ 3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or ~~policy~~ statements **of policy** to the Governor, Legislature or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) Any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands.

~~{5.}~~ 4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

Sec. 9. ~~NRS 321.750 is hereby amended to read as follows:~~

~~321.750 The Land Use Planning Advisory Council shall:~~

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

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

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

(Deleted by amendment.)

Sec. 10. NRS 328.065 is hereby amended to read as follows:

328.065 An officer of an agency or instrumentality of the United States:

1. May apply to the Director of the Legislative Counsel Bureau pursuant to NRS 328.065 to 328.135, inclusive, to obtain a cession of concurrent criminal jurisdiction or other jurisdiction from the State of Nevada.

2. Shall apply to the State Engineer pursuant to Title 48 of NRS to appropriate water on the public lands or other federal lands of this state. The State Engineer has continuing jurisdiction over any acquisition by the United States of the waters of the State of Nevada, whether by purchase, gift, condemnation, appropriation pursuant to the state's water laws or otherwise, and whether appurtenant to lands acquired by or retained by the United States.

3. Shall apply to the Department of Transportation pursuant to the procedure set forth in NRS 408.537, 408.543 and 408.547 for consent to close a public road, as defined in NRS 405.191, which is located on the public lands of this state.

~~{4. Shall apply to the State Land Use Planning Agency pursuant to the procedure set forth in NRS 321.736 to 321.739, inclusive, for consent to use land held solely for proprietary purposes relating to the retention and management of the public lands, if that use interferes with the sovereignty of this state respecting the land within its borders.}~~

Sec. 11. ~~{NRS 218E.520 is hereby amended to read as follows:~~

~~218E.520 1. The Committee may:~~

~~—(a) Review and comment on any administrative policy, rule or regulation of the:~~

~~—(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and~~

~~—(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;~~

~~—(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;~~

~~—(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;~~

~~—(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;~~

~~—(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;~~

~~—(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;~~

~~—(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:~~

~~—(1) Advising the Committee and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;~~

~~—(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and~~

~~— [(3)] (2) Assisting local governments in the acquisition of federal lands in this State;~~

~~— (h) Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties; and~~

~~— (i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the Committee or by a majority of the members of the Committee.~~

~~— 2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 278.160 is hereby amended to read as follows:~~

~~— 278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:~~

~~— (a) A conservation element, which must include:~~

~~— (1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.~~

~~— (2) A solid waste disposal plan showing general plans for the disposal of solid waste.~~

~~— (b) A historic preservation element, which must include:~~

~~— (1) A historic neighborhood preservation plan which:~~

~~— (I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.~~

~~— (II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.~~

~~— (2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.~~

~~— (c) A housing element, which must include, without limitation:~~

~~— (1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.~~

~~— (2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.~~

~~— (3) An analysis of projected growth and the demographic characteristics of the community.~~

~~— (4) A determination of the present and prospective need for affordable housing in the community.~~

~~— (5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.~~

~~— (6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:~~

~~— (I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and~~

~~— (II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.~~

~~— (7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.~~

~~— (8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.~~

~~— (d) A land use element, which must include:~~

~~— (1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.~~

~~— (2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:~~

~~— (I) Must, if applicable, address mixed use development, transit-oriented development, master planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~— (II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a [plan or] statement of policy prepared pursuant to NRS 321.7355.~~

~~— (3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.~~

~~— (e) A public facilities and services element, which must include:~~

~~— (1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.~~

~~— (2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.~~

~~— (3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.~~

~~— (4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.~~

~~— (5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.~~

~~— (6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.~~

~~— (f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.~~

~~— (g) A safety element, which must include:~~

~~— (1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.~~

~~— (2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.~~

~~— (h) A transportation element, which must include:~~

~~— (1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.~~

~~— (2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorecoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.~~

~~— (3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights of way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.~~

~~— (i) An urban agricultural element, which must include a plan to inventory any vacant lands owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening.~~

~~— 2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.~~
(Deleted by amendment.)

Sec. 13. NRS 487.210 is hereby amended to read as follows:

487.210 As used in NRS 487.210 to 487.300, inclusive, unless the context otherwise requires:

1. “Abandoned vehicle” means a vehicle:

(a) If the vehicle is discovered upon public lands, that the owner has discarded.

(b) If the vehicle is discovered upon public or private property other than public lands:

(1) That the owner has discarded; or

(2) Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250.

2. “Public lands” ~~has the meaning ascribed to it in NRS 321.5963.~~ ***means all lands within the exterior boundaries of the State of Nevada except lands:***

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

Sec. 14. NRS 321.00051, 321.596, 321.5963, 321.5967, 321.597, 321.5973, 321.5977, 321.598, 321.5983, 321.5987, 321.599, 321.601, 321.735, 321.736, 321.737, 321.738, ~~321.739 and 321.770~~ are hereby repealed.

LEADLINES OF REPEALED SECTIONS

321.00051 Legislative declaration: Acquisition of lands retained by Federal Government.

321.596 Legislative findings.

321.5963 Definitions.

321.5967 Board of Review: Creation; composition; Chair; meetings; quorum; compensation; duties and powers.

321.597 Division to hold and manage public lands; regulations; employment of personnel.

321.5973 Public lands and minerals are property of State; rights and privileges under federal laws to be preserved; administration of land to conform with treaties and compacts.

321.5977 Objectives in administering public lands.

321.598 Disposal of public lands: Legislative authorization required; State Land Registrar may dispose of lands to same extent and in same manner as Federal Government; deposit of proceeds.

321.5983 Unauthorized disposal of public lands void; State authorization required for use, management or disposal of public lands; injunctions; action to recover consideration received from unlawful disposition of public land.

321.5987 Procedure for appealing decision of State Land Registrar to Board of Review; hearing.

321.599 Enforcement of NRS 321.596 to 321.599, inclusive, by Attorney General.

321.601 Creation; payments to local governments in lieu of taxes on public lands.

321.735 Powers and duties concerning federal lands; action by certain cities and counties not precluded.

321.736 Hearings and recommendations of local planning agencies.

321.737 Transfer or referral of certain applications to State Engineer.

321.738 Hearing and recommendation of State Agency.

321.739 Grant or denial of consent by Governor.

~~**321.770** Duties of Administrator and Land Use Planning Advisory Council.~~

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 376.

SUMMARY—Revises provisions governing license plates and license plate decals, ~~for certain vehicles.~~ (BDR 43-985)

AN ACT relating to motor vehicles; ~~removing~~ revising provisions governing the issuance and display of license plate decals evidencing the ~~current~~ registration status of ~~the~~ motor ~~vehicle~~; ~~removing the requirement for a license plate to display the month and year the vehicle registration expires;~~ vehicles registered through the fleet registration program; requiring the Department of Motor Vehicles to establish a program allowing the issuance of license plates by short-term lessors for vehicles registered through the fleet registration program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires every motor vehicle license plate to have displayed on it: (1) the year the registration of the motor vehicle expires, if issued for the calendar year; or (2) the month and year the registration of the motor vehicle expires, if issued for a registration period other than a calendar year. (NRS 482.270) Existing law authorizes the Department of Motor Vehicles, upon renewal of registration, to issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates. (NRS 482.265) Section 5 of this bill provides that the license plates issued by the Department are not required to display the year or the month and year, as applicable, that the registration expires. Section 4 of this bill removes the authorization for the Department to issue license plate stickers, tabs or other suitable devices in lieu of new license plates.~~

Existing law requires the Department of Motor Vehicles to issue a ~~permanent~~ license plate decal to a short-term lessor of vehicles who registers through the fleet registration program established by the Department for such lessors. (NRS 482.2085) ~~Section 2 of this~~ This bill removes the requirement for the Department to issue such a ~~permanent~~ license plate decal. and requires the Department to adopt regulations relating to the manner in which the registration status of a vehicle in a fleet is indicated. This bill also requires the Department to establish a program to allow short-term lessors to issue on behalf of the Department license plates for vehicles of the short-term lessor which are registered through the fleet registration program.

~~Existing law requires a person to whom any license plate decal is issued to immediately make application for and obtain a substitute decal if the decal is lost, mutilated, illegible or stolen. (NRS 482.285) Section 9 of this bill removes this requirement.~~

~~Sections 3, 6, 8 and 10, 25 of this bill remove references to the issuance and display of license plate registration decals, stickers and tabs.]~~

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

Section 1. ~~[NRS 482.206 is hereby amended to read as follows:~~

~~482.206 1. Except as otherwise provided in this section and NRS 482.2065 and 482.2085, every motor vehicle, except for a motor vehicle that is required to be registered through the Motor Carrier Division of the Department, and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 or a moped registered pursuant to NRS 482.2155, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.~~

~~2. Except as otherwise provided in subsections 7 and 8 and NRS 482.2065, every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.~~

~~3. Except as otherwise provided in subsection 7 and NRS 482.2065 and 482.2085, a motor vehicle which must be registered through the Motor Carrier Division of the Department, including, without limitation:~~

~~(a) Pursuant to the provisions of NRS 706.801 to 706.861, inclusive; or~~

~~(b) As a commercial motor vehicle which has a declared gross weight in excess of 10,000 pounds;~~

~~must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.~~

~~4. Upon the application of the owner of a fleet of vehicles which are not required to be registered through the Motor Carrier Division of the Department, the Director may permit the owner to register the fleet on the basis of a calendar year.~~

~~5. Except as otherwise provided in subsections 3, 6, 7 and 8, when the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate [,] or special license plate [or substitute decal] must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:~~

~~(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or~~

~~(b) The day after the transfer in all other cases;~~

~~and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.~~

~~6. When the registration of any trailer that is registered for a 3-year period pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration date of each license plate [or substitute decal] must, at the time of the transfer of the registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3 consecutive years beginning:~~

~~— (a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or~~

~~— (b) The day after the transfer in all other cases;~~

~~— and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.~~

~~7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date on which the owner of the full trailer or semitrailer:~~

~~— (a) Transfers the ownership of the full trailer or semitrailer; or~~

~~— (b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.~~

~~8. A moped that is registered pursuant to NRS 482.2155 is registered until the date on which the owner of the moped:~~

~~— (a) Transfers the ownership of the moped; or~~

~~— (b) Cancels the registration of the moped and surrenders the license plate to the Department.† (Deleted by amendment.)~~

Sec. 2. NRS 482.2085 is hereby amended to read as follows:

482.2085 1. The Department shall establish a vehicle registration program for short-term lessors that have a fleet of vehicles registered in this State to allow the short-term lessors which satisfy the requirements for eligibility established by the Department to submit to the Department:

(a) Applications for initial registration of vehicles added to the fleet, which must include, without limitation, the information required by NRS 482.295.

(b) Applications for the renewal of the registration of vehicles in the fleet, including, without limitation, the information required by NRS 482.295.

(c) Payment of the registration fees and governmental services taxes due for the initial registration and renewal of vehicles in the fleet, including, without limitation, any sales or use tax due pursuant to NRS 482.225.

2. The Department shall issue for each vehicle in the fleet of a short-term lessor that is registered pursuant to this section a †:

~~— (a) Certificate† *certificate* of registration. †; and~~

~~— (b) Decal indicating the registration status of the vehicle pursuant to the program, which must be affixed to the license plate of each vehicle.†~~

3. A certificate of registration ~~†and decal†~~ issued pursuant to this section ~~†are†~~ is valid for the vehicle until the vehicle is no longer a part of the fleet of the short-term lessor, unless the short-term lessor fails to renew the registration. ~~†The short-term lessor must not be required to display on the license plate of a vehicle registered pursuant to this section the month and year on which the registration expires.†~~

4. The Department shall provide to a short-term lessor that participates in the program established pursuant to subsection 1 electronic notice of the required renewal of registration for a vehicle in the fleet, which must be sent at least 30 days before payment is due. Notification sent pursuant to this

subsection must include the information required pursuant to subsection 3 of NRS 482.280 for other renewals.

5. A short-term lessor that participates in the program established pursuant to subsection 1 must:

(a) Pay annually the renewal fees and governmental services taxes required for each fleet vehicle registered in this State.

(b) Upon removing a vehicle from the fleet, notify the Department.

6. Any vehicle having a declared gross weight in excess of 26,000 pounds is not eligible to be registered as part of a fleet pursuant to this section.

7. The Department shall adopt regulations necessary to carry out the provisions of this section. The regulations must include, without limitation, ~~the~~ **the** :

(a) The number of vehicles that a short-term lessor must possess as part of the fleet to participate in the program.

(b) The manner in which the registration status of a vehicle in the fleet is indicated.

8. The Department shall establish by regulation a program to allow short-term lessors to issue license plates on behalf of the Department for vehicles of the short-term lessor which are registered through the program established pursuant to subsection 1. The regulations adopted pursuant to this subsection must:

(a) Allow a short-term lessor who participates in the program established pursuant to subsection 1 to participate in the program established pursuant to NRS 482.293 if the short-term lessor meets the eligibility requirements for both programs.

(b) Include the terms and conditions for participation in the program and any restrictions on such participation.

Sec. 3. ~~NRS 482.216 is hereby amended to read as follows:~~

~~482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:~~

~~(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;~~

~~(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and~~

~~(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.~~

~~2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:~~

~~(a) Transmit the applications received to the Department within the period prescribed by the Department;~~

~~(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;~~

~~(c) Comply with the regulations adopted pursuant to subsection 5; and~~

~~— (d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.~~

~~— 3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:~~

~~— (a) Charge any additional fee for the performance of those services;~~

~~— (b) Receive compensation from the Department for the performance of those services;~~

~~— (c) Accept applications for the renewal of registration of a motor vehicle;~~

~~or~~

~~— (d) Accept an application for the registration of a motor vehicle if the applicant wishes to:~~

~~— (1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive; or~~

~~— (2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.~~

~~— 4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.~~

~~— 5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:~~

~~— (a) The expedient and secure issuance of license plates [and decals] by the Department; and~~

~~— (b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.] (Deleted by amendment.)~~

Sec. 4. ~~NRS 482.265 is hereby amended to read as follows:~~

~~— 482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. [Except as otherwise provided in NRS 482.2085 and 482.2155, upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.]~~

~~— 2. Except as otherwise provided in NRS 482.2065, 482.266, 482.2705, 482.274, 482.379 and 482.37901, every 8 years the Department shall reissue a license plate or plates at the time of renewal of each license plate or plates issued pursuant to this chapter. The Director may adopt regulations to provide procedures for such reissuance.~~

~~— 3. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.~~

~~— 4. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:~~

~~— (a) The fee to be received by the Department for the initial issuance of the special license plate is \$35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;~~

~~— (b) The fee to be received by the Department for the renewal of the special license plate is \$10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and~~

~~— (c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.~~

~~— 5. The provisions of subsection 4 do not apply to NRS 482.37901.]~~
(Deleted by amendment.)

Sec. 5. NRS 482.270 is hereby amended to read as follows:

~~— 482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.~~

~~— 2. Except as otherwise provided in subsection 3, the Department may, upon the payment of all applicable fees, issue redesigned motor vehicle license plates.~~

~~— 3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.2155, 482.3747, 482.3763, 482.3783, 482.379 or 482.37901, without the approval of the person.~~

~~— 4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.~~

~~— 5. Every license plate must have displayed upon it:~~

~~— (a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof; *and*~~

~~— (b) The name of this State, which may be abbreviated.];~~

~~— (c) If issued for a calendar year, the year; and~~

~~— (d) Except as otherwise provided in NRS 482.2085, if issued for a registration period other than a calendar year, the month and year the registration expires.]~~

~~— 6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:~~

~~— (a) The left hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (g) of subsection 2 of that section; and~~

~~— (b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.~~

~~7. A license plate produced pursuant to this section is not required to have displayed upon it the year or the month and year the registration expires. (Deleted by amendment.)~~

Sec. 6. ~~[NRS 482.2705 is hereby amended to read as follows:~~

~~482.2705 1. The Director shall order the preparation of vehicle license plates for passenger cars and trucks in the same manner as is provided for motor vehicles generally in NRS 482.270.~~

~~2. Except as otherwise provided by specific statute, the Director shall determine the combinations of letters and numbers which constitute the designations for license plates assigned to passenger cars and trucks.~~

~~3. Any license plate issued for a passenger car or truck before January 1, 1982, bearing a designation which is not in conformance with the system described in subsection 2 is:~~

~~(a) Valid during the period for which the plate was originally issued as well as during any extensions, [by stickers,] and~~

~~(b) Not subject to reissue pursuant to subsection 2 of NRS 482.265.]~~

~~(Deleted by amendment.)~~

Sec. 7. ~~[NRS 482.274 is hereby amended to read as follows:~~

~~482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270. [except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.]~~

~~2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.~~

~~3. The Director shall determine the registration numbers assigned to trailers.~~

~~4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.~~

~~5. Any license plates issued for a trailer before January 1, 1982, are not subject to reissue pursuant to subsection 2 of NRS 482.265.~~

~~6. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 482.280 is hereby amended to read as follows:~~

~~482.280 1. Except as otherwise provided in NRS 482.2155, the registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. Except as otherwise provided in NRS 482.2085, the Department shall mail to each holder of a certificate of registration a~~

~~notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates [stickers, tabs or other suitable devices] by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.~~

~~—2.— A notification:~~

~~—(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;~~

~~—(b) Submitted to the Department pursuant to NRS 482.294; or~~

~~—(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281;~~

~~— must include, if required, evidence of compliance with standards for the control of emissions.~~

~~—3.— The Department shall include with each notification mailed pursuant to subsection 1:~~

~~—(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.~~

~~—(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.~~

~~—(c) A statement which informs the applicant:~~

~~— (1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and~~

~~— (2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.~~

~~—(d) A statement which informs the applicant that, if the applicant is required to report the mileage or any other information required by the Department pursuant to NRS 482.2177, the applicant must submit to the Department the mileage shown on the odometer of the vehicle at the time of application for renewal and any other information required by the Department.~~

~~—(e) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.~~

~~— (f) Any amount due for reissuance of a license plate or a plate reissued pursuant to subsection 2 of NRS 482.265, if applicable.~~

~~— 4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of \$2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.~~

~~— 5. Except as otherwise provided in NRS 482.2918, an owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.~~ **(Deleted by amendment.)**

Sec. 9. ~~NRS 482.285 is hereby amended to read as follows:~~

~~— 482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees. An applicant who is unable to furnish information satisfactory to the Department that the applicant is entitled to a duplicate or substitute certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of NRS 482.2605.~~

~~— 2. If any license plate [or plates or any decal] is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain [:~~

~~— (a) A] a duplicate number plate or a substitute number plate, [;~~

~~— (b) A substitute decal; or~~

~~— (c) A combination of both (a) and (b);~~

~~—] as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.~~

~~— 3. If any license plate [or plates or any decal] is stolen, the person to whom it was issued shall immediately make application for and obtain [:~~

~~— (a) A] a substitute number plate, [;~~

~~— (b) A substitute decal; or~~

~~— (c) A combination of both (a) and (b);~~

~~as appropriate,] upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.~~

~~4. The Department shall issue duplicate number plates or substitute number plates [and, if applicable, a substitute decal,] if the applicant:~~

~~(a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and~~

~~(b) Complies with the provisions of subsection 6.~~

~~5. The Department shall issue substitute number plates [and, if applicable, a substitute decal,] if the applicant:~~

~~(a) Signs a declaration that the plates were stolen; and~~

~~(b) Complies with the provisions of subsection 6.~~

~~6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection 7 or 8 of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:~~

~~(a) Duplicate number plates or substitute number plates [, and a substitute decal,] if the previous license plates were lost, mutilated or illegible; or~~

~~(b) Substitute number plates [and a substitute decal,] if the previous license plates were stolen.~~

~~7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates, [or a substitute decal,] required to:~~

~~(a) Submit evidence of compliance with controls over emission; or~~

~~(b) Pay the registration fee and governmental services tax attributable to a full period of registration.] (Deleted by amendment.)~~

~~Sec. 10. [NRS 482.31527 is hereby amended to read as follows:~~

~~482.31527 “Vehicle licensing costs” means:~~

~~1. The fees paid by a short term lessor for the registration of, and the issuance of certificates of title for, the passenger cars leased by the short term lessor, including, without limitation, fees for license plates [and license plate decals, stickers and tabs,] and inspection fees; and~~

~~2. The basic and supplemental governmental services taxes paid by the short term lessor with regard to those passenger cars.] (Deleted by amendment.)~~

~~Sec. 11. [NRS 482.367 is hereby amended to read as follows:~~

~~482.367 1. The Department shall charge and collect the following fees for the issuance of personalized prestige license plates, which fees are in addition to all other license fees and applicable taxes:~~

~~(a) For the first issuance \$35~~

~~(b) For [a] the renewal [sticker] 20~~

~~(c) For changing to another personalized prestige license plate 35~~

~~2. The additional fees collected by the Department for the issuing of personalized prestige license plates must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. (Deleted by amendment.)~~

Sec. 12. ~~[NRS 482.375 is hereby amended to read as follows:~~

~~482.375 1. An owner of a motor vehicle who is a resident of the State of Nevada and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application accompanied by proof of ownership of that license, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for plates as prescribed by law, and the payment of an additional fee of \$35, must be issued a license plate or plates, upon which in lieu of the numbers as prescribed by law must be inscribed the words "RADIO AMATEUR" and the official amateur radio call letters of the applicant as assigned by the Federal Communications Commission. The annual fee [for a renewal sticker] *to renew the plate or plates* is \$10 unless waived by the Department pursuant to subsection 2. The plate or plates may be used only on a private passenger car, trailer or travel trailer or on a noncommercial truck, except that such plates may not be used on a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.~~

~~2. The Department may waive the annual fee [for a renewal sticker] *to renew the plate or plates* if the applicant for renewal:~~

~~(a) Has submitted to the Department a statement under penalty of perjury that the applicant is the holder of an unrevoked and unexpired official amateur radio station license as required pursuant to subsection 1 and will assist in communications during local, state and federal emergencies; and~~

~~(b) Satisfies any other requirements established by the Department by regulation for such a waiver.~~

~~3. The cost of the die and modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada.~~

~~4. The Department may adopt regulations:~~

~~(a) To ensure compliance with all state license laws relating to the use and operation of a motor vehicle before issuance of the plates in lieu of the regular Nevada license plate or plates.~~

~~(b) Setting forth the requirements and procedure for obtaining a waiver of the annual fee [for a renewal sticker] *to renew the plate or plates* except that an applicant for the waiver must not be required to submit to the Department the statement required pursuant to paragraph (a) of subsection 2 more than once.~~

~~5. All applications for the plates authorized by this section must be made to the Department.~~

~~6. If, during a registration period, the holder of license plates issued pursuant to this section is no longer eligible to hold the license plates pursuant to subsection 1, he or she shall surrender any of those license plates in his or~~

~~her possession to the Department and is entitled to receive regular Nevada license plates.} (Deleted by amendment.)~~

~~Sec. 13. [NRS 482.3755 is hereby amended to read as follows:~~

~~482.3755 1. An owner of a motor vehicle who is a resident of this State and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of membership, be issued license plates upon which is inscribed "CIVIL AIR PATROL" with a number of characters, including numbers and letters, as determined necessary by the Director. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal [sticker] of the license plates is \$10.~~

~~2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or nonecommercial trucks.~~

~~3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. If a member is dishonorably discharged, he or she shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.} (Deleted by amendment.)~~

~~Sec. 14. [NRS 482.3763 is hereby amended to read as follows:~~

~~482.3763 1. The Director shall order the preparation of special license plates for the support of outreach programs and services for veterans and their families and establish procedures for the application for and issuance of the plates.~~

~~2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates for the support of outreach programs and services for veterans and their families to:~~

~~(a) A veteran of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard;~~

~~(b) A female veteran; or~~

~~(c) The spouse, parent or child of a person described in paragraph (a) or (b).~~

~~The plates must be inscribed with the word "VETERAN" and with the seal of the branch of the Armed Forces of the United States, the seal of the National Guard or an image representative of the female veterans, as applicable, requested by the applicant. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates for the support of outreach programs and services for veterans and their families if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates for the support~~

~~of outreach programs and services for veterans and their families pursuant to subsection 4.~~

~~3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee imposed pursuant to NRS 482.3764 for the support of outreach programs and services for veterans and their families, the fee for:~~

~~(a) The initial issuance of the special license plates is \$35.~~

~~(b) The annual renewal [sticker] of the special license plates is \$10.~~

~~5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for a fee of \$10. (Deleted by amendment.)~~

Sec. 15. ~~[NRS 482.3764 is hereby amended to read as follows:~~

~~482.3764 1. Before the Department issues to any person, pursuant to NRS 482.3763]:~~

~~(a) An] , an initial set of special license plates, it shall:~~

~~[(1)] (a) Collect a special fee for the support of outreach programs and services for veterans and their families in the amount of \$25; and~~

~~[(2)] (b) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.~~

~~[(b) An annual renewal sticker, it]~~

~~2. Annually, the Department shall:~~

~~[(1)] (a) Collect a special fee for the support of outreach programs and services for veterans and their families in the amount of \$20; and~~

~~[(2)] (b) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.~~

~~[2.] 3. The Department shall deposit all money collected pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans created by NRS 417.115. (Deleted by amendment.)~~

Sec. 16. ~~[NRS 482.3765 is hereby amended to read as follows:~~

~~482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.~~

~~3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.~~

~~4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor and, if applicable and subject to the provisions of NRS 417.0187, evidence of disability required by the Department.~~

~~5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.~~

~~6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~7. The fee for a set of special license plates issued pursuant to this section is \$25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for [a] renewal [sticker for a set] of special license plates issued pursuant to this section is \$5.~~ (Deleted by amendment.)

Sec. 17. [NRS 482.3795 is hereby amended to read as follows:

~~482.3795 1. The Department may issue special license plates and registration certificates to residents of Nevada for a fire truck pursuant to this section. Except as otherwise provided in subsection 3, the fire truck must not be used for general transportation, but may be used for musters, exhibitions, parades or similar activities.~~

~~2. In lieu of the annual registration and fees required by this chapter, and of the governmental services tax imposed by chapter 371 of NRS, the owner of a fire truck may submit:~~

- ~~— (a) An affidavit to the Department indicating that the fire truck:~~
 - ~~— (1) Will only be used for the permitted purposes enumerated in subsection 1;~~
 - ~~— (2) Has been inspected and found safe to be operated on the highways of this State; and~~
 - ~~— (3) Qualifies as a fire truck pursuant to regulations adopted by the Department for this purpose.~~
- ~~— (b) The following fees for the issuance of these license plates:~~
 - ~~— (1) For the first issuance.....\$15~~
 - ~~— (2) For [a] *the* renewal [sticker] 5~~
- ~~— 3. If the owner elects to use the fire truck as general transportation, the owner shall pay the regular annual registration and fees prescribed by law and the governmental services tax imposed by chapter 371 of NRS.~~
- ~~— 4. License plates issued pursuant to this section must bear the inscription “Fire Truck” and the plates must be numbered consecutively.~~
- ~~— 5. The cost of the die and the modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada. (Deleted by amendment.)~~

Sec. 18. ~~[NRS 482.380 is hereby amended to read as follows:~~

- ~~— 482.380 1. The Department may issue special motor vehicle license plates from year to year to a person who has resided in the State of Nevada for a period of 6 months preceding the date of application for the license plates and who owns a motor vehicle which is a model manufactured during or before 1915.~~
- ~~— 2. To administer the provisions of this section, the Department may recognize the Horseless Carriage Club of Nevada as presently constituted as the official Horseless Carriage Club of Nevada and to designate and appoint one member of the Board of Directors of the Horseless Carriage Club of Nevada to act as and be an ex officio deputy of the Department and to perform the duties and functions prescribed by this section without compensation, per diem allowance or travel expenses.~~
- ~~— 3. An applicant for license plates pursuant to the provisions of this section must:~~
 - ~~— (a) Fill out and sign an application for license plates on a form prescribed and furnished by the ex officio deputy for licensing antique motor vehicles.~~
 - ~~— (b) Present evidence of the applicant’s eligibility for license plates by showing, to the satisfaction of the ex officio deputy, residence in this State for 6 months preceding the date of application and ownership of an antique motor vehicle which is a model manufactured during or before 1915.~~
 - ~~— (c) Present a certificate of inspection issued by a committee, or member thereof, appointed by the Board of Directors of the Horseless Carriage Club of Nevada verifying that the antique motor vehicle is in safe and satisfactory mechanical condition, is in good condition and state of repair, is well equipped and is covered by a policy of insurance covering public liability and property damage written by an insurance company qualified to do business in this State~~

~~with limits of not less than \$10,000 for each person nor less than \$20,000 for each crash, and not less than \$5,000 for property damage and which otherwise meets the requirements of chapter 485 of NRS.~~

~~— (d) Exhibit a valid driver's license authorizing the applicant to drive a motor vehicle on the highways of this State.~~

~~— (e) Pay the fee prescribed by the laws of this State for the operation of a passenger car, without regard to the weight or the capacity for passengers.~~

~~— (f) Pay such other fee as prescribed by the Board of Directors of the Horseless Carriage Club of Nevada necessary to defray all cost of manufacture, transportation and issuance of the special license plates.~~

~~— 4. The ex officio deputy for licensing antique motor vehicles shall each calendar year issue license plates, approved by the Department, for each motor vehicle owned by an applicant who meets the requirements of subsection 3, subject to the following conditions:~~

~~— (a) The license plates must be numbered and issued consecutively each year beginning with "Horseless Carriage 1."~~

~~— (b) The license plates must conform, as nearly as possible, to the color and type of license plate issued in this State for regular passenger cars.~~

~~— (c) The special license plates issued pursuant to this section must be specified, procured, transported and issued solely at the expense and cost of the Horseless Carriage Club of Nevada and without any expense to the State of Nevada.~~

~~— 5. The ex officio deputy for licensing antique motor vehicles shall pay quarterly to the Department the prescribed fee as provided in paragraph (c) of subsection 3. The fees so received must be used, disbursed or deposited by the Department in the same manner as provided by law for other fees for registration and licensing. All other fees collected to defray expenses must be retained by the Board of Directors of the Horseless Carriage Club of Nevada.~~

~~— 6. The license plates obtained pursuant to this section are in lieu of the license plates otherwise provided for in this chapter and are valid for the calendar year in which they are issued.~~

~~— 7. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:~~

~~— (a) For the *first* issuance..... \$35~~

~~— (b) For [a] *the* renewal [sticker]..... 10] (Deleted by amendment.)~~

~~Sec. 19. [NRS 482.381 is hereby amended to read as follows:~~

~~— 482.381 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.~~

~~— 2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.~~

~~3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.~~

~~4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:~~

~~(a) For the *first* issuance.....\$35~~

~~(b) For [a] *the renewal* [sticker].....10~~

~~5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to paragraph (b) of subsection 1 of NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830. (Deleted by amendment.)~~

Sec. 20. ~~[NRS 482.3811 is hereby amended to read as follows:~~

~~482.3811 1. Except as otherwise provided in this subsection, the Department may design, prepare and issue special license plates and registration certificates to residents of Nevada for an antique truck or truck tractor pursuant to this section. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates. Except as otherwise provided in subsection 3, the antique truck or truck tractor must not be used for general transportation, but may be used for antique truck shows, exhibitions, parades or similar activities.~~

~~2. In lieu of the annual registration and fees required by this chapter, and of the governmental services tax imposed by chapter 371 of NRS, the owner of an antique truck or truck tractor may submit:~~

~~(a) An affidavit to the Department indicating that the antique truck or truck tractor:~~

~~(1) Will be used only for the purposes enumerated in subsection 1;~~

~~(2) Has been inspected and found safe to be operated on the highways of this State;~~

~~(3) Will be at least 25 years old on the date on which the owner of the antique truck or truck tractor applies for license plates pursuant to this section; and~~

~~(4) Has a manufacturer's rated carrying capacity of more than 1 ton.~~

~~(b) The following fees for the issuance of license plates pursuant to this section:~~

~~(1) For the *first* issuance.....\$15~~

~~(2) For [a] *the renewal* [sticker].....5~~

~~3. If the owner elects to use the antique truck or truck tractor as general transportation, the owner shall pay the regular annual registration and fees~~

prescribed by law and the governmental services tax imposed by chapter 371 of NRS.

~~4. License plates issued pursuant to this section must bear the inscription “Antique Truck,” and the plates must be numbered consecutively.~~

~~5. The cost of the die and the modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada.~~

~~6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~ (Deleted by amendment.)

Sec. 21. ~~[NRS 482.3812 is hereby amended to read as follows:~~

~~482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:~~

~~(a) Having a manufacturer’s rated carrying capacity of 1 ton or less; and~~

~~(b) Manufactured not later than 1948.~~

~~2. License plates issued pursuant to this section must be inscribed with the words “STREET ROD” and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:~~

~~(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal [sticker] of the special license plates issued pursuant to this section is \$10.~~

~~5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to paragraph (b) of subsection 1 of NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed~~

~~in accordance with subsection 6 of NRS 445B.830.] (Deleted by amendment.)~~

~~Sec. 22. [NRS 482.3814 is hereby amended to read as follows:~~

~~482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:~~

~~—(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and~~

~~—(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.~~

~~2. Except as otherwise provided in subsection 3, license plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~3. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection 2 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.~~

~~4. If, during a registration year, the holder of special plates issued pursuant to subsection 2 or 3 disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:~~

~~—(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~—(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~5. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal [sticker] of the special license plates issued pursuant to this section is \$10.~~

~~6. In addition to the fees required pursuant to subsection 5, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to paragraph (b) of subsection 1 of NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~7. Fees paid to the Department pursuant to subsection 6 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.] (Deleted by amendment.)~~

~~Sec. 23. [NRS 482.3816 is hereby amended to read as follows:~~

~~482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:~~

~~—(a) Having a manufacturer's rated carrying capacity of 1 ton or less;~~

~~—(b) Manufactured at least 25 years before the application is submitted to the Department; and~~

~~—(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.~~

~~—2. Except as otherwise provided in subsection 3, license plates issued pursuant to this section must be inscribed with the words “CLASSIC VEHICLE” and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~—3. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection 2 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.~~

~~—4. If, during a registration period, the holder of special plates issued pursuant to subsection 2 or 3 disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:~~

~~—(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~—(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~—5. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal [sticker] of the special license plates issued pursuant to this section is \$10.~~

~~—6. In addition to the fees required pursuant to subsection 5, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to paragraph (b) of subsection 1 of NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~—7. Fees paid to the Department pursuant to subsection 6 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 482.3817 is hereby amended to read as follows:~~

~~482.3817 1. The Department may issue special license plates and registration certificates to residents of Nevada for a retired military vehicle pursuant to this section. The Department shall not design, prepare or issue the license plates unless it receives at least 25 applications for the issuance of those plates. The retired military vehicle must not be used for general transportation but may be used for exhibitions, parades, charitable events, fundraisers or similar activities.~~

~~—2. In lieu of the annual registration fees required by this chapter, and of the governmental services tax imposed by chapter 371 of NRS, the owner of a~~

~~retired military vehicle seeking registration pursuant to this section may submit:~~

~~— (a) An affidavit to the Department indicating that the retired military vehicle:~~

~~— (1) Will only be used for the purposes enumerated in subsection 1;~~

~~— (2) Is safe to be operated on the highways of this State; and~~

~~— (3) Will be at least 20 years old on the date on which the owner of the retired military vehicle applies for license plates pursuant to this section.~~

~~— (b) The following fees for the issuance of license plates pursuant to this section:~~

~~— (1) For the first issuance \$25~~

~~— (2) For [a] *the* renewal [*sticker*] \$10~~

~~3. A retired military vehicle registered pursuant to this section must not be operated on the highways of this State unless the vehicle complies with the provisions of NRS 484D.600 to 484D.740, inclusive, and, if the vehicle is a retired military vehicle with:~~

~~— (a) Tires, is equipped with rubber tires that will not damage the roadway surface and have a maximum vehicle tire pressure of not more than 125 pounds per square inch.~~

~~— (b) Tracks, has a circular metal band of a width of not less than 3 inches placed entirely around the periphery of such tracks, such band to serve as a protection against the tearing up or marring of the surface of the highway.~~

~~4. The Department shall use to register a retired military vehicle pursuant to this section any vehicle identification number that is clearly visible and is securely affixed to or stamped on an integral part of the vehicle. If no such number is available, the Department may assign a distinguishing number pursuant to NRS 482.290.~~

~~5. License plates issued pursuant to this section must bear the inscription “Retired Military Vehicle” and the plates must be numbered consecutively.~~

~~6. The cost of the die and the modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada.~~

~~7. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the retired military vehicle to which the plates are affixed, the holder shall:~~

~~— (a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or~~

~~— (b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~8. As used in this section, “retired military vehicle” means any vehicle or trailer, regardless of size, weight or year of manufacture, that was manufactured for use in the military forces of any country and is maintained to depict or represent military design or markings. The term includes, without limitation, armored vehicles, passenger cars, half track vehicles, motorcycles,~~

~~pick up trucks, sport utility vehicles, tracked vehicles, trailers, trucks and truck tractors.] (Deleted by amendment.)~~

~~Sec. 25. NRS 485.320 is hereby amended to read as follows:~~

~~485.320 1. If the license of any person is suspended as provided in this chapter, the person shall immediately return the license to the Department. If the person's registration is suspended, the person shall immediately return the certificate of registration and the license plates to the Department.~~

~~2. If any person fails to return any item as required by subsection 1, the Department shall forthwith direct any peace officer to secure possession thereof and to return the item to the Department.~~

~~3. A person who owns a dormant vehicle who desires to cancel the policy of liability insurance covering that vehicle or to allow such a policy to expire:~~

~~(a) Shall, on or before the date on which the policy is cancelled or expires, cancel the registration of the vehicle to which that policy pertains.~~

~~(b) May [, if the person presents the license plates for that vehicle to the authorized personnel of the Department for the removal and destruction of the sticker or other device evidencing the current registration of the vehicle,] retain for potential reinstatement the license plates for a period not to exceed 1 year.~~

~~4. The Department shall adopt regulations which define "extended period," "mechanical circumstances" and "seasonal circumstances" for the purposes of NRS 485.0335.] (Deleted by amendment.)~~

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 382.

Bill read second time and ordered to third reading.

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 399.

AN ACT relating to energy; requiring the Director of the Office of Energy to adopt standards of energy efficiency for certain appliances; prohibiting the sale, lease, rental or installation of certain new appliances that are not in compliance with energy efficiency standards; authorizing the Director to adopt standards of energy efficiency for certain additional appliances; requiring a manufacturer to ~~obtain~~ **submit** a certification for certain appliances prior to sale; authorizing the Director to take certain actions to investigate possible violations; establishing a civil penalty for violations; authorizing the adoption of appliance standards to facilitate the implementation of flexible demand technology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-30 of this bill establish definitions for terms related to the energy efficiency of appliances.

Section 31 of this bill requires the Director of the Office of Energy to adopt regulations establishing minimum standards of energy efficiency for certain appliances sold in this State and methods for ~~testing~~ **verifying** whether appliances comply with those standards. **Section 31** prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director. **Section 31** prescribes minimum standards of energy efficiency which the standards of energy efficiency adopted by the Director must meet or exceed.

Section 32 of this bill authorizes the Director, if certain findings are made, to adopt standards of energy efficiency for appliances other than the appliances for which standards of energy efficiency are specifically required to be adopted by this bill. **Section 32** prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director pursuant to that section.

~~Section 33 of this bill requires the Director to seek a waiver of preemption from the Secretary of Energy of the United States Department of Energy if the Director has adopted or proposes to adopt a standard of energy efficiency for an appliance which is more stringent than the standard of energy efficiency for that appliance which exists under federal law.~~

Section 34 of this bill ~~prohibits~~ **requires** a manufacturer ~~from making available for sale~~ **, before an appliance is made available for sale, lease or rent in this State ~~and~~ , to submit to the Director a certification for the appliance demonstrating that the** appliance ~~for which~~ **complies with the** energy efficiency standards ~~have been~~ established ~~unless the manufacturer has obtained a certification for the appliance from~~ **by** the Director. **Section 34** requires a manufacturer to ensure that a new appliance that has received a certification **demonstrating that it complies with the minimum standards of energy efficiency** includes a mark, label or tag at the time of sale or installation identifying the appliance as a certified appliance. **Section 34** requires the Director to adopt regulations ~~prescribing the procedures for~~ **governing** the certification of appliances and the labeling of certified appliances.

Section 35 of this bill authorizes the Director ~~to test appliances for compliance with the energy efficiency standards established by the Director and to conduct periodic inspections of the premises of manufacturers, distributors, retailers and installers of new appliances and newly constructed buildings which contain new appliances to determine whether there has been compliance with the provisions of this bill. Section 35 requires the Director~~ to investigate complaints concerning alleged violations of the provisions of this bill. **Section 35** establishes a civil penalty for violations of the provisions of this bill and authorizes the Attorney General to institute a civil action against a manufacturer, distributor, retailer or installer for such violations.

Section 36 of this bill authorizes the Director to adopt regulations to carry out the provisions of this bill.

Section 37 of this bill authorizes the Director to adopt standards for appliances and other provisions to facilitate the deployment of flexible demand technologies.

Section 38 of this bill excludes certain appliances from the provisions of this bill.

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

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. *As used in sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 30, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Air purifier” means an electric, cord-connected, portable appliance with the primary function of removing particulate matter from the air and which can be moved from room to room.*

Sec. 4. *“Cold only water cooler” means a water cooler that dispenses cold water only.*

Sec. 5. *“Cold-temperature fluorescent lamp” means a fluorescent lamp that:*

- 1. Is not a compact fluorescent lamp;*
- 2. Is specifically designed to operate at temperatures as low as -20 degrees Fahrenheit when used with a ballast conforming to the requirements of Standard Nos. C78.81 and C78.901 of the American National Standards Institute; and*
- 3. Is expressly designated as a cold-temperature fluorescent lamp both in markings on the lamp and in marketing materials, including, without limitation, catalogs, sales literature or promotional materials.*

Sec. 6. *“Commercial dishwasher” means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils and trays by applying sprays of detergent solution, with or without blasting media granules, and a sanitizing rinse, and which is distributed for industrial or commercial use.*

Sec. 7. *“Commercial fryer” means an appliance, including, without limitation, a cooking vessel, in which:*

- 1. Oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel.*
- 2. Heat is delivered to the cooking fluid by means of an immersed electric element or band-wrapped vessel for electric fryers or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid for gas fryers.*

Sec. 8. *“Commercial hot-food holding cabinet”:*

1. Means a heated, fully enclosed compartment with one or more solid or transparent doors designed to maintain the temperature of hot food that has been cooked using a separate appliance.

2. Does not include heated glass merchandizing cabinets, drawer warmers or cook-and-hold appliances.

Sec. 9. “Commercial oven” means a chamber designed for heating, roasting or baking food by conduction, convection, radiation or electromagnetic energy and which is distributed for industrial or commercial use.

Sec. 10. “Commercial steam cooker”:

1. Means a device with one or more food steaming compartments in which the energy in the steam is transferred to the food by direct contact.

2. Includes, without limitation, countertop models, wall-mounted models and floor models mounted on a stand, pedestal or cabinet-style base.

Sec. 11. “Compensation” means money or any other thing of value, regardless of form, received by a person for services rendered.

Sec. 12. “Computer”:

1. Means a device that performs logical operations and processes data and is composed of, at a minimum:

(a) A central processing unit to perform operations or, if no central processing unit is present, then the device must function as a client gateway to a server and the server acts as a computational central processing unit;

(b) The ability to support user input devices such as a keyboard, mouse or touchpad; and

(c) An integrated display screen or the ability to support an external display screen to output information.

2. Includes both stationary and portable units, and includes, without limitation, a desktop computer, portable all-in-one computer, notebook computer, mobile gaming system, high-expandability computer, small-scale server, thin client or workstation.

3. Does not include a tablet, game console, television, small computer device, server other than a small-scale server or an industrial computer.

Sec. 13. “Computer monitor”:

1. Means an analog or digital device of diagonal screen size not less than 17 inches and not more than 61 inches, that has a pixel density of more than 5,000 pixels per square inch and that is designed primarily for the display of computer generated signals for viewing by one person in a desk-based environment and which is composed of a display screen and associated electronics.

2. Does not include:

(a) Displays with integrated or replaceable batteries designed to support primary operation without alternating current mains or external direct current power, including, without limitation, electronic readers, mobile phones, tablets and battery-powered digital frames; or

(b) A television or signage display.

Sec. 14. *“Cook and cold water cooler” means a water cooler that dispenses both cold water and room-temperature water.*

Sec. 15. *“Decorative gas fireplace” means a vented fireplace, including, without limitation, an appliance that is freestanding, recessed or zero clearance or a gas fireplace insert, that is:*

- 1. Fueled by natural gas or propane;*
- 2. Marked for decorative use only; and*
- 3. Not equipped with a thermostat or intended for use as a heater.*

Sec. 16. *“Electric vehicle supply equipment”:*

1. Means the conductors, including, without limitation, the ungrounded, grounded and equipment-grounding conductors, the electric vehicle connectors, the attachment plugs and all other fittings, devices, power outlets or apparatuses, installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle.

2. Includes charging cords with NEMA 5-15P and NEMA 5-20P attachment plugs.

3. Does not include conductors, connectors and fittings that are part of a vehicle.

Sec. 17. *“Flexible demand” means the capability to schedule, shift or curtail the electrical demand of a customer of a utility through direct action by the customer or through action by a third party, the utility or a grid-balancing authority, with the consent of the customer.*

Sec. 18. *“Gas fireplace” means a decorative gas fireplace or a heating gas fireplace.*

Sec. 19. *“Heating gas fireplace” means a vented fireplace, including, without limitation, an appliance that is freestanding, recessed or zero clearance or a gas fireplace insert, that is:*

- 1. Fueled by natural gas or propane; and*
- 2. Not a decorative gas fireplace.*

Sec. 20. *“High color rendering index fluorescent lamp” means a fluorescent lamp with a color rendering index of 87 or more that is not a compact fluorescent lamp.*

Sec. 21. *“Hot and cold water cooler” means a water cooler that dispenses both hot and cold water and which may or may not dispense room-temperature water.*

Sec. 22. *“Impact-resistant fluorescent lamp” means a fluorescent lamp that:*

- 1. Is not a compact fluorescent lamp;*
- 2. Has a coating or equivalent technology that is compliant with Standard No. 51 of the American National Standards Institute and is designed to contain the glass if the glass envelope of the lamp is broken; and*
- 3. Is designated and marketed for the intended application with:*
 - (a) The designation on the lamp packaging; and*
 - (b) Marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatterproof or shatter-protected.*

Sec. 23. “Industrial air purifier” means an indoor air-cleaning device manufactured, advertised, marketed, labeled and used solely for industrial use and that is marketed solely through industrial supply outlets or businesses and prominently labeled as follows: “Solely for industrial use. Potential health hazard: emits ozone.”

Sec. 24. “New” means that an appliance has not previously been sold to an end user.

Sec. 25. “On-demand” means a water cooler that heats water as it is requested, and which may take a few minutes to deliver hot water.

Sec. 26. “Portable electric spa” means a factory-built electric spa or hot tub which may or may not include any combination of integral controls, water heating or water-circulating equipment.

Sec. 27. “Regulated appliance” includes the following appliances:

1. An air purifier that is not an industrial air purifier;
2. A cold-temperature fluorescent lamp;
3. A commercial dishwasher;
4. A commercial fryer;
5. A commercial hot-food holding cabinet;
6. A commercial oven;
7. A commercial steam cooker;
8. A computer;
9. A computer monitor;
10. Electric vehicle supply equipment;
11. A gas fireplace;
12. A high color rendering index fluorescent lamp;
13. An impact-resistant fluorescent lamp;
14. A portable electric spa;
15. A residential ventilating fan; and
16. A water cooler.

Sec. 28. “Residential ventilating fan” means a ceiling or wall-mounted fan, or remotely mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving air from inside the building to outside the building.

Sec. 29. “Storage-type”:

1. Means a water cooler that stores thermally conditioned water in a tank and makes such water available instantaneously.
2. Includes point-of-use, dry storage compartment and bottled water coolers.

Sec. 30. “Water cooler” means a freestanding device that consumes energy to cool or heat potable water.

Sec. 31. 1. ~~Not later than October 1, 2022, the Director of the Office of Energy, in consultation with the Director of the State Department of Conservation and Natural Resources and the Director of the Department of Business and Industry,~~ shall adopt regulations establishing minimum standards of energy efficiency for regulated appliances and methods for

~~testing~~ verifying whether a regulated appliance complies with those standards.

2. On and after ~~January~~ July 1, 2023, a new regulated appliance may not be sold, leased or rented in this State, or offered for sale, lease or rent in this State, unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for regulated appliances, the Director shall establish an effective date for such amended regulations which must be not earlier than 365 days after the date on which the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after January 1, 2024, a new regulated appliance may not be installed for compensation in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for new regulated appliances, beginning 1 year after the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070, it shall be unlawful to install for compensation in this State a new regulated appliance that does not meet or exceed the more stringent standards of energy efficiency adopted by the Director.

4. The minimum standards of energy efficiency for regulated appliances adopted by the Director pursuant to subsection 1 must meet or exceed the following standards:

(a) An air purifier which is not an industrial air purifier must meet the following requirements as measured in accordance with version 2.0 of the “ENERGY STAR Product Specification for Room Air Cleaners” adopted by the United States Environmental Protection Agency:

(1) The clean air delivery rate for smoke must be not less than 30 cubic feet per minute;

(2) For models with a clean air delivery rate for smoke that is less than 100 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.7 cubic feet per minute;

(3) For models with a clean air delivery rate for smoke that is 100 or more but less than 150 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.9 cubic feet per minute;

(4) For models with a clean air delivery rate for smoke that is 150 or more cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 2.0 cubic feet per minute;

(5) For ozone-emitting models, the measured ozone must be not more than 50 parts per billion;

(6) For models with a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode power must be not more than 2 watts; and

(7) *For models without a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode must be not more than 1 watt.*

(b) *Commercial dishwashers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers” must meet the eligibility criteria of that specification.*

(c) *Commercial fryers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Fryers” must meet the criteria of that specification.*

(d) *Commercial hot food holding cabinets included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding Cabinets” must meet the criteria of that specification.*

(e) *Commercial ovens included in the scope of version 2.2 of the “ENERGY STAR Program Requirements Product Specification for Commercial Ovens” must meet the criteria of that specification.*

(f) *Commercial steam cookers included in the scope of version 1.2 of the “ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers” must meet the criteria of that specification.*

(g) *Computers and computer monitors must meet the requirements set forth in section 1605.3(v) of Title 20 of the California Code of Regulations as in effect on January 1, 2020, and the test procedures for computers and computer monitors adopted by the Director must be in accordance with the testing method prescribed in section 1604(v) of Title 20 of the California Code of Regulations as in effect on January 1, 2020, except that the Director may elect to amend the test procedure to reflect changes to section 1604(v) of Title 20 of the California Code of Regulations that occur after January 1, 2020.*

(h) *Electric vehicle supply equipment included in the scope of version 1.0 of the “ENERGY STAR Program Requirements for Electric Vehicle Supply Equipment” must meet the eligibility criteria of that specification.*

(i) *Gas fireplaces must:*

(1) *Be capable of automatically extinguishing any pilot flame when the main gas burner flame is established and when it is extinguished.*

(2) *Prevent any ignition source for the main gas burner flame from operating continuously for more than 7 days.*

(3) *If the gas fireplace is a decorative gas fireplace, have a direct vent configuration, unless marked for replacement use only.*

(4) *If the gas fireplace is a heating gas fireplace, have a fireplace efficiency greater than or equal to 50 percent when tested in accordance with Standard No. P.4.1-15 of the Canadian Standards Association, “Testing Method for Measuring Annual Fireplace Efficiency.”*

(j) *High color rendering index fluorescent lamps, cold temperature fluorescent lamps and impact-resistant fluorescent lamps must meet the*

minimum efficacy requirements contained in 10 C.F.R. § 430.32(n)(4), as in effect on January 1, 2020, as measured in accordance with 10 C.F.R. Part 430, subpart B, Appendix R, “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps,” as in effect on January 1, 2020.

(k) Portable electric spas must meet the requirements of the “American National Standard for Portable Electric Spa Energy Efficiency,” ANSI/APSP/ICC 14-2019 of the Association of Pool and Spa Professionals.

(l) In-line residential ventilating fans must have a fan motor efficacy of not less than 2.8 cubic feet per minute per watt.

(m) Residential ventilating fans other than in-line residential ventilating fans must have a fan motor efficacy of not less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and not less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with HVI Publication 916, “HVI Airflow Test Procedure,” of the Home Ventilating Institute.

(n) Water coolers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Water Coolers” must have an on mode with no water draw energy consumption of the following values as measured in accordance with the test requirements of that specification:

(1) Not more than 0.16 kilowatt-hours per day for cold only water coolers and cook and cold water coolers;

(2) Not more than 0.87 kilowatt-hours per day for storage-type hot and cold water coolers; and

(3) Not more than 0.18 kilowatt-hours per day for on-demand hot and cold water coolers.

Sec. 32. 1. The Director of the Office of Energy ~~in consultation with the Director of the State Department of Conservation and Natural Resources and the Director of the Department of Business and Industry,~~ may adopt regulations establishing minimum standards of energy efficiency for new appliances other than regulated appliances and methods for ~~testing~~ verifying whether such an appliance complies with those standards upon a finding that the adoption of such standards would serve to promote energy or water conservation in this State and would be cost effective for consumers who purchase and use such new appliances.

2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after the effective date of any regulations adopted pursuant to subsection 1, a new appliance may not be sold, leased or rented in this State or offered for sale, lease or rent in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1.

4. Beginning 1 year after the effective date of any regulations adopted pursuant to subsection 1, it shall be unlawful to install for compensation in this State a new appliance that does not meet or exceed the standards of energy efficiency adopted by the Director pursuant to subsection 1.

Sec. 33. ~~If there is a federal standard of energy efficiency for an appliance which is less stringent than the standard of energy efficiency for that appliance which is adopted by the Director or which the Director proposes to adopt pursuant to section 31 or 32 of this act, the Director shall seek a waiver pursuant to 42 U.S.C. § 6297 or 6316 from the Secretary of Energy of the United States Department of Energy to the extent necessary to allow the standard of energy efficiency adopted by the Director or which the Director proposes to adopt to become effective or remain in effect.~~ (Deleted by amendment.)

Sec. 34. 1. ~~1A~~ Before a new regulated appliance is made available for sale, lease or rent in this State, the manufacturer shall not permit a regulated appliance or a new appliance for which standards of efficiency have been adopted pursuant to section 32 of this act to be made available for sale in this State unless the manufacturer has obtained a certification from the Director for the appliance. To obtain a certification for an appliance, the manufacturer must:

~~— (a) Test each basic model of the appliance in accordance with the testing procedures adopted by the Director pursuant to sections 31 and 32 of this act, to ensure that the appliance complies with the standards of energy efficiency adopted by the Director pursuant to sections 31 and 32 of this act.~~

~~— (b) Based upon the test results pursuant to paragraph (a), submit a statement to the Director certifying that the appliance satisfies the standards of energy efficiency adopted by the Director pursuant to sections 31 and 32 of this act when tested in accordance with the testing procedures adopted by the Director pursuant to sections 31 and 32 of this act.~~

~~— (c) Comply~~ of the regulated appliance shall submit to the Director a certification which demonstrates that the regulated appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 31 of this act.

2. Before a new appliance for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act is made available for sale, lease or rent in this State, the manufacturer of the appliance shall submit to the Director a certification which demonstrates that the appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 32 of this act.

3. A manufacturer of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act shall comply with such other requirements or submit such other information as the Director may require by regulation.

~~2~~ 4. The Director shall adopt regulations ~~establishing procedures for governing the certification of appliances pursuant to subsection 1~~

regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act. In doing so, the Director shall coordinate with the certification programs of other states and federal agencies with similar standards of energy efficiency.

~~§ 5.~~ A manufacturer shall ensure that, at the time of sale or installation, a new appliance ~~for which a certification has been issued pursuant to this section~~ for which the manufacturer has submitted a certification pursuant to subsection 1 or 2 includes a mark, label or tag on the product and packaging of the appliance which identifies the appliance as meeting the standards of energy efficiency established by the Director pursuant to sections 31 and 32 of this act. The Director shall adopt regulations governing the identification of certified appliances through the inclusion of a mark, label or tag, coordinating to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent standards of energy efficiency. The Director shall permit the use of existing marks, labels or tags which connote compliance with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act.

Sec. 35. 1. ~~{The Director may test regulated appliances or new appliances for which standards of efficiency have been adopted pursuant to section 32 of this act to ensure that such appliances comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act. If through testing the Director determines that an appliance which has received a certification from the Director pursuant to section 34 of this act does not comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act, the Director shall:~~

~~— (a) Seek reimbursement from the manufacturer for the costs incurred by the Director to purchase and test the appliance; and~~

~~— (b) Make information regarding the failure of the appliance to comply with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act available to the Attorney General and the public.~~

~~2. With prior notice and at reasonable and convenient hours, the Director or his or her designee is authorized to conduct periodic inspections of the premises of manufacturers, distributors, retailers and installers of new regulated appliances or new appliances for which standards of efficiency have been adopted pursuant to section 32 of this act in order to determine whether there has been compliance with the requirements of sections 2 to 38, inclusive, of this act. Additionally, the Director may act in coordination with any official responsible for enforcing a building code adopted by a local government in this State to make inspections of newly constructed buildings which contain regulated appliances or appliances for which standards of energy efficiency have been adopted pursuant to section 32 of this act to determine whether there has been compliance with the requirements of sections 2 to 38, inclusive, of this act.~~

~~3.1~~ The Director ~~shall~~ may investigate complaints received concerning alleged violations of sections 2 to 38, inclusive, of this act and may report any alleged violation of sections 2 to 38, inclusive, of this act which the Director verifies or discovers after investigation to the Attorney General.

~~4.1~~ 2. Whenever it appears that a manufacturer, distributor, retailer or installer has violated ~~it~~ or is violating ~~for is threatening to violate~~ the provisions of sections 2 to 38, inclusive, of this act, the Attorney General may institute a civil action in any district court of this State for injunctive relief to restrain the violation ~~for threat of violation~~ and ~~if a violation has occurred,~~ for the assessment and recovery of a civil penalty.

~~5.1~~ 3. Any manufacturer, distributor, retailer or installer who violates any of the provisions of sections 2 to 38, inclusive, of this act ~~first~~ must, for a first time violation, be issued a warning and, for any subsequent violation, is liable to the State for a civil penalty of:

(a) For the first time a civil penalty is assessed, not more than \$100 for each day of violation and for each act of violation.

(b) For any subsequent assessment of a civil penalty, not more than \$500 for each day of violation and for each act of violation.

~~6. A civil penalty imposed pursuant to subsection 5 is in addition to any reimbursement owed to the Office of Energy pursuant to subsection 1.~~

Sec. 36. The Director may adopt such regulations as are necessary to carry out the provisions of sections 2 to 38, inclusive, of this act.

Sec. 37. 1. The Director may adopt by regulation standards for appliances and other provisions which are necessary and convenient to facilitate the deployment of flexible demand technologies, including, without limitation, regulations relating to the labeling of appliances incorporating flexible demand technologies to promote the use of such appliances. Any such regulations must be based on feasible and attainable efficiencies or feasible improvements that will enable appliance operations to be scheduled, shifted or curtailed to reduce emissions of greenhouse gases associated with electricity generation.

2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. In establishing standards for appliances pursuant to subsection 1, the Director shall:

(a) Consider the reliability and cybersecurity protocols of the National Institute of Standards and Technology of the United States Department of Commerce, or other cybersecurity protocols that are equally or more protective and adopt, at minimum, the North American Electric Reliability Corporation Critical Infrastructure Protection Standards, as those standards exist on the effective date of this act.

(b) ~~Determine the cost effectiveness of any standards adopted.~~

~~—(e)—~~ Consult with the Public Utilities Commission of Nevada and electric utilities to better align the flexible demand appliance standards with demand response programs and to incentivize the deployment of flexible demand appliances.

4. Flexible demand appliance standards adopted pursuant to subsection 1 must prioritize:

(a) Appliances that can more conveniently have their electrical demand controlled by load-management technology and third-party load-management programs.

(b) Appliances with load-management technology options that are readily available.

(c) Appliances that have a user-friendly interface and follow a straightforward setup and connection process, such as remote setup by means of an Internet website or application.

(d) Appliances with load-management technology options that follow simple standards for third-party direct operation of the appliances.

(e) Appliances that are interoperable or open source.

Sec. 38. The provisions of sections 2 to 38, inclusive, of this act, and any regulations adopted pursuant thereto, do not apply to:

1. A new appliance manufactured in this State and sold outside of this State.

2. A new appliance sold at wholesale in this State for final retail sale outside of this State.

3. An appliance installed in a mobile home or manufactured home at the time of construction.

4. An appliance designed expressly for installation and use in a recreational vehicle, as defined in NRS 482.101.

Sec. 39. This act becomes effective on July 1, 2021.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 384.

Bill read second time and ordered to third reading.

Assembly Bill No. 385.

Bill read second time.

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

Amendment No. 309.

AN ACT relating to public employment; ~~prohibiting~~ **revising provisions relating to the compensation received by** officers and employees of certain public bodies; ~~from receiving certain payments or benefits upon termination of employment; establishing the maximum allowed salaries for officers and employees of certain public bodies; including merit-based salary increases and~~

~~allowances for transportation in the calculation of such an officer or employee's salary for certain purposes;}~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{Section 1 of}~~ **With certain exceptions, this bill ~~{provides that,}~~ prohibits a public body from entering into an employment contract that entitles an officer or employee of the public body to receive: (1) any fringe benefit, unless the public body has adopted a policy authorizing all persons employed in a similar position to receive the benefit; (2) any bonus, unless the bonus is based on merit and awarded at a public meeting; and (3) certain wages or other payments** upon the termination of the employment of ~~{an} the~~ officer or employee ~~{of a public body, except an}~~ **for cause or resignation of the** officer or employee **when an investigation relating to his or her employment is pending. This bill also prescribes certain payments and benefits to which an officer or employee of a public body is entitled or remains entitled upon termination of employment. This bill exempts from these requirements employment contracts for officers and employees of the Nevada System of Higher Education, ~~{the person must not receive from the employer any: (1) wages in lieu of notice or administrative leave; (2) salary, benefits or equivalent compensation, including severance pay; (3) bonus; or (4) other form of payment.~~**

~~Existing law provides that the salary of certain state employees must not exceed 95 percent of the salary for the Office of Governor. (NRS 281.123) Section 2 of this bill provides that the salary of an officer or employee of a public body whose salary is not subject to this limitation, except an officer or employee of the Nevada System of Higher Education, must not exceed 150 percent of the salary for the Office of Governor. Section 2 also revises the definition of the term "salary" for purposes of these limitations to include any: (1) increases in salary based on merit, including bonuses; and (2) allowance for transportation.}~~ **and employment contracts that are negotiated pursuant to a collective bargaining agreement.**

For the purposes of this bill, the term "public body" has the same meaning as in the Open Meeting Law. (NRS 241.015)

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

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, ~~{upon the termination of the} a public body shall not enter into an employment ~~{off}~~ contract that entitles an officer or employee of ~~{a} the public body ~~{, the person must not to receive: ~~{from the employer any.}~~~~~~~~

(a) Any fringe benefit, unless the public body has adopted a policy authorizing all persons employed by the public body in a similar position to receive the benefit.

(b) Any bonus, unless the bonus is based on merit and awarded at a public meeting.

(c) Upon the termination of the employment of the officer or employee for cause or the resignation of the officer or employee when an investigation relating to his or her employment is pending, any:

(1) Wages in lieu of notice or administrative leave;

~~##~~(2) Salary, benefits or equivalent compensation, including, without limitation, severance pay;

~~##~~(3) Bonus; or

~~##~~(4) Other form of payment.

2. Upon the termination of the employment of an officer or employee of a public body, the person:

(a) Must be paid for any portion of accumulated annual leave and compensatory time and unused sick leave authorized by law ~~##~~ or policy of the public body.

(b) Remains entitled to any pension or retirement benefit provided by the Public Employees' Retirement System or other retirement or pension program of which he or she is a member.

3. Nothing in this section shall be construed to limit or prohibit ~~##~~:

(a) A person from:

~~##~~(1) Receiving compensation for past services upon his or her termination;

~~##~~(2) Bringing any cause of action for wrongful or unlawful acts committed against the person relating to his or her employment or termination; or

~~##~~(3) Accepting any legal or equitable relief awarded or recovered for wrongful or unlawful acts committed against the person relating to his or her employment or termination.

(b) A public body from entering into an agreement to pay the cost of purchasing credit for service on behalf of an officer or employee pursuant to NRS 286.3007 or under any other retirement or pension program, if applicable.

4. The provisions of this section do not apply to ~~officers~~:

(a) Any contract negotiated pursuant to a collective bargaining agreement.

(b) Officers and employees of the Nevada System of Higher Education.

5. As used in this section, "public body" has the meaning ascribed to it in NRS 241.015.

Sec. 2. ~~NRS 281.123 is hereby amended to read as follows:~~

~~281.123 1. Except as otherwise provided in subsection [3] 5 or NRS 281.1233, or as authorized by statute referring specifically to that position, the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of Governor during the same period.~~

~~2. The salary of an officer or employee of a public body whose salary is not subject to the limitations prescribed in subsection 1 must not exceed 150 percent of the salary for the Office of Governor during the same period.~~

~~3. A person whose salary is subject to the limitations prescribed in this section:~~

~~(a) Is entitled to receive a salary, any pension or retirement benefit provided by the Public Employees' Retirement System or other retirement or pension system of which he or she is a member and any health care benefits provided by his or her employer; and~~

~~(b) Must not receive any other salary or benefit for services provided.~~

~~4. As used in [subsection 1, the] this section:~~

~~(a) "Public body" has the meaning ascribed to it in NRS 241.015.~~

~~(b) The term "salary":~~

~~[(a)] (I) Includes any:~~

~~[(1)] (I) Payment received by an employee for being available to work although the employee was not actually required to perform the work;~~

~~[(2)] (II) Increase in salary provided to compensate for a rise in the cost of living; and~~

~~[(3)] (III) Increase in salary based on merit, including, without limitation, bonuses;~~

~~[(IV)] Payment received as compensation for purportedly performing additional duties [.] ; and~~

~~[(V)] Allowance for transportation provided to the officer or employee pursuant to NRS 281.160.~~

~~[(b)] (2) Excludes any:~~

~~[(1)] (I) Payment received as compensation for overtime even if that payment is otherwise authorized by law; and~~

~~[(2)] (II) Rent or utilities supplied to an employee if the employee is required by statute or regulation to live in a particular dwelling.~~

~~[3.] 5. The provisions of [subsection 1] this section do not apply to the salaries of:~~

~~(a) Dentists and physicians employed full time by the State; or~~

~~(b) Officers and employees of the Nevada System of Higher Education.]~~

(Deleted by amendment.)

Sec. 3. The amendatory provisions of [sections 1 and 2 of] this act do not apply to a contract entered into before October 1, 2021, but do apply to any renewal or extension of such a contract.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 387.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time and ordered to third reading.

Assembly Bill No. 391.

Bill read second time.

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

Amendment No. 366.

AN ACT relating to dispensing opticians; authorizing the Board of Dispensing Opticians to employ an Executive Director; providing immunity from civil liability to the Board and any of its members ~~[- staff and employees]~~ for certain acts; expanding the purposes for which the Board is authorized to accept gifts, grants, donations and contributions; requiring the Board to perform certain duties relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; prescribing requirements for the submission of an application for licensure; requiring the Board to adopt certain regulations relating to licensure; **requiring the Board to establish a schedule of fees and charges;** prescribing criteria for eligibility for a license as an apprentice dispensing optician; clarifying certain requirements relating to eligibility for a limited license as a dispensing optician; revising criteria for eligibility for a license as a dispensing optician; removing the authority of the Board to issue a special license as a dispensing optician; reorganizing certain provisions; ~~[- increasing the amount of the administrative fine for engaging in certain activity without holding a license;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill makes a legislative declaration that the purpose of the provisions regulating the practice of ophthalmic dispensing are to protect the public safety and welfare by ensuring: (1) only competent and scrupulous people practice ophthalmic dispensing in this State; and (2) persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.

Existing law creates the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing and requires the Governor to appoint members to the Board. (NRS 637.030) **Section 14** of this bill: (1) requires the Governor to appoint a replacement member if a vacancy occurs during a member's term; and (2) removes certain requirements relating to the removal of a member for cause. **Sections 15 and 18** of this bill reorganize provisions governing the employment of personnel by the Board, and **section 15** authorizes the Board to employ an Executive Director. **Section 4** of this bill provides that the Board and any of its members ~~[- staff and employees]~~ are immune from civil liability for any act performed in good faith and without malicious intent **or gross negligence** in the execution of any duty of the Board. **Section 16** of this bill: (1) specifically requires the Board to comply with the Open Meeting Law; (2) prescribes requirements for determining whether a

quorum is present at a meeting of the Board; and (3) removes provisions designating a principal office of the Board. **Sections 16 and 28** of this bill reorganize certain provisions relating to the election of officers. **Sections 17 and 24** of this bill expand the purposes for which the Board is authorized to accept gifts, grants, donations and contributions. **Section 18**: (1) requires the Board to perform certain duties relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; and (2) removes a requirement that the Board adopt a seal. **Sections 18 and 28** also reorganize provisions requiring the Board to adopt certain regulations. **Section 19** of this bill removes certain redundant requirements relating to documents which are subject to the Nevada Public Records Act.

Existing law authorizes the Board to issue a license as a dispensing optician, a special license as a dispensing optician, a limited license as a dispensing optician and a license as an apprentice dispensing optician. (NRS 637.120-637.123, 637.127) **Section 3** of this bill defines “license as a dispensing optician” for purposes of the chapter to mean a license issued to a dispensing optician who does not hold a limited license. **Section 11** of this bill makes a conforming change to indicate the proper placement of **section 3** in the Nevada Revised Statutes. **Section 12** of this bill revises the definition of “dispensing optician” to clarify that the term includes a person who holds a license as a dispensing optician or a limited license as a dispensing optician. **Section 13** of this bill revises the definition of “ophthalmic dispensing” to clarify that a licensee is not required to physically deliver a product to the intended wearer.

Section 5 of this bill requires an applicant for a license to: (1) submit an application on a form furnished by the Board; and (2) provide evidence that he or she possesses the qualifications required for the type of license for which he or she is applying. **Section 8** of this bill requires the Board to adopt regulations relating to: (1) the issuance, renewal and reinstatement of a license; (2) the placement of a license on inactive status; (3) the reactivation of a license placed on inactive status; and (4) the program of apprenticeship for apprentice dispensing opticians.

Existing law authorizes an apprentice dispensing optician to perform the services of a dispensing optician under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist. (NRS 637.125) **Section 7** of this bill prescribes criteria for eligibility for a license as an apprentice dispensing optician. **Sections 7 and 22** of this bill reorganize certain provisions relating to the practice of ophthalmic dispensing by a licensed apprentice dispensing optician.

Existing law provides that, in order to be eligible to hold a limited license as a dispensing optician, a person must have held such a license on February 1, 2004. Existing law: (1) authorizes the holder of such a license to practice ophthalmic dispensing; and (2) prohibits the holder of such a license from selling, furnishing or fitting contact lenses. (NRS 637.121) **Section 21** of this bill clarifies that, in order to be eligible for a limited license as a dispensing optician, a person must have held such a license since February 1, 2004. A

person who held such a license on that date whose license expired at any time after that date is not eligible to hold a limited license as a dispensing optician.

Section 21 also removes certain requirements relating to a limited license as a dispensing optician, and ~~sections~~ **section 8** ~~and 9~~ of this bill instead ~~require~~ **requires** the Board to adopt regulations governing such a license. **Section 22** of this bill clarifies that a holder of a limited license as a dispensing optician may not supervise an apprentice dispensing optician in the performance of any service relating to dispensing contact lenses.

Section 20 of this bill revises the qualifications required for a license as a dispensing optician by: (1) removing certain requirements relating to the moral character of an applicant; (2) removing certain requirements relating to examinations, coursework and training and instead requiring an applicant to satisfy criteria prescribed by regulations adopted by the Board pursuant to **section 8**; and (3) revising the required amount of time an applicant must serve as an apprentice dispensing optician.

Existing law requires the Board to issue a special license as a dispensing optician to certain applicants who: (1) have an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or (2) have not less than 5 years of experience as a dispensing optician. (NRS 637.127) **Section 28** removes this type of license and instead **section 6** of this bill authorizes the Board to waive certain requirements for the issuance of a license as a dispensing optician if an applicant submits to the Board proof that he or she: (1) ~~received an education in ophthalmic dispensing from~~ **is a graduate of** a foreign school and **has** acquired certain **education and** experience in ophthalmic dispensing; (2) holds an active license as a dispensing optician in the District of Columbia or any state or territory of the United States ~~and~~ **whose requirements for licensure are at least equivalent to the requirements for licensure in this State**; or (3) has at least 5 years of work experience in the practice of ophthalmic dispensing ~~in the District of Columbia or any state or territory of the United States whose requirements for licensure are not at least equivalent to the requirements for licensure in this State.~~ Thus, **section 6** makes an applicant who would have been eligible for a special license eligible for a waiver from certain requirements for licensure as a dispensing optician. If the Board grants such a waiver, the applicant will be licensed as a dispensing optician.

Existing law establishes maximum fees relating to licenses issued by the Board, which the Board sets by regulation. (NRS 637.110, 637.120, 637.121, 637.123, 637.140) **Sections 21 and 28** remove such maximum fees from statute and **section 9** of this bill instead requires the Board to ~~adopt by regulation reasonable~~ **establish a schedule of fees and charges, each of which** ~~are all~~ **is** subject to a maximum ~~of \$500.~~ **amount established in section 9.**

Section 23 of this bill makes certain nonsubstantive changes to provisions authorizing the Board to refuse to grant a license to an applicant or take disciplinary action against a licensee. **Sections 10, 24, 25 and 28** of this bill

reorganize provisions relating to investigations conducted by the Board. **Sections 10 and 19** reorganize provisions relating to complaints and charging documents filed by the Board to initiate disciplinary action against a licensee. **Section 27** of this bill makes a conforming change as a result of this reorganization.

Existing law establishes various penalties the Board may impose against a person who engages in certain activity without holding a license. (NRS 637.181, 637.183) **Sections 25 and 26** of this bill: (1) authorize the Board to issue a citation to a person who engages in certain activities without holding a license; and (2) ~~increase the maximum administrative fine the Board may impose upon such persons who employ licensees from \$1,000 for the first violation and \$5,000 for the second violation to \$10,000 for each violation;~~ and (3) reorganize provisions relating to the unlicensed practice of ophthalmic dispensing.

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

Section 1. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *The Legislature declares that the purpose of this chapter is to protect the public safety and welfare by ensuring that:*

1. Only competent and scrupulous people practice ophthalmic dispensing in this State; and

2. Persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.

Sec. 3. *“License as a dispensing optician” means a license issued to a dispensing optician who does not hold a limited license as a dispensing optician.*

Sec. 4. ~~*The Board and any of its members and its staff and employees, including, without limitation, inspectors, investigators, advisers, examiners, clerks, counsel, experts, committees, panels, hearing officers and consultants,*~~ *are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duties pursuant to this chapter.*

Sec. 5. 1. *A person who wishes to be licensed by the Board must:*

(a) Submit an application to the Board on a form furnished by the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required for the type of license for which he or she is applying.

2. The application must include all information required to complete the application.

Sec. 6. *The Board may waive the requirements of paragraph ~~(d)~~ (c) of subsection 1 of NRS 637.100 if an applicant submits to the Board proof that he or she:*

1. ~~Received an education in ophthalmic dispensing from~~ Is a graduate of a foreign school and has acquired education and experience in ophthalmic dispensing which the Board determines to be substantially equivalent to or greater than the requirements prescribed by that paragraph ~~for the issuance of a license to ophthalmic dispensing in this State;~~

2. Holds a corresponding valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States whose requirements for that license are ~~substantially similar~~ equivalent to or greater than the requirements for the issuance of a license to engage in ophthalmic dispensing in this State; or

3. Has at least 5 years of work experience in the practice of ophthalmic dispensing ~~regardless of whether the applicant holds a license to engage in ophthalmic dispensing in~~ from the District of Columbia or any state or territory of the United States ~~that does not have requirements for licensure equivalent to or greater than the requirements for the issuance of a license to engage in ophthalmic dispensing in this State.~~

Sec. 7. 1. To be eligible for a license as an apprentice dispensing optician, an applicant must:

- (a) Be at least 18 years of age; and
- (b) Be a graduate of an accredited high school or its equivalent.

2. A license as an apprentice dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist.

(b) Must at all times be conspicuously displayed at the holder's place of practice.

Sec. 8. The Board shall adopt regulations:

1. Prescribing the period for which a license issued pursuant to the provisions of this chapter is valid.

2. Prescribing requirements for the renewal of a license issued pursuant to the provisions of this chapter, which may:

- (a) Include requirements for continuing education; and
- (b) Limit the number of times a license as an apprentice dispensing optician may be renewed.

3. Providing for the reinstatement of a delinquent license.

4. Prescribing requirements for:

(a) A person who is licensed pursuant to the provisions of this chapter to have his or her license placed on inactive status; and

(b) The reactivation of a license which has been placed on inactive status.

5. Prescribing or adopting any examination or certificate required for the issuance of a license as a dispensing optician. Any examination prescribed or adopted by the Board must, without limitation, be designed to test an applicant's knowledge of the theory and practice of ophthalmic dispensing.

6. Establishing requirements for the program of apprenticeship for apprentice dispensing opticians.

Sec. 9. ~~{1.} The Board shall adopt regulations establishing reasonable fees for:~~

~~(a) The examination of an applicant for a license as a dispensing optician;~~

~~(b) The initial issuance of a license;~~

~~(c) The renewal of a license;~~

~~(d) The late renewal of a license;~~

~~(e) The reinstatement of a license;~~

~~(f) The placement of a license on inactive status; and~~

~~(g) The reactivation of an inactive license.~~

~~2. The fees established pursuant to subsection 1 must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter, except no such fee may exceed \$500.} establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:~~

<u>An examination established by the Board pursuant to this chapter</u>	<u>\$500</u>
<u>An application for a license as a dispensing optician</u>	<u>\$500</u>
<u>An application for a license as an apprentice dispensing optician</u>	<u>\$250</u>
<u>The renewal of a license as a dispensing optician.....</u>	<u>\$500</u>
<u>The renewal of a limited license as a dispensing optician</u>	<u>\$200</u>
<u>The renewal of a license as an apprentice dispensing optician</u>	<u>\$200</u>
<u>The delinquency fee for a license as a dispensing optician</u>	<u>\$500</u>
<u>The delinquency fee for a limited license as a dispensing optician</u>	<u>\$500</u>
<u>The delinquency fee for a license as an apprentice dispensing optician.....</u>	<u>\$100</u>
<u>Placing a license or limited license as a dispensing optician on inactive status.....</u>	<u>\$300</u>
<u>The reactivation of a license that has been placed on inactive status.....</u>	<u>\$300</u>

Sec. 10. 1. The Board shall conduct an investigation if it receives a written complaint that:

(a) Is signed and verified by the person filing the complaint; and

(b) Sets forth reason to believe that a person:

(1) Without the proper license, is engaging in an activity for which a license is required pursuant to this chapter; or

(2) Practicing as a dispensing optician or an apprentice dispensing optician in this State has, is or is about to become engaged in conduct which

constitutes grounds for initiating disciplinary action pursuant to NRS 637.150.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 11. NRS 637.020 is hereby amended to read as follows:

637.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637.021 to 637.024, inclusive, **and section 3 of this act** have the meanings ascribed to them in those sections.

Sec. 12. NRS 637.0215 is hereby amended to read as follows:

637.0215 “Dispensing optician” means a person ~~engaged in the practice of opticianry~~ **who holds a license as a dispensing optician or a limited license as a dispensing optician.**

Sec. 13. NRS 637.022 is hereby amended to read as follows:

637.022 1. “Ophthalmic dispensing” means ~~the~~ :

(a) The design ~~verification~~ of lenses, frames and other specially fabricated optical devices upon prescription;

(b) The inspection of such lenses, frames and devices; and ~~delivery~~

(c) The final, written authorization to deliver such lenses, frames and devices to the intended wearer ~~of lenses, frames and other specially fabricated optical devices~~ upon prescription.

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) The making of recommendations regarding lens material and other design features based upon the prescription of the intended lens wearer;

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear ~~to~~, including, without limitation, the preparation and delivery of electronic work orders by ~~entering~~ verifying prescription information entered into a computer or other online system;

~~(c)~~ *(d) The ~~verification~~ physical final inspection of the quality of finished ophthalmic products ~~to~~ delivered within this State;*

~~(d)~~ *(e) The adjustment of lenses or frames to the intended wearer’s face or eyes;*

~~[(e)]~~ (f) The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~[(f)]~~ (g) The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription . ~~[-when done by a dispensing optician or apprentice dispensing optician who is authorized to do so pursuant to the provisions of this chapter.]~~

3. The term does not include any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.

Sec. 14. NRS 637.030 is hereby amended to read as follows:

637.030 1. The Board of Dispensing Opticians, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who have actively engaged in the practice of ophthalmic dispensing for not less than 3 years in the State of Nevada immediately preceding the appointment.

(b) One member who is a representative of the general public. This member must not be:

(1) A dispensing optician; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dispensing optician.

3. The Governor ~~[-after hearing,]~~ may remove any member for cause.

4. *If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace the member for the remainder of the unexpired term.*

Sec. 15. NRS 637.045 is hereby amended to read as follows:

637.045 1. Each member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. ***The Board may:***

(a) Employ an Executive Director and any other employees as it deems necessary, establish their duties and fix their salaries; and

(b) Contract with investigators, lobbyists and any other persons required to carry out its duties and secure the services of attorneys and other professional consultants as it may deem necessary to carry out the provisions of this chapter.

3. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 16. NRS 637.050 is hereby amended to read as follows:

637.050 1. ~~[The principal office of the Board is the place of business or employment of the Secretary of the Board, but it may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter, and may meet or conduct any of its business at any place in the State.~~

~~—2.]~~ The Board shall ~~[meet]~~ :

(a) *Meet* at least once ~~[in the fall of]~~ each year on a date determined by the Board ~~[, at which time candidates applying for licensing must be examined and their qualifications determined.~~

~~—3.~~ In addition to the meeting required by subsection 2, the Board may hold such other meetings as it may deem advisable. The time and place of all such meetings must be determined by the Board ~~]~~ ;

(b) *Elect a President, Vice President, Secretary and Treasurer from its membership; and*

(c) *Comply with the provisions of chapter 241 of NRS.*

2. *A majority of the members of the Board constitutes a quorum.*

Sec. 17. NRS 637.060 is hereby amended to read as follows:

637.060 1. *The Board may accept gifts, grants, donations and contributions of money from any source to assist in carrying out the provisions of this chapter.*

2. Except as otherwise provided in subsection ~~[3.]~~ 4, all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

~~[2.]~~ 3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

~~[3.]~~ 4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[2.]~~ 3 and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 18. NRS 637.070 is hereby amended to read as follows:

637.070 1. The Board ~~shall ~~not~~ , pursuant to the provisions of this chapter;~~

(a) ~~[Review and evaluate applications for the licensing of dispensing opticians and apprentice dispensing opticians;~~

~~—(b) Determine] Examine and pass upon the qualifications ~~[and fitness]~~ of applicants ~~]~~~~

~~—(c) for licensure;~~

(b) License qualified applicants;

(c) Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate; ~~and~~

(d) Enforce the provisions of this chapter and any regulations adopted pursuant thereto ~~to~~;

(e) Investigate any complaints filed with the Board;

(f) Impose any penalties the Board determines are required to administer the provisions of this chapter; and

(g) Transact any other business necessary to carry out the provisions of this chapter.

2. The Board may ~~adopt~~ :

(a) Adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter ~~to~~

~~2. The Board shall have a common seal of which all courts of this State shall take judicial notice.~~

~~3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes.~~

~~4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem~~ , including, without limitation, regulations:

(1) Establishing standards of practice for persons licensed pursuant to this chapter.

(2) Setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a dispensing optician. Such standards must be consistent with the minimum standards of quality approved by the American National Standards Institute.

(3) Establishing standards related to the dispensing of prescription ophthalmic lenses.

(b) Transact any other business necessary to enable the Board to carry out ~~the provisions of~~ its duties pursuant to this chapter.

Sec. 19. NRS 637.085 is hereby amended to read as follows:

637.085 ~~1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2. Except as otherwise provided in this section and~~ NRS 239.0115, the following may be kept confidential:

~~(a)~~ 1. Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

~~(b)~~ 2. Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

~~(c)~~ 3. Any communication between:

~~(1)~~ (a) The Board and any of its committees or panels; and

~~(2)~~ (b) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

~~{{(d)}} 4.~~ Any other information or ~~{records}~~ *record* in the possession of the Board ~~[-~~

~~— 3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~— 4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.~~

~~— 5. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.} that is not a public record that is subject to the provisions of chapter 239 of NRS.~~

Sec. 20. NRS 637.100 is hereby amended to read as follows:

637.100 1. To ~~{qualify}~~ *be eligible* for ~~{examination and licensing}~~ *a license* as a dispensing optician, an applicant must : ~~{furnish proof that the applicant:}~~

(a) ~~{Is}~~ *Be* at least 18 years of age.

(b) ~~{Is of good moral character.~~

~~— (e) Is} Be~~ a graduate of an accredited high school or its equivalent.

~~{{(d)} Has}~~

~~(c) Have passed {the} any examination {off} or obtained any certificate required by regulations adopted by the {American} Board {of Opticianry.~~

~~— (e) Has} pursuant to section 8 of this act for the issuance of a license as a dispensing optician.~~

~~(d) Have~~ done either of the following:

(1) ~~{Served} Successfully completed an educational program on the theory of ophthalmic dispensing approved by the Board and served as an apprentice dispensing optician for not less than {3} 2 years in {an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved} accordance with regulations adopted by the Board {-} pursuant to section 8 of this act; or~~

(2) ~~{Successfully completed a course of study in a school which offers a} Been awarded an associate's degree {of associate} in applied science for studies in ophthalmic dispensing by a school which is approved by the Board and {has had 1 year of ophthalmic experience} served as an apprentice~~

dispensing optician ~~under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.~~

~~— (f) Has done all of the following:~~

~~— (1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;~~

~~— (2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;~~

~~— (3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and~~

~~— (4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.]~~ *for not less than 1 year in accordance with regulations adopted by the Board pursuant to section 8 of this act.*

2. ~~{The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that establish requirements for:~~

~~— (a) The program of apprenticeship for apprentice dispensing opticians;~~

~~— (b) The training and experience of apprentice dispensing opticians; and~~

~~— (c) The issuance of licenses to apprentice dispensing opticians.]~~ *A license as a dispensing optician:*

(a) Authorizes the holder to practice ophthalmic dispensing in this State.

(b) Must at all times be conspicuously displayed at the holder's place of practice.

Sec. 21. NRS 637.121 is hereby amended to read as follows:

637.121 1. ~~{Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

~~—2—~~ Only a person who is deemed to ~~hold~~ **have held** an active ~~{,} or~~ inactive ~~for delinquent~~ limited license as a dispensing optician ~~on~~ **since** February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

2. *Except as otherwise provided in subsection 3, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.*

3. A person practicing ophthalmic dispensing pursuant to a limited license ~~{~~

~~— (a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~— (b) Shall~~ **shall** not ~~{sell, furnish or fit}~~ **dispense** contact lenses.

4. A limited license as a dispensing optician ~~{~~

- ~~— (a) Expires on January 31 of each year.~~
- ~~— (b) May be renewed before its expiration upon:~~
 - ~~— (1) Presentation of proof of completion of the continuing education required by this section; and~~
 - ~~— (2) Payment of a renewal fee set by the Board of not more than \$200.~~
- ~~— (c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than \$500.~~
- ~~— 5. Upon written request to the Board, and payment of a fee not to exceed \$300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~
 - ~~— (a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~
 - ~~— (b) The completion of an application; and~~
 - ~~— (c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~
- ~~— 6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~
- ~~— 7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~
 - ~~— (a) Encompass such subjects as are established by regulations of the Board.~~
 - ~~— (b) Consist of a minimum of 12 hours for a period of 12 months.~~
- ~~— 8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~
- ~~— 9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section. } **must at all times be conspicuously displayed at the holder's place of practice.**~~

Sec. 22. NRS 637.125 is hereby amended to read as follows:

637.125 1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

- (a) Is licensed by the Board as a dispensing optician; or
- (b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. ~~{A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.~~

~~3. If~~ ***Except as otherwise provided in subsection 4, if*** a person is licensed by the Board as an apprentice dispensing optician, a licensed dispensing optician, licensed ophthalmologist or licensed optometrist must:

(a) Directly supervise all work done by the apprentice dispensing optician.

(b) Be ~~in attendance~~ ***physically present*** whenever the apprentice dispensing optician is engaged in ophthalmic dispensing.

~~(c) Post the license of the apprentice dispensing optician in a conspicuous place where the apprentice dispensing optician works.~~

~~4.~~ **3.** A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.

~~5. A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

~~6. The Board may adopt regulations to carry out the provisions of this section.~~

4. A holder of a limited license as a dispensing optician may not supervise an apprentice dispensing optician in the performance of any service relating to dispensing contact lenses.

Sec. 23. NRS 637.150 is hereby amended to read as follows:

637.150 1. If the Board finds, ~~by a preponderance of the evidence,~~ ***after notice and a hearing as required by law,*** that an applicant or holder of a license ~~+~~

~~(a) Has~~ ***has*** been adjudicated insane ~~+~~

~~(b) Habitually~~ ***, habitually*** uses any controlled substance or intoxicant ~~+~~

~~(c) Has~~ ***or has been diagnosed with a medical or mental health condition that is likely to impede the safe practice of ophthalmic dispensing, the Board may, in the case of an applicant, refuse to grant the applicant a license or, in the case of a holder of a license, place the holder on probation, suspend or revoke the holder's license, or take any combination of these actions.***

2. If the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare, the Board may, in the case of an applicant, refuse to grant the applicant a license or, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than \$10,000 for each act constituting grounds for disciplinary action, suspend or revoke the holder's license, or take any combination of these disciplinary actions.

3. The Board may reinstate a revoked license pursuant to the provisions of chapter 622A of NRS upon application by the person to whom the license was issued.

4. *Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the Board receives the report.*

5. *The Board shall not privately reprimand a holder of a license.*

6. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

7. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*

8. *As used in this section, “unprofessional conduct” includes:*

(a) *Being convicted of ~~fel~~:*

(1) *Any crime involving moral turpitude;*

~~{(d) Has been convicted of violating} or~~

(2) *Violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;*

~~{(e) Has advertised}~~

(b) *Advertising in any manner which would tend to deceive, defraud or mislead the public;*

~~{(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained}~~

(c) *Obtaining a license to practice in this State through fraud or the misrepresentation or concealment of ~~any kind;~~*

~~—(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;~~

~~—(h) Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS 637.073;~~

~~—(i) Has violated} a material fact;~~

(d) *Committing fraud or deceit in the practice of ophthalmic dispensing;*

(e) *Violating any provision of this chapter or any regulation of the Board*

~~Is~~

~~—(j) Has violated any provision of} adopted pursuant to this chapter;~~

~~{(k) Is incompetent;~~

~~—(l) Is guilty of unethical or unprofessional conduct as determined by the Board;~~

~~—(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;~~

~~—(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or~~

~~—(o) Has operated} and~~

(f) *Operating a medical facility, as defined in NRS 449.0151, at any time during which:*

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160,

the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than \$10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.

~~2. The Board shall not privately reprimand a holder of a license.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~4. The provisions of this paragraph (e) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.~~

~~5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.~~

Sec. 24. NRS 637.154 is hereby amended to read as follows:

637.154 1. ~~To the extent that money is available for that purpose, the Board may, upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.~~ *in a manner that is consistent with the provisions of chapter 622A of NRS, conduct investigations, hold hearings and examine witnesses in carrying out its duties pursuant to this chapter.*

2. ~~The Board may accept gifts, grants and donations of money from any source to carry out the provisions of this section.~~ *administer oaths and issue subpoenas to compel the attendance of witnesses and the production of books, ~~and~~ papers, ~~and~~ documents and any other articles related to the practice of ophthalmic dispensing.*

3. *If any person fails to comply with the subpoena within 10 days after its issuance, the Board may petition the district court for an order compelling compliance with the subpoena.*

4. *Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.*

5. *If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person must be dealt with as for contempt of court.*

Sec. 25. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS ~~the~~

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:~~

- ~~(a) Made in writing; and~~
- ~~(b) Signed and verified by the person filing the complaint.~~

~~2. If, if the Board determines that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter, the Board ~~may~~:~~

- ~~(a) Shall issue~~

~~1. Issue~~ and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board.

- ~~(b) May, after notice and opportunity for a hearing, impose upon~~

~~2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this section.~~

~~3. Assess against the person~~ an administrative fine of not more than \$10,000 ~~for each separate violation.~~ The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~3. An administrative fine imposed pursuant to this section is in addition to~~

- ~~4. Impose any other penalty provided in this chapter.~~

~~4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon. combination of the penalties set forth in subsections 1, 2 and 3.~~

Sec. 26. NRS 637.183 is hereby amended to read as follows:

637.183 ~~1. The~~ **If the** Board ~~may impose an administrative fine against~~ **determines that** a person who is not **required to be** licensed pursuant to the provisions of this chapter ~~if:~~

~~(a) The person violates~~ **is violating** any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section ~~if,~~ or

~~(b) The person employs~~ **employing** a ~~dispensing optician, apprentice dispensing optician or other person and the dispensing optician, apprentice dispensing optician or other person,~~ **licensee who**, in the course of his or her employment or apprenticeship, violates any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section ~~if:~~

~~2. The, the~~ Board may ~~impose a separate administrative fine against the person for each act that constitutes a separate violation.~~

~~3. In the first administrative proceeding brought against the person pursuant to this section, the Board may impose, for each act that constitutes a separate violation, :~~

1. *Issue and serve on the person an order to cease and desist from engaging in the activity.*

2. *Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this section.*

3. *Assess against the person an administrative fine of not more than \$1,000 ~~(\$10,000)~~ for each separate violation. The imposition of an administrative fine is a final decision for the purposes of judicial review.*

4. ~~In the second and any subsequent administrative proceeding brought against the person pursuant to this section, the Board may impose, for each act that constitutes a separate violation, an administrative fine of not more than \$5,000.~~ *Impose any combination of the penalties set forth in subsections 1, 2 and 3.*

Sec. 27. 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 10 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 28. NRS 637.010, 637.040, 637.041, 637.073, 637.075, 637.110, 637.115, 637.120, 637.123, 637.127, 637.135, 637.140, 637.155, 637.170 and 637.175 are hereby repealed.

Sec. 29. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 28, 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 October 1, 2021, for all other purposes.

LEADLINES OF REPEALED SECTIONS

637.010 Short title.

637.040 Election of officers; issuance of subpoenas; administration of oaths.

637.041 Enforcement of subpoenas issued by Board.

637.073 Regulations setting minimum standards for optical and ophthalmic devices.

637.075 Fiscal year.

637.110 Fees for application for license; requirements for, waiver of and passing score for examination of applicant for license as dispensing optician; prohibition on participation in preparing, conducting and grading examination.

637.115 Board to maintain public records concerning applicants.

637.120 Issuance of license as dispensing optician; display of license; nontransferability; issuance of duplicate license.

637.123 Apprentice dispensing optician: Expiration, renewal and reinstatement of license; fees; continuing education; limitations on renewal.

637.127 Special license as dispensing optician.

637.135 Dispensing optician: Continuing education.

637.140 Dispensing optician: Expiration, renewal and reinstatement of license; fees; inactive status; reactivation of inactive license.

637.155 Hearing on report of certain violations.

637.170 Reinstatement of revoked license; fee.

637.175 Expiration of prescriptions.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 397.

Bill read second time.

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

Amendment No. 340.

AN ACT relating to county clerks; requiring the county clerk to pay certain fees to the county treasurer on or before the fifth day of the month; revising the permissible uses of certain fees collected by a county clerk; eliminating certain provisions related to the issuance of a marriage license during certain office hours or during other hours by a commercial wedding chapel; requiring that a county clerk in certain counties issue a marriage license during certain hours; making various other changes relating to county clerks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county clerk may charge and collect an additional fee not to exceed \$3 for filing a certificate of marriage if the board of county commissioners has adopted an ordinance authorizing the additional fee. (NRS 246.180) Existing law also requires the county clerk to pay these collected fees to the county treasurer to be deposited in a separate account in the county general fund, which may only be used to acquire or improve technology used by the office of the county clerk for the issuance of marriage licenses and the filing of marriage certificates. (NRS 246.180, 246.190). **Section 1** of this bill requires the county clerk to pay such fees to the county treasurer on or before the fifth day of each month. **Section 2** of this bill revises the permitted uses of these proceeds by providing that the fees may be used in the office of the county clerk to : **(1) acquire, improve, support or maintain technology ~~for to~~ ; (2) train employees in the operation of the technology; and (3) acquire temporary or permanent staff or professional services to implement, support or maintain technology that enhances customer service, improves efficiency or promotes transparency in government.**

Existing law provides that a county clerk may charge and collect an additional fee not to exceed \$5 for filing and recording or issuing certain bonds, declarations and certificates. (NRS 19.013) Existing law also requires the county clerk to pay these collected fees to the county treasurer to be deposited in a separate account in the county general fund, which may only be used in the office of the county clerk for costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology. (NRS 19.013, 19.016) **Section 3** of this bill revises the permitted uses of these proceeds by providing that the fees may be used in the office of the county clerk to : **(1) acquire, improve, support or maintain technology ~~for to~~ ; (2) train employees in the operation of the technology; and (3) acquire temporary or permanent staff or professional services to implement, support or maintain technology that enhances customer service, improves efficiency or promotes transparency in government.**

Existing law authorizes a county whose population is 100,000 or more (currently Clark and Washoe Counties) to provide a space outside each office and branch office of the county clerk where a commercial wedding chapel, a business licensed to perform weddings or a church or religious organization may place informational brochures for display. (NRS 122.280) **Section 5** of this bill authorizes such a county to provide such a space to display printed or digital information.

Existing law requires the board of county commissioners in each county whose population is 100,000 or more but less than 700,000 (currently Washoe County) and in which a commercial wedding chapel has been in business for 5 years or more to: (1) ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m.

to 12 a.m. every day, including holidays; or (2) provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses during the hours when an office where marriage licenses may be issued is not open to the public. Existing law also authorizes the board of county commissioners in each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) and in which a commercial wedding chapel has been in business for 5 years or more to provide for the establishment of a program whereby such a commercial wedding chapel may issue marriage licenses during the hours when an office where marriage licenses may be issued is not open to the public. (NRS 122.0615) **Section 6** of this bill repeals this section of NRS. **Section 4** of this bill makes a conforming change to eliminate a reference to the repealed section.

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

Section 1. NRS 246.180 is hereby amended to read as follows:

246.180 1. If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk shall charge and collect the following fees:

- (a) For filing any certificate of marriage, \$10.
- (b) For copying any certificate of marriage, \$1 per page.
- (c) For a certified copy of a certificate of marriage, \$10.
- (d) For a certified abstract of a certificate of marriage, \$10.

(e) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the State Controller for credit to that Account.

2. In addition to the fees described in subsection 1, a county clerk may charge and collect an additional fee not to exceed \$3 for filing a certificate of marriage, if the board of county commissioners has adopted an ordinance authorizing the additional fee. ~~[[The]~~ **On or before the fifth day of each month, the** county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 246.190.

3. A county clerk shall charge and collect the fees specified in this section for copying a document specified in this section at the request of the State of Nevada or any city or town within the county. For copying, and for the county clerk's certificate and seal upon the copy, the county clerk shall charge the regular fee.

4. Except as otherwise provided in **subsection 2 or** an ordinance adopted pursuant to NRS 244.207, county clerks shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees related to filing certificates of marriage collected during the preceding month.

5. For purposes of this section, “State of Nevada,” “county,” “city” and “town” include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 2. NRS 246.190 is hereby amended to read as follows:

246.190 1. If a county clerk imposes an additional fee pursuant to subsection 2 of NRS 246.180, the proceeds collected from such a fee must be accounted for separately in the county general fund. Any interest earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.

2. The money in the account must be used only ***in the office of the county clerk, including, without limitation,*** ~~to acquire, or to~~ **;**

~~***(a) Acquire, improve, support or maintain*** technology ~~for or to improve the technology used in the office of the county clerk for the issuance of marriage licenses and the filing of certificates of marriage, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training;~~~~ **;**

~~***(b) Train*** employees in the operation of the technology **;** and ~~contracting for professional services relating to the technology. or to acquire;~~~~

~~***(c) Acquire temporary or permanent staff or professional services to implement, support or maintain technology that enhances customer service, improves efficiency or promotes transparency in government.***~~

3. The county clerk shall submit an annual report to the board of county commissioners which contains:

(a) An estimate of the proceeds that the county clerk will collect from the additional fee imposed pursuant to subsection 2 of NRS 246.180 in the following fiscal year; and

(b) A proposal for expenditures of the proceeds from the additional fee imposed pursuant to subsection 2 of NRS 246.180 for the costs related to the technology required for the office of the county clerk for the following fiscal year.

Sec. 3. NRS 19.016 is hereby amended to read as follows:

19.016 1. If a county clerk imposes an additional fee pursuant to subsection 2 of NRS 19.013, the proceeds collected from such a fee must be accounted for separately in the county general fund. Any interest earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.

2. The money in the account must be used only *in the office of the county clerk, including, without limitation, to ~~acquire~~* ;

~~(a) Acquire, improve, support or maintain~~ technology ~~for or to improve~~ technology used in the office of the county clerk, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training ;

~~(b) Train~~ employees in the operation of the technology ; and ~~contracting~~ for professional services relating to the technology. ~~or to acquire~~

~~(c) Acquire temporary or permanent staff or professional services to implement, support or maintain technology that enhances customer service, improves efficiency or promotes transparency in government.~~

Sec. 4. NRS 122.040 is hereby amended to read as follows:

122.040 1. ~~Except as otherwise provided in NRS 122.0615, before~~
Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➤ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➡ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. When the authorization of a district court is required because the marriage involves a minor, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

6. At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:

(a) As a middle name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the current middle name and the current last name of either applicant.

(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.

(b) As a last name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).

7. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

8. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 5. NRS 122.280 is hereby amended to read as follows:

122.280 In each county whose population is 100,000 or more, the county may provide a space ~~outside~~ **at** each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business which operates principally for the performance of weddings in the county or a church or religious organization incorporated, organized or established in this State may ~~place informational brochures for display~~ **display printed or digital information.**

Sec. 6. NRS 122.0615 is hereby repealed.

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

TEXT OF REPEALED SECTION

122.0615 Issuance of marriage license during certain office hours or during other hours by commercial wedding chapel if authorized; establishment of program to authorize certain commercial wedding chapels to issue marriage licenses; duties of such chapels; records of such chapels are public records; geographic limitation on use of marriage licenses issued by such chapels; penalty.

1. In each county whose population is 100,000 or more but less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. In each county whose population is less than 100,000, in which a commercial wedding chapel has been in business in the county for 5 years or more, the board of county commissioners may provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued is not open to the public.

3. Except as otherwise provided in subsection 4, a program established pursuant to subsection 1 or 2 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of \$50,000. The performance bond must be conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and compliance with the provisions of NRS 603A.010 to 603A.290, inclusive, that ensure the security of personal information submitted by applicants for a marriage license.

4. A commercial wedding chapel shall refer any application for a marriage license for a minor applicant who is 17 years of age to the county clerk for review and issuance of the marriage license pursuant to NRS 122.040.

5. The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.

6. A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected; and

(c) Remit all fees collected to the county clerk, in the manner required by the standard of practice adopted by the county clerk.

7. The records of a commercial wedding chapel that issues marriage licenses pursuant to this section which pertain to the issuance of a marriage license are public records and must be made available for public inspection at reasonable times. Such a commercial wedding chapel shall comply with the provisions of NRS 603A.010 to 603A.290, inclusive, in the same manner as all other data collectors to ensure the security of all personal information submitted by applicants for a marriage license.

8. The persons to whom a commercial wedding chapel issues a marriage license may not be joined in marriage in any county other than the county in which the marriage license is issued.

9. A commercial wedding chapel that violates any provision of this section is guilty of a misdemeanor.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time and ordered to third reading.

Assembly Bill No. 408.

Bill read second time.

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

Amendment No. 310.

**SUMMARY—~~[Revises provisions governing taxes on transient lodging.]~~
Directs the Legislative Commission to appoint a committee to conduct an interim study on the role of online travel companies in promoting tourism in this State. (BDR ~~[20-673]~~, S-673)**

AN ACT relating to taxation; ~~[revising provisions relating to the imposition of transient lodging taxes on the gross receipts of room remarketers from the reserving of, arranging for, conveying of or furnishing of the right to use or occupy transient lodging;]~~ **directing the Legislative Commission to appoint a committee to conduct an interim study concerning the role of online travel companies in promoting tourism in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law governs the imposition and collection of taxes on the gross receipts of a person engaged in the business of providing transient lodging from the rental of transient lodging in a county or incorporated city. (See, e.g., NRS 244.3351, 244.3352, 244.33561, 268.006) Existing law requires each board of county commissioners and the city council or other governing body of each incorporated city to define the term "transient lodging" for the purpose such taxes. (NRS 244.33565, 268.0195)]~~

This bill ~~requires the board of county commissioners of each county and the city council or other governing body of each incorporated city to adopt an ordinance to: (1) require a room remarketer who reserves, arranges for, conveys or furnishes the right to use or occupy transient lodging in a county or incorporated city in this State in exchange for an amount of consideration determined by the room remarketer, to impose, collect and remit transient lodging taxes on the gross receipts of the room remarketer from reserving, arranging for, conveying or furnishing the right to use or occupy transient lodging; (2) require the room remarketer to include in the gross receipts on which the tax is imposed the amounts received by the room remarketer for reserving, arranging for, conveying or furnishing the right to use or occupy transient lodging, including any service or other charge or amount required to be paid as a condition to the right to use or occupy the transient lodging; and (3) authorize the room remarketer to claim a refund or credit for any transient lodging taxes paid by the room remarketer to the provider of the transient lodging.~~ directs the Legislative Commission to appoint a committee to conduct an interim study concerning the role of online travel companies in promoting tourism in this State.

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

Section 1. ~~Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Each board of county commissioners shall adopt an ordinance that:~~

~~(a) Defines a room remarketer who reserves, arranges for, conveys or furnishes the right to use or occupy transient lodging in the county to another person for consideration in an amount determined by the room remarketer, to be a person providing transient lodging in the county for the purposes of imposing, collecting and remitting taxes on the gross receipts from the rental of transient lodging in the county. The provisions of this paragraph, or an ordinance adopted pursuant thereto, must not be interpreted or construed to create, expand or alter any other liability, duty, obligation or responsibility of the room remarketer for, or relating to, the transient lodging.~~

~~(b) Requires the gross receipts of a room remarketer from reserving, arranging for, conveying or furnishing the right to use or occupy transient lodging in the county to another person for consideration in an amount determined by the room remarketer, including any service or other charge or amount required to be paid as a condition to the right to use or occupy the transient lodging, to be gross receipts from the rental of transient lodging in the county for the purpose of imposing, collecting and remitting taxes on the gross receipts from the rental of transient lodging in the county.~~

~~(c) Authorizes a room remarketer to claim a refund or credit against the amount of the tax on the gross receipts from the rental of transient lodging which the room remarketer is required to collect and remit to the county for~~

~~reserving, arranging for, conveying or furnishing the right to use or occupy transient lodging in the county. The refund or credit must equal the amount of the tax on the gross receipts from the rental of transient lodging that the room remarketer paid to the provider of the transient lodging upon acquiring the ability or authority to reserve, arrange for, convey or furnish the right to use or occupy such transient lodging. The board of county commissioners may include in the ordinance adopted pursuant to this section a procedure for claiming the refund or credit required pursuant to this paragraph.~~

~~2. As used in this section:~~

~~(a) "Room remarketer" means a person who reserves, arranges for, conveys, or furnishes transient lodging in this State, whether directly or indirectly, to another person for consideration in an amount determined by the room remarketer, directly or indirectly, whether pursuant to a written or other agreement.~~

~~(b) "Transient lodging" has the meaning ascribed to it in the ordinance adopted pursuant to NRS 244.33565 by the board of county commissioners to define the term "transient lodging" for the purpose of all taxes imposed by the board on the rental of transient lodging.] (Deleted by amendment.)~~

Sec. 2. [Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Each city council or governing body of an incorporated city shall adopt an ordinance that:~~

~~(a) Defines a room remarketer who reserves, arranges for, conveys or furnishes the right to use or possess transient lodging in the incorporated city to another person for consideration in an amount determined by the room remarketer, to be a person providing transient lodging in the incorporated city for the purposes of imposing, collecting and remitting taxes on the gross receipts from the rental of transient lodging in the incorporated city. The provisions of this paragraph, or an ordinance adopted pursuant thereto, must not be interpreted or construed to create, expand or alter any other liability, duty, obligation or responsibility of the room remarketer for, or relating to, the transient lodging.~~

~~(b) Requires the gross receipts of a room remarketer from reserving, arranging for, conveying or furnishing the right to use or occupy transient lodging in the incorporated city to another person for consideration in an amount determined by the room remarketer, including any service or other charge or amount required to be paid as a condition to the right to use or occupy the transient lodging, to be gross receipts from the rental of transient lodging in the incorporated city for the purpose of imposing, collecting and remitting taxes on the gross receipts from the rental of transient lodging in the incorporated city.~~

~~(c) Authorizes a room remarketer to claim a refund or credit against the amount of the tax on the gross receipts from the rental of transient lodging which the room remarketer is required to collect and remit to the incorporated city for reserving, arranging for, conveying or furnishing the~~

~~right to use or occupy transient lodging in the incorporated city. The refund or credit must equal the amount of the tax on the gross receipts from the rental of transient lodging that the room remarketer paid to the provider of the transient lodging upon acquiring the ability or authority to reserve, arrange for, convey or furnish the right to use or occupy such transient lodging. The city council or governing body of the incorporated city may include in the ordinance adopted pursuant to this section a procedure for claiming the refund or credit required pursuant to this paragraph.~~

~~2. As used in this section:~~

~~(a) "Room remarketer" means a person who reserves, arranges for, conveys, or furnishes transient lodging in this State, whether directly or indirectly, to another person for consideration in an amount determined by the room remarketer, directly or indirectly, whether pursuant to a written or other agreement.~~

~~(b) "Transient lodging" has the meaning ascribed to it in the ordinance adopted pursuant to NRS 268.0195 by the city council or governing body of an incorporated city to define the term "transient lodging" for the purpose of all taxes imposed by the board on the rental of transient lodging.~~ (Deleted by amendment.)

Sec. 3. ~~[An ordinance adopted pursuant to section 1 or 2 of this act may not become effective before October 1, 2021.]~~ (Deleted by amendment.)

Sec. 4. ~~[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.]~~ (Deleted by amendment.)

Sec. 4.5. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the role of online travel companies in promoting tourism in this State.

2. The interim committee must be composed of six Legislators as follows:

- (a) Two members appointed by the Majority Leader of the Senate;
- (b) Two members appointed by the Speaker of the Assembly;
- (c) One member appointed by the Minority Leader of the Senate; and
- (d) One member appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. The interim committee shall study and examine:

- (a) Statewide tourism and the promotion of tourism in Nevada; and
- (b) The role of online travel companies in promoting tourism in this State.

5. The interim committee shall consult with and solicit input from persons, organizations and agencies with expertise in matters related to tourism in this State.

6. Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee.

7. The Legislative Commission shall submit a report of the results of the study and any recommended legislation to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 410.

Bill read second time.

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

Amendment No. 295.

AN ACT relating to public works; revising qualifications for entering into a contract with a public body as a construction manager at risk; requiring ~~to contract~~ **certain contracts** between a public body and a construction manager as agent to be awarded ~~through a~~ **on the basis of competence and qualifications and not on the basis of** competitive ~~bidding process;~~ **fees**; removing the prospective expiration of provisions relating to construction managers at risk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes qualifications that a construction manager at risk must satisfy to be eligible to enter into a contract with a public body. (NRS 338.1691) **Section 1** of this bill additionally requires that a construction manager at risk must not have entered into a contract with a public body to act as a construction manager as agent during the 5 years immediately preceding the date of the advertisement for proposals pursuant to which a contract is awarded in order to be eligible to enter into such a contract.

Existing law: (1) prohibits the State of Nevada or any of its political subdivisions from selecting a professional engineer, professional land surveyor or registered architect to perform certain services on a public work on the basis of competitive fees; and (2) instead requires that the selection of such persons be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of service to be performed. (NRS 625.530) Existing law authorizes a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work. **Existing law requires a construction manager as agent to: (1) be a licensed contractor; (2) hold a certificate of registration to practice architecture, interior design or residential design; or (3) be licensed as a professional engineer.**

Existing law provides that a contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding. (NRS 338.1718) **Section 2 of this bill ~~requires such a contract to be awarded through a~~ bases the selection of a construction manager as agent upon the same criteria as the selection of a professional engineer, professional land surveyor or registered architect on a public work. Specifically, section 2 requires the selection of a construction manager as agent to be made on the basis of the competence and qualifications of the construction manager as agent for the type of services to be performed and not on the basis of competitive ~~bidding process~~ fees. Section 2 exempts from this requirement contracts between a public body and a construction manager as agent to perform services for a public work for which the estimated cost is \$100,000 or less.**

Under existing law, public bodies are authorized to construct public works under certain circumstances through a method by which a construction manager at risk provides preconstruction services on the public work and, under certain circumstances, construction services on the public work with a guaranteed maximum price, a fixed price or a fixed price plus reimbursement for certain costs. (NRS 338.1685-338.16995) Existing law eliminates the authority for public bodies to enter into contracts with construction managers at risk effective June 30, 2021. (Chapter 487, Statutes of Nevada 2013, at page 2986, chapter 562, Statutes of Nevada 2017, at page 4035) **Sections 3-5** of this bill remove the prospective expiration of this authority, thereby making the authorization to enter into contracts with construction managers at risk permanent.

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

Section 1. NRS 338.1691 is hereby amended to read as follows:

338.1691 To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to NRS 338.1692;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

3. *Not have entered into a contract with a public body to act as a construction manager as agent during the 5 years immediately preceding the date of the advertisement for proposals pursuant to NRS 338.1692;*

4. Be licensed as a contractor pursuant to chapter 624 of NRS; and

~~{4}~~ 5. If the project is for the construction of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 2. NRS 338.1718 is hereby amended to read as follows:

338.1718 1. A construction manager as agent:

(a) Must:

- (1) Be a contractor licensed pursuant to chapter 624 of NRS;
- (2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or
- (3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not:

- (1) Take part in the design or construction of the public work; or
- (2) Act as an agent of the public body to select a subcontractor if the work to be performed by the subcontractor is part of a larger public work.

2. ~~[A]~~ Except as otherwise provided in subsection 3, the selection of a construction manager as agent to perform services pursuant to subsection 1 must be made on the basis of the competence and qualifications of the construction manager as agent for the type of services to be performed and not on the basis of competitive fees. If, after selection of the construction manager as agent, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public body may terminate negotiations and select another construction manager as agent. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a construction manager as agent pursuant to this subsection, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference when competing for public works. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. The provisions of subsection 2 do not apply to a contract between a public body and a construction manager as agent [is not required] to ~~must~~ be awarded by ~~through a competitive bidding process~~ perform services for a public work for which the estimated cost is \$100,000 or less.

Sec. 3. Section 15 of chapter 487, Statutes of Nevada 2013, as amended by chapter 562, Statutes of Nevada 2017, at page 4035, is hereby amended to read as follows:

Sec. 15. ~~[1]~~ This section and sections 1, 2, 3, 4, 5, 6, 7.5 to 13, inclusive, 14, 14.3 and 14.5 of this act become effective on July 1, 2013.

~~[2. —Section 1 of this act expires by limitation on June 30, 2021—~~

~~3. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of this act become effective on July 1, 2021.~~

Sec. 4. Section 9 of chapter 123, Statutes of Nevada 2015, as amended by chapter 562, Statutes of Nevada 2017, at page 4035, is hereby amended to read as follows:

Sec. 9. ~~1.1~~ This act becomes effective upon passage and approval.

~~12. Sections 6 and 7.5 of this act expire by limitation on June 30, 2021.~~

Sec. 5. Section 7 of chapter 562, Statutes of Nevada 2017, at page 4035, is hereby amended to read as follows:

Sec. 7. 1. This section and sections 5 and 6 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective on July 1, 2017.

~~13. Sections 1 to 3, inclusive, of this act expire by limitation on June 30, 2021.~~

Sec. 6. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of chapter 487, Statutes of Nevada 2013, at pages 2961, 2964, 2966, 2967, 2968, 2972, 2983, 2984 and 2986, respectively, are hereby repealed.

Sec. 7. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

Section 2.3 of chapter 487, Statutes of Nevada 2013:

Sec. 2.3. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. “Division” means the State Public Works Division of the Department of Administration.

9. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~12. [“Horizontal construction” means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~—13.]~~ “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~14.]~~ 13. “Offense” means failing to:

- (a) Pay the prevailing wage required pursuant to this chapter;
- (b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
- (c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
- (d) Comply with subsection 4 or 5 of NRS 338.070.

~~15.]~~ 14. “Prime contractor” means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and
- (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➤ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~16.]~~ 15. “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~17.]~~ 16. “Public work” means any project for the new construction, repair or reconstruction of:

- (a) A project financed in whole or in part from public money for:
 - (1) Public buildings;
 - (2) Jails and prisons;

- (3) Public roads;
- (4) Public highways;
- (5) Public streets and alleys;
- (6) Public utilities;
- (7) Publicly owned water mains and sewers;
- (8) Public parks and playgrounds;
- (9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~{18}~~ 17. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~{19}~~ 18. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↳ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~{20}~~ 19. “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

↳ for the provision of labor, materials, equipment or supplies for a construction project.

~~{21}~~ 20. “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~{22}~~ 21. “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~{23}~~ “Vertical construction” means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

~~—24—~~ 22. “Wages” means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~125-1~~ 23. “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Section 2.5 of chapter 487, Statutes of Nevada 2013:

Sec. 2.5. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, ~~subsection 3 of NRS 338.1693,~~ subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver’s license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver’s license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection

1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages only as provided in subsections 5 and 6.

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, liquidated damages as described in subsection 6 for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6

years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor or supplier and each contract between a subcontractor and a subcontractor or supplier must provide that:

(a) If a party to the contract causes a material breach of the contract between the contractor, applicant or design-build team and the public body as a result of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, the party is liable to the public body for liquidated damages in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that causes the material breach; and

(c) No other party to the contract is liable to the public body for liquidated damages.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

Section 3.5 of chapter 487, Statutes of Nevada 2013:

Sec. 3.5. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~11~~ 16 of NRS 338.010.

Section 4.5 of chapter 487, Statutes of Nevada 2013:

Sec. 4.5. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~1171~~ 16 of NRS 338.010.

Section 5.3 of chapter 487, Statutes of Nevada 2013:

Sec. 5.3. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive; *or*
- (c) ~~NRS 338.169 to 338.16995, inclusive, and section 1 of this act;~~

~~or~~

~~—(d) NRS 338.1711 to 338.173, inclusive.~~

2. Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

Section 5.5 of chapter 487, Statutes of Nevada 2013:

Sec. 5.5. NRS 338.1381 is hereby amended to read as follows:

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 ~~for 338.16991~~ or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the Division or the local government, the State Public Works Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days

after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

- (a) Administer oaths;
- (b) Take testimony;
- (c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;
- (d) Require the production of related books, papers and documents; and
- (e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

Section 5.7 of chapter 487, Statutes of Nevada 2013:

Sec. 5.7. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

- (a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public

body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; **or**

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435 . ~~}; or~~

~~—(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.}~~

Section 6.5 of chapter 487, Statutes of Nevada 2013:

Sec. 6.5. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

- (a) The bidder is not responsive or responsible;
- (b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or
- (c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

- (a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;
- (b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);
- (c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and
- (d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon

a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; **or**

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435 . ~~§ or~~

~~—(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.]~~

Section 13.5 of chapter 487, Statutes of Nevada 2013:

Sec. 13.5. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~338.16995,]~~ **338.168**, inclusive, a public body shall

contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.

Section 14.1 of chapter 487, Statutes of Nevada 2013:

Sec. 14.1. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) “Local government” means each city or county that meets the definition of “eligible unit of local government” as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~113~~ **12** of NRS 338.010, that does not meet the definition of “eligible entity” as set forth in 42 U.S.C. § 17151.

(b) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

↪ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) “Retrofit” means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Section 14.7 of chapter 487, Statutes of Nevada 2013:

Sec. 14.7. NRS 338.169, 338.1691, 338.1692, 338.1693, 338.16935, 338.1696, 338.1697, 338.1698, 338.16985, 338.16991 and 338.16995 are hereby repealed.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 379.

AN ACT relating to transportation; requiring the Department of Transportation to establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021-2022 interim; prescribing the membership and duties of the Advisory Working Group; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill requires the Department of Transportation to establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021-2022 interim. This bill also: (1) prescribes the membership and duties of the Advisory Working Group; ~~[(2) provides for the compensation of the legislative members of the Advisory Working Group and the travel expenses and per diem allowance for all members of the Advisory Working Group;]~~ and ~~[(3)]~~ **(2)** requires the Department of Transportation to submit a written report

describing the activities, findings, conclusions and recommendations of the Advisory Working Group for transmittal to the 82nd Session of the Legislature.

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

Section 1. 1. The Department of Transportation shall establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021-2022 interim. **The Advisory Working Group must consist of at least 20 but not more than 30 members. To the extent practicable, the members of the Advisory Working Group must be representative of the various geographic areas and ethnic groups of this State.** Except for the members who are

Legislators, the Department of Transportation shall appoint the members of the Advisory Working Group, which consists of:

- (a) Representatives of agencies from metropolitan planning organizations;
 - (b) Representatives of environmental agencies and organizations;
 - (c) Representatives of clean energy;
 - (d) Experts in taxation policy;
 - (e) Representatives of local, county, tribal, state and federal agencies with expertise in transportation and clean energy;
 - (f) The Chairs of the Senate and Assembly Standing Committees on Growth and Infrastructure during the 81st Legislative Session;
 - (g) Representatives of labor organizations;
 - (h) Representatives from local chambers of commerce;**
 - (i) Representatives from the Nevada Resort Association;**
 - (j) Three representatives appointed from a list of persons submitted to the Department of Transportation by organizations and other entities which represent or promote the interests of minority groups in this State;**
- and

~~1. (h)~~ **(k)** Other interested persons and entities.

2. The Advisory Working Group shall study during the 2021-2022 interim:

- (a) The needs of all users of different modes of transportation, including bicyclists, pedestrians, drivers of motor vehicles and public transit users;
- (b) Social and user transportation equity;
- (c) The reduction of greenhouse gas emissions;
- (d) The sustainability of the State Highway Fund including, without limitation, an analysis of the Natural Resources Defense Council funding model presented to the Legislative Committee on Energy on August 24, 2020, and Utah's Road Usage Charge Program; and
- (e) The role of land use and smart growth strategies in reducing transportation emissions and improving system efficiency and equity.

3. In addition to the duties set forth in subsection 2, the Advisory Working Group shall collect and monitor data related to and develop preliminary plans for sustainable transportation funding in this State.

4. The Advisory Working Group shall, at its first meeting, elect a Chair and Vice Chair from among its members.

5. A majority of the members of the Advisory Working Group constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Advisory Working Group.

6. The Department of Transportation shall provide the Advisory Working Group with such administrative support as is necessary to assist the Advisory Working Group in carrying out its duties pursuant to this section.

~~7. For each day or portion of a day during which a member of the Advisory Working Group who is a Legislator attends a meeting of the Advisory Working Group or is otherwise engaged in the business of the Advisory Working Group, the Legislator is entitled to receive the:~~

~~—(a) Salary provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;~~

~~—(b) Per diem allowance provided for state officers and employees generally; and~~

~~—(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~—* The compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.~~

~~8. The members of the Advisory Working Group who are not Legislators serve without salary but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~9.~~ A member of the Advisory Working Group who is an officer or employee of this State or a political subdivision thereof must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Advisory Working Group and perform any work necessary to carry out the duties of the Advisory Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of Advisory Working Group to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Advisory Working Group; or

(b) Take annual leave or compensatory time for the absence.

~~10.~~ **8.** The Department of Transportation shall, on or before December 31, 2022, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Working Group to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Legislature.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of appointing members to the Advisory Working Group created by section 1 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 306.

SUMMARY—Directs the Legislative Auditor to conduct ~~audits~~ **an audit** of the Nevada System of Higher Education. (BDR S-753)

AN ACT relating to higher education; requiring the Legislative Auditor to conduct ~~audits~~ **an audit** of the Nevada System of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Legislative Auditor to conduct ~~a performance and compliance audits~~ **an audit** during the 2021-2023 biennium of the Nevada System of Higher Education for the Fiscal Years ~~(2014-2015)~~ **2016-2017** to 2021-2022. This bill sets forth the requirements for the ~~audits~~ **audit**.

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

Section 1. 1. The Legislative Auditor shall conduct a performance audit ~~and compliance audit~~ during the 2021-2023 biennium of the Nevada System of Higher Education **, including, without limitation, any related foundations, institutions or agencies,** for the Fiscal Years ~~(2014-2015)~~ **2016-2017** to 2021-2022 and any additional fiscal years the Legislative Auditor deems necessary to audit. The audit must include, without limitation, an examination and analysis of:

(a) The ~~amount~~ **sources and uses** of money ~~for all budget accounts within~~ **privately donated to each school within the System and** the System, including, without limitation, ~~accounts that are funded in whole or in part by public money, accounts that are self-supported, reserve accounts and investment accounts;~~ **adherence to the terms and agreements of the donations;**

(b) ~~The use of money in the accounts audited pursuant to paragraph (a);~~ **Capital projects at the University of Nevada, Reno, and the University of Nevada, Las Vegas; and**

(c) ~~All controls over the collection, distribution and expenditure of all money within the System, disaggregated by public money and nonpublic~~

~~money.~~ **The reserve accounts and self-supporting budget accounts in the System.**

~~(d) The bonding capacity and bonded debt at all institutions within the System;~~

~~(e) The Nevada System Sponsored Programs and Established Program to Stimulate Competitive Research;~~

~~(f) The salaries and other compensation for all employees within the System; and~~

~~(g) The compliance of institutions within the System with federal, state and local laws, regulations, agreements and policies that are applicable to any relevant programs administered by an institution within the System.~~

2. ~~The Legislative Auditor shall audit all sources of funding for capital projects completed by an institution within the System during the Fiscal Years 1999-2000 to 2021-2022, inclusive.~~

~~3.~~ On or before February 4, 2023, the Legislative Auditor shall present a final written report of the ~~audits~~ **audit** performed pursuant to this section to the Audit Subcommittee of the Legislative Commission.

~~4.~~ **3.** The provisions of NRS 218G.010 to 218G.350, inclusive, apply to the ~~audits~~ **audit** performed pursuant to this section.

4. Every officer and employee of a school within the System or the System, including any related foundations, institutions or agencies, shall cooperate fully with and provide such information as is required by the Legislative Auditor to assist with the completion of the audit.

5. As used in this section, “System” means the Nevada System of Higher Education.

Sec. 2. 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. 3. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 204.

AN ACT relating to school buses; requiring written ~~recommendations~~ **notice** to correct defects or inspection issues to be submitted ~~with an inspection report~~ to the superintendent of schools of a school district; authorizing recommendations to correct defects or inspection issues to be submitted to the superintendent of schools of a school district or his or her

designee; ~~removing the criminal penalty for the superintendent if he or she fails to correct a defect or inspection issue within 10 days after receiving notice;~~ **requiring the Department of Public Safety to submit certain reports;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Public Safety conducts inspections of school buses semiannually to ensure that vehicles are mechanically safe and meet the minimum specifications established by the State Board of Education. (NRS 386.830) The Department of Public Safety must submit a recommendation to the superintendent of schools for the correction of any defects discovered during the inspection. (NRS 386.830) **Section 1** of this bill requires written ~~recommendations for the correction of inspection issues~~ **notice of defects or inspection issues** to be submitted ~~[with the inspection report]~~ to the superintendent of schools or his or her designee after an inspection issue or defect is found during an inspection. **Section 1** ~~removes the criminal penalty that may result if the superintendent fails to correct any defects or inspection issues found during an inspection within 10 days.~~ **requires the Department of Public Safety to reinspect vehicles that were found to have a defect or inspection issue. Section 1 also requires the Department of Public Safety to submit an annual report to the superintendent of schools of a school district that contains certain information.**

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

Section 1. NRS 386.830 is hereby amended to read as follows:

386.830 1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

2. Each school bus must be inspected ~~[semiannually]~~ **annually** by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall ~~[make]~~ **provide** written ~~recommendations to be submitted with an inspection report~~ **notice of defects or inspection issues** to the superintendent of schools of the school district wherein any such vehicle is operating ~~[, or his or her designee,]~~ **and to any person designated by the superintendent of schools of the school district to receive such a notice,** for the correction of any defects **or inspection issues** discovered thereby.

3. If the superintendent of schools fails or refuses to take appropriate action to have the defects **or inspection issues** corrected within ~~[10]~~ **20** **calendar** days after receiving **notice of them** ~~[the written recommendations and inspection report]~~ from the Department of Public Safety, the

superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

4. *The Department of Public Safety shall reinspect any vehicle which was found to have defects or inspection issues pursuant to subsection 2 and, if the Department of Public Safety finds the defect or inspection issue has been corrected, approve the vehicle for use.*

5. Except as otherwise provided in subsection ~~{5,}~~ 6, all vehicles used for transporting pupils must meet the specifications established by regulation of the State Board.

~~{5,}~~ 6. Except as otherwise provided in subsection ~~{6,}~~ 7, any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the State Board if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

~~{6,}~~ 7. Any new school bus which is purchased by a school district to transport pupils must meet the standards set forth in:

(a) Subsection 1 of NRS 386.835 if the school bus is purchased on or after January 1, 2016;

(b) Subsection 2 or 3 of NRS 386.835 if the school bus is purchased on or after July 1, 2016; and

(c) NRS 386.837 if the school bus is purchased on or after July 1, 2019.

~~{7,}~~ 8. *Each year, the Department of Public Safety shall submit a report to each superintendent of schools, which must include, without limitation, for the school district:*

(a) The number of vehicles inspected during the immediately preceding year;

(b) The number of defects or inspection issues found pursuant to subsection 2 during the immediately preceding year;

(c) Any actions required by the superintendent, including, without limitation, establishing a timeline to resolve any defects or inspection issues, to ensure the safety of vehicles used in the transportation of pupils; and

(d) Any other information the Department of Public Safety deems necessary to ensure the safety of vehicles used in the transportation of pupils.

9. Any person violating any of the requirements of this section is guilty of a misdemeanor.

10. *As used in this section, “defect” or “inspection issue” means a failure to meet the minimum specifications established by the State Board.*

Sec. 1.5. NRS 386.840 is hereby amended to read as follows:

386.840 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency, accident or motor vehicle crash, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection ~~5.1~~ 6 of NRS 386.830, each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 386.835 if the bus is purchased on or after January 1, 2016;

(2) Subsection 2 or 3 of NRS 386.835 if the bus is purchased on or after July 1, 2016; and

(3) NRS 386.837 if the bus is purchased on or after July 1, 2019.

4. The Department of Public Safety shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within ~~10~~ 20 calendar days after receiving notice of it from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 2. This act becomes effective on January 1, 2022.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 424.

AN ACT relating to education; establishing various provisions relating to the sponsorship and governance of charter schools; requiring the disclosure of certain information relating to the management of charter schools; setting forth certain requirements for charter schools that have received certain low ratings of performance on the statewide system of accountability for public schools; ~~prohibiting the approval of an application to form a charter school if the charter school is proposed to be managed by certain operators;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Public Charter School Authority is required to sponsor charter schools whose applications have been approved by the State Public Charter School Authority. The Department of Education is authorized to approve an application by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 388A.220) ~~Section 2 of this bill requires the Department to adopt regulations that prescribe a framework for determining the qualifications of an applicant to sponsor charter schools.~~ **Section 3** of this bill requires the ~~State Public Charter School Authority~~ **sponsor of a charter school** to ~~1. (1) establish standards for the governance of each charter schools; and (2) publish a list of training programs approved by the State Public Charter School Authority for governance of charter schools.~~ **school which it sponsors.** Under **section 3**, the ~~State Public Charter School Authority is authorized to~~ **sponsor of a charter school is required to** provide ~~a training program for~~ **to the governing body of each charter school it sponsors on the** governance of charter schools. **Section 3** also requires each member of the governing body of a charter school to complete training on the governance of charter schools at certain times. **Section 4** of this bill requires each member of the State Public Charter School Authority to complete training on the responsibilities of the member ~~the authorization of sponsors of charter schools~~ and the governance of charter schools.

Section 5 of this bill requires the governing body of a charter school to disclose certain information regarding a charter management organization ~~[or educational management organization for other person]~~ with which the charter school has entered into a contract to provide services to the charter school. **Section 6** of this bill requires the governing body of a charter school that receives services from an educational management organization to disclose certain information regarding the educational management organization **and certain contracts held by members of the governing body of the charter school** on the Internet website of the charter school and to the sponsor of the charter school. **Section 6 also authorizes the sponsor of a charter school to request certain information and conduct investigations.**

Existing law establishes a statewide system of accountability for public schools. (NRS 385A.600-385A.840) Under existing law, the governing body of a charter school is authorized to request a change in the sponsorship of the charter school. (NRS 388A.231) Existing law also authorizes the sponsor of a charter school to reconstitute the governing body of a charter school or terminate a charter contract in certain circumstances. (NRS 388A.330) ~~[Section 8 of this bill clarifies that the governing body of a charter school is authorized to request to be sponsored by the State Public Charter School Authority.]~~ **Section 7** of this bill requires the sponsor of a charter school that has received one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools in **each of** the last 3 consecutive years and has not requested a change in sponsorship to submit a report to the Legislative Committee on Education of information relating to actions the sponsor of the charter school has taken to reconstitute the governing body of the charter school or terminate the charter contract.

Existing law sets forth various requirements for a proposed sponsor of a charter school to review an application to form a charter school. (NRS 388A.249) **Existing law authorizes the governing body of a charter school to request to amend its charter contract. (NRS 388A.276)** **Section 9** of this bill requires the proposed sponsor to ~~[inform the Executive Director of the State Public Charter School Authority]~~ **consider the academic, financial and organizational performance of charter schools that currently hold a contract with** the proposed operators of a proposed charter school. ~~[If the Executive Director determines that the proposed operators of a proposed charter school are the same as or substantially similar to the operators of an existing charter school that has received one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools in the last 3 consecutive years, section 9 requires the proposed sponsor of the charter school to deny the application.]~~

~~Sections 10-12 of this bill make conforming changes relating to the requirement to deny an application to form a charter school if the charter school will be operated by certain operators.]~~ **Section 11.3 of this bill imposes similar requirements on the sponsor of a charter school that requests to amend its charter contract.**

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

Section 1. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

~~Sec. 2. The Department shall adopt regulations that prescribe a framework for determining whether an applicant to sponsor charter schools is qualified to sponsor charter schools and on the evaluation of applications to form charter schools. The Department shall evaluate an application to sponsor charter schools submitted to the Department pursuant to NRS 388A.220 based on the framework adopted pursuant to this section.~~
(Deleted by amendment.)

~~Sec. 3. 1. The State Public Charter School Authority sponsor of a charter school shall~~

~~(a) Establish standards for the governance of each charter schools; and~~

~~(b) Publish a list of training programs on the governance of charter schools approved by the State Public Charter School Authority on the Internet website maintained by the State Public Charter School Authority, school which it sponsors.~~

~~2. The State Public Charter School Authority may sponsor of a charter school shall provide training on the governance of charter schools to the governing body of each charter school which it sponsors.~~

~~3. Each member of the governing body of a charter school must complete the training program approved pursuant to subsection 1 or provided pursuant to subsection 2 on the governance of a charter school:~~

~~(a) Before the opening of the charter school; and~~

~~(b) Every 3 years thereafter; and~~

~~(c) Each year in which the governing body is composed of two or more new members.~~

~~Sec. 4. Each member of the State Public Charter School Authority must complete training:~~

~~1. At the time the member is appointed to the State Public Charter School Authority, on the responsibilities of the member and any framework used by the State Public Charter School Authority in performing its duties; including, without limitation, the framework adopted pursuant to section 2 of this act; and~~

~~2. Each year, on the evaluation of applications to form charter schools and the governance of charter schools.~~

~~Sec. 5. Each year, each governing body of a charter school shall post on its Internet website a disclosure of:~~

~~1. Any conflicts of interest concerning a member of the governing body or sponsor of the charter school and a charter management organization, educational management organization or other person with which the~~

~~governing body of the charter school has entered into a contract to provide any services at the charter school in the immediately preceding year; and~~

~~2. Whether~~ the definition of a charter management organization and an educational management organization and whether the charter school is operated by a charter management organization or receives services from an educational management organization and, if so, the name of the charter management organization or educational management organization.

Sec. 6. 1. The governing body of a charter school that receives services from an educational management organization shall:

(a) Post to the Internet website of the charter school:

(1) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110; ~~and~~

(2) Information on the contract with the charter management organization or the educational management organization, including, without limitation:

(I) The amount of money received by the educational management organization from public and private sources to carry out the terms of the contract;

(II) The expenditures of the educational management organization relating to carrying out the contract, including, without limitation, the payment of salaries, benefits and bonuses; and

(III) An identification of each contract, transaction and agreement entered into by the educational management organization relating to carrying out the contract with the charter school, including, without limitation, contracts, transactions and agreements with parent organizations, subsidiaries and partnerships of the educational management organization; and

(3) To the extent practicable, information on any contract between a member of the governing body of the charter school or any member of the family of the member of the governing body and another charter school, sponsor of a charter school, charter management organization or educational management organization.

(b) Submit information on the contract with the educational management organization and a letter describing whether the governing body of the charter school is satisfied with the contractual relationship with the educational management organization to the sponsor of the charter school.

2. The sponsor of a charter school may, after reviewing the information provided pursuant to paragraph (b) of subsection 1, request additional information, conduct an investigation or otherwise take action relating to the information received by the sponsor of the charter school.

3. On or before December 15 of each odd-numbered year, the sponsor of a charter school that receives information on a contract between the governing body of a charter school and an educational management

organization pursuant to subsection 1 shall submit a report of such information to the Legislative Committee on Education.

Sec. 7. On or before December 15 of each odd-numbered year, the sponsor of a charter school must submit a report describing any actions the sponsor of the charter school has taken pursuant to NRS 388A.330 to the Legislative Committee on Education if:

1. The charter school has received, within each of the immediately preceding 3 ~~for more~~ consecutive school years, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

2. The governing body of the charter school does not plan to close the charter school pursuant to NRS 388A.306 or change the sponsorship of the charter school ~~to the sponsorship of the State Public Charter School Authority~~ pursuant to NRS 388A.231.

Sec. 8. ~~NRS 388A.231 is hereby amended to read as follows:~~
~~388A.231 The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 388A.220 [] , including, without limitation, the State Public Charter School Authority. The State Board shall adopt:~~

~~1. A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and~~

~~2. Objective criteria for the conditions under which such a request may be granted.] (Deleted by amendment.)~~

Sec. 9. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application; ~~and~~

(f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223 ~~††~~ ; and

(g) ~~Notify the Executive Director~~ **Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.**

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor;

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.

5. ~~If, after receiving notice of the proposed operators of a proposed charter school pursuant to paragraph (g) of subsection 2, the Executive Director determines that the proposed operators of a proposed charter school are the same or substantially similar to the operators of an existing charter school that has received, within the immediately preceding 3 or more consecutive school years, one of the two lowest ratings of performance~~

~~pursuant to the statewide system of accountability for public schools, the proposed sponsor shall deny the application.~~

~~6.1~~ On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 10. ~~NRS 388A.252 is hereby amended to read as follows:~~

~~388A.252 1. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.~~

~~2. The board of trustees, the college or the university, as applicable, may approve an application if the requirements of [subsection] subsections 3 and 5 of NRS 388A.249 are satisfied.~~

~~3. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.~~

~~4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.~~ **(Deleted by amendment.)**

Sec. 11. ~~NRS 388A.255 is hereby amended to read as follows:~~

~~388A.255 1. If the State Public Charter School Authority receives an application pursuant to subsection 1 of NRS 388A.249 or subsection 4 of NRS 388A.252, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if the requirements of [subsection] **subsections 3 and 5** of NRS 388A.249 are satisfied. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.~~

~~2. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the requirements of [subsection] **subsections 3 and 5** of NRS 388A.249 have not been satisfied. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.~~

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

Sec. 11.3. NRS 388A.276 is hereby amended to read as follows:

388A.276 The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. **The sponsor of the charter school shall consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the current or proposed operators, including, without limitation, a charter management organization or educational management organization, of the charter school.** If the proposed amendment complies with the provisions of this chapter and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

Sec. 11.7. NRS 388A.320 is hereby amended to read as follows:

388A.320 1. Unless a waiver is granted pursuant to subsection 2 of NRS 388A.243, the governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 2 of NRS 388A.243, not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material is provided to the person by the sponsor or an application to form a charter school or amend a charter contract provides that the member would receive such training or read and understand such material.

(c) Complies with the requirements of NRS 388A.323.

4. *A person who wishes to serve on the governing body shall disclose to the sponsor of the charter school any conflicts of interest concerning the person or any family member of the person and a charter management organization, educational management organization or other person with which the governing body of the charter school has entered into a contract*

to provide any services at the charter school in the immediately preceding year.

5. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~{5.}~~ 6. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

~~{6.}~~ 7. As used in subsection 1, “teacher” means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

↪ The term does not include a person who is employed as a substitute teacher.

Sec. 12. ~~NRS 388A.725 is hereby amended to read as follows:~~

~~388A.725 1. A charter school that is sponsored by the State Public Charter School Authority, or a committee to form a charter school or charter management organization that has submitted an application to be sponsored by the State Public Charter School Authority, may apply to the State Public Charter School Authority for authorization to operate as a charter school for distance education. The charter school, committee to form a charter school or charter management organization shall include in its application to the State Public Charter School Authority a description of:~~

~~—(a) The support available to each pupil, in his or her home or community, including, without limitation, the availability and frequency of interactions between the pupil and teachers;~~

~~—(b) The methods the charter school for distance education will use to administer any test, exam or assessment required by state or federal law;~~

~~—(c) The methods the charter school for distance education will use to assess the academic success of pupils; and~~

~~—(d) The criteria pupils must meet to be eligible for enrollment at the charter school for distance education and the process for accepting pupils.~~

~~2. The State Public Charter School Authority may authorize:~~

~~—(a) A charter school to operate as a charter school for distance education if the charter school satisfies the requirements of subsection 1.~~

~~—(b) A committee to form a charter school or a charter management organization to form or operate, as applicable, a charter school for distance education if the committee to form a charter school or charter management~~

organization satisfies the requirements of [subsection] ~~subsections 1, [and of subsection] 3 and 5~~ of NRS 388A.249.

~~3. The State Public Charter School Authority shall adopt a standard charter contract that meets the requirements for charter contracts pursuant to NRS 388A.270 to be used for each charter school for distance education.~~

~~4. In addition to any other provisions required by law, a charter contract to operate a charter school for distance education entered into on or after July 31, 2019, must include a description of:~~

~~(a) The support available to each pupil, in his or her home or community, including, without limitation, the availability and frequency of interactions between the pupil and teachers;~~

~~(b) The methods the charter school for distance education will use to administer any test, exam or assessment required by state or federal law;~~

~~(c) The methods the charter school for distance education will use to assess the academic success of pupils; and~~

~~(d) The criteria pupils must meet to be eligible for enrollment at the charter school for distance education and the process for accepting pupils.] (Deleted by amendment.)~~

Sec. 13. 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. 14. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 205.

AN ACT relating to education; revising provisions relating to educational management organizations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines an educational management organization as a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools. (NRS 388A.030) This bill revises the definition ~~for educational management organization by renaming educational management organizations as "educational service providers."~~ to mean a for-profit entity that contracts with and is

accountable to the governing body of a charter school to provide centralized support or operations, including, without limitation, educational, administrative, management, compliance or instructional services or staff, to the charter school.

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

Section 1. NRS 388A.030 is hereby amended to read as follows:

388A.030 “Educational management organization” ~~“service provider”~~
means a for-profit ~~corporation, business, organization or other~~ entity that contracts with and is accountable to the governing body of a ~~provides services relating to the operation and management of~~ charter ~~schools.~~ school to provide centralized support or operations, including, without limitation, educational, administrative, management, compliance or instructional services or staff, to the charter school.

Sec. 2. ~~NRS 388A.153 is hereby amended to read as follows:~~

~~388A.153 1. The State Public Charter School Authority consists of nine members. The membership of the State Public Charter School Authority consists of:~~

- ~~(a) Two members appointed by the Governor in accordance with subsection 2;~~
- ~~(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;~~
- ~~(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2;~~
- ~~(d) Two members appointed by the State Board of Education; and~~
- ~~(e) One member appointed by the Charter School Association of Nevada or its successor organization;~~

~~2. The Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the State Board of Education shall ensure that the membership of the State Public Charter School Authority:~~

- ~~(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;~~
- ~~(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;~~
- ~~(c) Includes persons with specific knowledge of:~~
 - ~~(1) Issues relating to elementary and secondary education;~~
 - ~~(2) School finance or accounting, or both;~~
 - ~~(3) Management practices;~~
 - ~~(4) Assessments required in elementary and secondary education;~~
 - ~~(5) Educational technology; and~~
 - ~~(6) The laws and regulations applicable to charter schools;~~
- ~~(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and~~

~~—(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.~~

~~—3. Each member of the State Public Charter School Authority must be a resident of this State.~~

~~—4. Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational [management organization] *service provider* or charter management organization.~~

~~—5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority, the charter school or charter management organization which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.~~

~~—6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.~~

~~—7. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~—8. Each member of the State Public Charter School Authority is entitled to receive:~~

~~—(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than \$80, as fixed by the State Public Charter School Authority; and~~

~~—(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally. (Deleted by amendment.)~~

Sec. 3. ~~[NRS 388A.165 is hereby amended to read as follows:~~

~~388A.165 1. The State Public Charter School Authority may enter into a contract with any qualified person to:~~

~~(a) Foster the development of high quality charter management organizations, educational [management organizations] *service providers* and other persons to operate charter schools in this State;~~

~~(b) Solicit applications to form charter schools from high quality applicants;~~

~~(c) Provide training concerning the governance and management of charter schools to governing bodies of charter schools and applicants to form charter schools; or~~

~~(d) Provide professional development and support services to the administration and other employees of charter schools.~~

~~2. The State Public Charter School Authority may provide compensation pursuant to a contract entered into pursuant to subsection 1 using any money raised by the State Public Charter School Authority from private donors for that purpose or any money received from fees paid to the State Public Charter School Authority.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 388A.199 is hereby amended to read as follows:~~

~~388A.199 1. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of this chapter. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of charter contracts, in accordance with the provisions of this chapter.~~

~~2. The staff must include:~~

~~(a) Attorneys with experience with laws concerning education, special education and nonprofit organizations;~~

~~(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;~~

~~(c) Persons with experience conducting assessments and evaluations for a school district;~~

~~(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational [management organization] *service provider* or other operator of charter schools;~~

~~(e) Policy analysts with significant experience in the areas of charter schools and education policy; and~~

~~(f) Any other persons that the State Public Charter School Authority determines are necessary.~~

~~3. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the~~

~~strategic plan for recruiting operators of charter schools prepared pursuant to NRS 388A.223 and the needs of the charter schools sponsored by the State Public Charter School Authority.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 388A.223 is hereby amended to read as follows:~~

~~388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:~~

~~(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;~~

~~(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;~~

~~(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;~~

~~(d) Negotiating, developing and executing charter contracts pursuant to NRS 388A.270;~~

~~(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;~~

~~(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the charter contract should be terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;~~

~~(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330;~~

~~(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330; and~~

~~(i) Conducting site evaluations of each campus of a charter school at sponsors during the first, third and fifth years after entering into or renewing a charter contract. Such evaluations must include, without limitation, evaluating pupil achievement and school performance at each campus of the charter school and identifying any deficiencies relating to pupil achievement and school performance. The sponsor shall develop a plan with the charter school to correct any such deficiencies. A sponsor may conduct a brief evaluation of a charter school in the third year if the charter school receives, in the immediately preceding year, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools.~~

~~2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:~~

~~— (a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;~~

~~— (b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:~~

~~— (1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational [management organization] **service provider** to operate the charter school; committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and~~

~~— (2) A description of the manner in which the sponsor will evaluate the previous performance of an educational [management organization] **service provider** or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;~~

~~— (c) The procedure and criteria for evaluating applications for renewal of charter contracts pursuant to NRS 388A.285;~~

~~— (d) The procedure for amending a charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;~~

~~— (e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational [management organizations] **service providers** or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;~~

~~— (f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:~~

~~— (1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and~~

~~— (2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and~~

~~— (g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.~~

~~— 3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.~~

~~— 4. The provisions of this section do not establish a private right of action against the sponsor of a charter school. (Deleted by amendment.)~~

Sec. 6. ~~NRS 388A.246 is hereby amended to read as follows:~~

~~388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:~~

~~1. A summary of the plan for the proposed charter school.~~
~~2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:~~

~~(a) Improving the academic achievement of pupils;~~
~~(b) Encouraging the use of effective and innovative methods of teaching;~~
~~(c) Providing an accurate measurement of the educational achievement of pupils;~~
~~(d) Establishing accountability and transparency of public schools;~~
~~(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or~~
~~(f) Creating new professional opportunities for teachers.~~

~~3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.~~

~~4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.~~

~~5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.~~

~~6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.~~

~~7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at risk pupils served by the charter school.~~

~~8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.~~

~~9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.~~

~~10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English learners, pupils who are academically behind their peers and gifted pupils.~~

~~11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.~~

~~12. Any uniform or dress code policy that the charter school plans to use.~~

~~13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.~~

~~14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.~~

~~15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.~~

~~16. The names of any external organizations that will play a role in operating the charter school and the role each such organization will play.~~

~~17. The manner in which the governing body of the charter school will be chosen.~~

~~18. A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.~~

~~19. Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.~~

~~20. Proposed bylaws for the governing body, a description of the manner in which the charter school will be governed, including, without limitation,~~

~~any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.~~

~~— 21. Explanations of any partnerships or contracts central to the operations or mission of the charter school.~~

~~— 22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.~~

~~— 23. The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.680 and 391.725. If the procedure is different from the procedure prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.~~

~~— 24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.~~

~~— 25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.~~

~~— 26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.~~

~~— 27. A description of the financial plan and policies to be used by the charter school.~~

~~— 28. A description of the insurance coverage the charter school will obtain.~~

~~— 29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.~~

~~— 30. Evidence of any money pledged or contributed to the budget of the charter school.~~

~~31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.~~

~~32. If the charter school operates a vocational school, a description of the career and technical education program that will be used by the charter school.~~

~~33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:~~

~~(a) Monitor and verify the participation in and completion of courses by pupils;~~

~~(b) Require pupils to participate in assessments and submit course work;~~

~~(c) Conduct parent teacher conferences; and~~

~~(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.~~

~~34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:~~

~~(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;~~

~~(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;~~

~~(c) The scope of the services and resources that will be provided by the college or university;~~

~~(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;~~

~~(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and~~

~~(f) Any employees of the college or university who will serve on the governing body of the charter school.~~

~~35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.~~

~~36. If the applicant proposes to contract with an educational [management organization] **service provider** or any other person to provide educational or management services:~~

~~(a) Evidence of the performance of the educational [management organization] **service provider** or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;~~

~~— (b) A term sheet that sets forth:~~

~~— (1) The proposed duration of the proposed contract between the governing body of the charter school and the educational [management organization] *service provider*;~~

~~— (2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational [management organization] *service provider* or other person;~~

~~— (3) All fees that will be paid to the educational [management organization] *service provider* or other person;~~

~~— (4) The manner in which the governing body of the charter school will oversee the services provided by the educational [management organization] *service provider* or other person and enforce the terms of the contract;~~

~~— (5) A disclosure of the investments made by the educational [management organization] *service provider* or other person in the proposed charter school; and~~

~~— (6) The conditions for renewal and termination of the contract; and~~

~~— (c) A disclosure of any conflicts of interest concerning the applicant and the educational [management organization] *service provider* or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.~~

~~— 37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 388A.393 is hereby amended to read as follows:~~

~~— 388A.393 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational [management organization] *service provider* must not:~~

~~— (a) Give to the contractor or educational [management organization] *service provider* direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;~~

~~— (b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational [management organization] *service provider* which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Education Fund;~~

~~— (c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational [management organization] *service provider*;~~

~~— (d) Require the charter school or proposed charter school to pay the contractor or educational [management organization] *service provider* before~~

~~the payment of other obligations of the charter school or proposed charter school during a period of financial distress;~~

~~— (e) Allow a contractor or educational [management organization] **service provider** to cause a delay in the repayment of a loan or other money advanced by the contractor or educational [management organization] **service provider** to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;~~

~~— (f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational [management organization] **service provider**;~~

~~— (g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational [management organization] **service provider** if the contractor or educational [management organization] **service provider** will provide financial management to the charter school or proposed charter school;~~

~~— (h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational [management organization] **service provider**;~~

~~— (i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational [management organization] **service provider**;~~

~~— (j) Authorize the payment of fees to the contractor or educational [management organization] **service provider** which are not attributable to the actual services provided by the contractor or educational [management organization] **service provider**;~~

~~— (k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational [management organization] **service provider**;~~

~~— (l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational [management organization] **service provider**. A contract or a proposed contract may provide to the contractor or educational [management organization] **service provider** incentive fees that are based on the academic improvement of pupils enrolled in the charter school;~~

~~— (m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted or a charter contract is terminated pursuant to NRS 388A.300 or 388A.330, as applicable;~~

~~— (n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. § 501(c)(3);~~

~~—(e) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;~~

~~—(p) Provide that the contractor or educational [management organization] **service provider** is not liable for failing to comply with the requirements of the contract; or~~

~~—(q) Provide for the enforcement of terms of the contract that conflict with an applicable charter contract or federal or state law.~~

~~—2. As used in this section, “contractor” or “educational [management organization]” **service provider** means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 388A.3975 is hereby amended to read as follows:~~

~~—388A.3975—The governing body of a charter school shall develop a policy for accepting, investigating and responding to complaints and submit the policy to the State Public Charter School Authority for review and approval. Such a policy may allow for a complaint to be delegated to the staff of the charter school or an educational [management organization] **service provider** if the policy allows a complaining party who does not believe the staff of the charter school or educational [management organization] **service provider** has adequately addressed a complaint to submit the complaint to the governing body of the charter school for its investigation and response.] (Deleted by amendment.)~~

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 330.

AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; requiring courts to conduct a pretrial release hearing to determine the custody status of an arrested person; requiring a pretrial release hearing to be held within ~~to~~ ~~reasonable amount of time~~ **24 hours** after a person has been taken into custody; removing mandatory amounts of bail for certain offenses; requiring certain pretrial custody determinations to be made in a specific order of priority; requiring courts to consider certain information in making pretrial custody determinations; affording persons certain rights concerning pretrial

release hearings; making various changes relating to the standard used by courts in making pretrial release determinations; establishing provisions relating to circumstances under which prosecuting attorneys make certain requests relating to pretrial release determinations; requiring courts to make specific findings **of fact** concerning ~~the denial of bail or~~ the imposition of bail or conditions of release ~~is creating a mechanism to bring a person back to court if such a person cannot afford the imposed amount of bail or costs associated with conditions of release;~~ under certain circumstances; revising provisions relating to persons who fail to comply with a condition of release; revising provisions relating to the disposition of money deposited as bail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution prohibits the imposition of excessive bail and requires all persons arrested for offenses other than murder of the first degree to be admitted to bail. (Nev. Const. Art. 1, §§ 6, 7)

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail was necessary to protect the safety of the community and to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) **Section 8** of this bill removes the provision of law that was found unconstitutional and **section 9** of this bill makes a conforming change.

Existing law sets forth separate procedures for releasing persons with bail and releasing persons without bail. (NRS 178.484, 178.4851) **Section 8** consolidates the existing procedures for releasing persons with bail and releasing persons without bail into a standard procedure for courts to follow in making pretrial custody determinations. **Section 8** also requires courts to hold a pretrial release hearing , in open court or telephonically, to determine the custody status of a person within ~~[a reasonable amount of time]~~ 24 hours after the person has been taken into custody. Finally, **section 8** prohibits the use of standardized bail schedules. **Sections 1, 2 and 10** ~~[+12]~~ , 11 and 12 of this bill make conforming changes.

Existing law authorizes certain governmental entities, other than a court, to admit a person to bail if the person has been arrested for a felony while released on parole or probation, after being released on a suspended sentence or while serving a term of residential confinement. (NRS 178.484) **Section 7** of this bill removes the authority for such entities to make admissions to bail and instead requires courts to determine the custody status of such persons at a pretrial release hearing pursuant to **section 8**.

Existing law mandates the imposition of specific amounts of bail for persons arrested for offenses involving domestic violence and violations of certain orders for protection. (NRS 178.484) **Section 7** removes the mandatory amounts of bail and instead requires courts to determine the custody status of persons arrested for such offenses at a pretrial release hearing pursuant to **section 8**.

Existing law authorizes a court to admit a person arrested for murder of the first degree to bail unless proof is evident and the presumption is great. (NRS 178.484) Section 8 establishes a uniform standard for pretrial release determinations, regardless of the underlying offense. Specifically, section 8 provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is necessary to protect the community and to ensure the appearance of the person in court.

Existing law sets forth certain factors that courts are required to consider when determining whether to release persons without bail. (NRS 178.4853) Existing law also sets forth certain factors that courts are required to consider when determining the amount of bail. (NRS 178.498) In addition to the existing factors, **section 8** requires courts to consider the federal poverty guidelines and any financial ~~[affidavit]~~ **document** of a person when making a pretrial custody determination.

Section 8 requires a pretrial custody determination to be made in the following order of priority: (1) release without **monetary** bail with no additional conditions of release except the promise of good behavior and the promise to appear in court; (2) release without **monetary** bail with conditions of release; and (3) release with **monetary** bail.

Section 8 affords a person certain rights concerning his or her pretrial release hearing, including, the right to counsel, the right to review certain documents in the custody of the prosecuting attorney or the court, the right to present evidence and the right to cross-examine witnesses.

Additionally, section 8 provides that if a prosecuting attorney requests the imposition of bail or a condition of release, or both, on a person at the pretrial release hearing, the prosecuting attorney must prove by clear and convincing evidence that the imposition is necessary to protect the safety of the community and to ensure the appearance of the person in court.

~~Section 8 also requires the court to make certain findings related to the [denial of bail or the] imposition of bail or a condition of release, as applicable. [Section 5 of this bill requires a person to be brought back to court within 24 hours after the imposition of bail or a condition of release, or both, if the person remains in jail because of his or her inability to pay the imposed amount of bail or costs associated with a condition of release. Section 5 requires the court to review the original imposition and authorizes the court to modify the imposition, if necessary.]~~

Existing law authorizes a court to deem a person in contempt or increase the amount of monetary bail if the person fails to comply with a condition of release. (NRS 178.484) Section 8 authorizes a court to deem

the person in contempt or impose additional conditions of release if the person fails to comply with a condition of release.

Existing law requires money deposited as bail to be applied towards the payment of fines and costs assessed against the defendant. (NRS 178.528) Section 11.5 of this bill prohibits money deposited as bail from being applied to such fines or costs if the bail was posted by a pretrial release organization.

Existing law prohibits a court from admitting a person to bail in an amount less than the amount of certain fines if the person is arrested for a violation of certain laws relating to vehicles. (NRS 484D.680, 706.756) **Sections 13 and 14** of this bill remove the provisions tying the amount of bail to the amount of the fines, meaning that a court is required to determine the amount of bail, if applicable, at a pretrial release hearing pursuant to **section 8**.

Section 4 of this bill expresses the intent of the Legislature to discourage courts from imposing bail or a condition of release, or both, on a person in a manner that would cause the person to remain detained because of his or her inability to pay the amount of bail or costs associated with the condition of release.

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

Section 1. NRS 171.178 is hereby amended to read as follows:

171.178 1. Except as otherwise provided in ~~subsections~~ **subsection 5**, ~~and 6,~~ a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer. Except as otherwise provided in ~~subsections~~ **subsection 5** ~~and 6~~ and NRS 171.1772, the peace officer shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

3. If an arrested person is not brought before a magistrate within 72 hours after arrest, excluding nonjudicial days, the magistrate:

(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and

(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.

4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed forthwith.

5. ~~Except as otherwise provided in NRS 178.484 and 178.487, where the defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be so admitted with the least possible delay,~~

~~and required to appear before a magistrate at the earliest convenient time thereafter.~~

~~—6—~~ A peace officer may immediately release from custody without any further proceedings any person the peace officer arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the release. A person so released shall be deemed not to have been arrested but only detained.

Sec. 2. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS ~~178.484 or~~ 178.4851 if:

(a) The warrant arises out of a public offense which constitutes a misdemeanor; and

(b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.

2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS 178.502 or 178.4851, together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.

3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

Sec. 3. ~~Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.~~ **(Deleted by amendment.)**

Sec. 4. Chapter 178 of NRS is hereby amendment by adding thereto a new section to read as follows:

The Legislature hereby finds and declares that:

1. Bail must only be imposed on persons in a manner that is consistent with the United States Constitution and to the extent permitted by the Nevada Constitution.

2. *A central tenet in our criminal justice system is that persons are innocent until proven guilty and, therefore, the detention of persons who have not been convicted is generally disfavored.*

3. *If the imposition of bail or a condition of release, or both, on a person is necessary, courts are encouraged to make the imposition in a manner that ensures that the person will not remain detained because of his or her inability to pay the amount of bail or any costs associated with the condition of release.*

Sec. 5. ~~If a court imposes bail or a condition of release, or both, on a person pursuant to NRS 178.4851 and the person remains in jail because of his or her inability to pay the amount of bail or any costs associated with the condition, or both, the person shall be brought before a court within 24 hours after the imposition and the court shall review and may modify the original imposition in the manner prescribed in NRS 178.4851.~~ (Deleted by amendment.)

Sec. 6. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, ~~and sections~~ section 4 and 5 of this act unless the context otherwise requires, “electronic transmission,” “electronically transmit” or “electronically transmitted” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and
2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 7. NRS 178.484 is hereby amended to read as follows:

178.484 1. ~~Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

- ~~(a) A court issues an order directing that the person be admitted to bail;~~
- ~~(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~
- ~~(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

- ~~(a) A court issues an order directing that the person be admitted to bail; or~~
- ~~(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or~~

magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

~~5.~~ A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be ~~admitted to bail or released on the person's own recognizance~~ **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

~~6.~~ 2. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be ~~admitted to bail or released on the person's own recognizance~~ **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** sooner than 12 hours after arrest.

~~7.~~ 3. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be ~~admitted to bail~~ **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** sooner than 12 hours after arrest. ~~If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~—(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~—(b) Five thousand dollars, if the person has:~~

~~——(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~——(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~—(c) Fifteen thousand dollars, if the person has:~~

~~——(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which~~

~~the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~— 8.†~~ 4. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be ~~admitted to bail~~ **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

~~†9. — If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~— (a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or~~

harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

~~— (b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~— (c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

➔ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

~~— 10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~— 11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area; or~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~➔ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~—12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~—13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~—14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~—(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~➔ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~—15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~—16.} 5. For the purposes of [subsections 8 and 9,] **subsection 4**, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~{17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.}~~

Sec. 8. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. ~~Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.~~ Unless a person is released pursuant to subsection 9, and except as otherwise provided in NRS 178.484, a court shall, within ~~a reasonable amount of time~~ 24 hours after a person has been taken into custody, hold a pretrial release hearing, in open court or telephonically, to determine the custody status of the person.

2. ~~In releasing a person without bail, the court may impose such conditions.~~ Before the pretrial release hearing:

(a) ~~The person shall~~ must be appointed an attorney, free of charge, to represent the person at the pretrial release hearing; and

(b) ~~The person and his or her attorney shall~~ must be granted access to all arrest, charging and other relevant documents that are accessible to the prosecuting attorney and the court.

3. ~~At the pretrial release hearing, the:~~

(a) ~~The person has the right to:~~

~~(a)~~ (1) Present evidence; and

~~(b)~~ (2) Cross-examine witnesses who testify for the State; and

(b) If a prosecuting attorney requests that the court impose bail or a condition of release, or both, on a person, the prosecuting attorney must prove by clear and convincing evidence that the request is the least restrictive means necessary to protect the safety of the community and ensure that the person will appear at all times and places ordered by the court.

4. If a person has been arrested for an offense other than murder of the first degree, the court shall consider the release of the person in the following order of priority:

(a) Release without monetary bail, with no additional conditions of release other than the promise of good behavior and the promise to appear in court, as required.

(b) Release without monetary bail with additional conditions of release.

(c) Release with monetary bail.

5. ~~Except as otherwise provided in subsection 6, the~~ A court shall only impose bail or a condition of release, or both, on a person as it deems necessary to protect the ~~health,~~ safety ~~and welfare~~ of the community and to ensure that the person will appear at all times and places ordered by the court, having regard to:

(a) The factors set forth in NRS 178.4853 and 178.498, as applicable;

(b) The federal poverty guidelines published by the United States Department of Health and Human Services; and

(c) Any ~~affidavit~~ document submitted by the person attesting to his or her financial circumstances.

~~6. If a person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~7. A court may, after conducting an individualized hearing, impose any reasonable condition of release, pursuant to subsection 5, including, without limitation, any condition set forth in subsection 11 of NRS 178.484.~~

~~3. :~~

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area;

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own safety or the safety of another person; or

(e) If the person was arrested for an offense punishable as a felony, requiring the person to surrender to the court any passport he or she possesses.

~~8. Upon determining that the imposition of~~

~~7. If a court imposes bail or any condition of release, or both, necessary pursuant to subsection 5, other than release on recognizance with no other conditions of release, the court shall make findings concerning the following:~~

~~(a) If the person was arrested for murder of the first degree and the person was denied bail, the reasoning underlying the decision to deny bail;~~

~~(b) If any condition of release was imposed on the person, the reasoning underlying the necessity for the condition, including a finding relating the imposed condition to the specific circumstances of the person;~~

~~(c) If bail was imposed on the person, a finding that the court considered the financial circumstances of the person; and~~

~~(d) If bail was imposed on the person in an amount that exceeds the ability of the person to pay, a finding as to the necessity of the specified amount.~~

~~9. of fact for such a determination and state its reasoning on the record, and if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community and ensure the person will appear at the times and places ordered by the court.~~

~~8. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.~~

~~4. Before a person may be released without bail, the~~

~~10. 9. The person must file with the clerk of the court of competent jurisdiction a signed sign a document stating that:~~

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the ~~health,~~ safety ~~and welfare~~ of the community or the person's appearance ~~to~~ ~~5~~ ~~,~~ *if applicable.*

~~11~~ **10.** *The document signed pursuant to subsection ~~10~~ 9 must be filed with the clerk of the court:*

(a) *Before the person is released, if the person is released without bail; or*

(b) *As soon as practicable, but in no event later than the next business day, if bail is imposed by the court.*

~~12~~ **11.** *If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:*

(a) *Deem such conduct a contempt pursuant to NRS 22.010; or*

(b) ~~*Increase the amount of monetary bail pursuant to NRS 178.499, if*~~
Impose additional conditions of release, as applicable.

~~13~~ **12.** *If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.*

~~14~~ **13.** *An order issued pursuant to this section that imposes a condition on a person ~~who is released without bail~~ must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.*

~~15~~ **14.** *Nothing in this section shall be construed to authorize a person to be admitted to bail pursuant to a bail schedule.*

Sec. 9. NRS 178.4853 is hereby amended to read as follows:

178.4853 In ~~deciding whether there is good cause to release~~ *reviewing the custody status of* a person, ~~without bail,~~ the court at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;

5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

6. The identity of responsible members of the community who would vouch for the reliability of the person;

7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;

9. The likelihood of more criminal activity by the person after release; and

10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Sec. 10. NRS 178.498 is hereby amended to read as follows:

178.498 ~~If the [defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably]~~ court determines that the imposition of conditions of release alone would not ensure the appearance of the [defendant] person at the times and places ordered by the court and protect the safety of [other persons and of] the community. [having regard to: ~~In deciding the amount of bail to impose on a person,~~ the court shall consider ~~the~~ the following factors in determining the amount of bail to impose on the person:

1. The nature and circumstances of the offense charged;

2. The financial ability of the ~~[defendant]~~ person to give bail;

3. The character of the defendant; and

4. The factors listed in NRS 178.4853.

Sec. 11. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in **subsection 5 of NRS ~~178.498,~~ 178.4851**, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

(a) Extends to any action or proceeding in a justice court, municipal court or district court arising from the charge on which bail was first given in any of these courts; and

(b) Remains in effect until exonerated by the court.

↪ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:

(a) The action or proceeding against a defendant who has been admitted to bail is dismissed; or

(b) No formal action or proceeding is instituted against a defendant who has been admitted to bail.

5. The court may delay exoneration of the bond or undertaking for bail for a period not to exceed 30 days if, at the time the action or proceeding against a defendant who has been admitted to bail is dismissed, the defendant:

(a) Has been indicted or is charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given; or

(b) Requests to remain admitted to bail in anticipation of being later indicted or charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given.

➡ If the defendant has already been indicted or charged, or is later indicted or charged, with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the bail must be applied to the public offense for which the defendant has been indicted or charged or is later indicted or charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail or electronically transmit notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Sec. 11.5. NRS 178.528 is hereby amended to read as follows:

178.528 ~~(When)~~

1. Except as otherwise provided in subsection 2, when money has been deposited, if it remains on deposit at the time of a judgment for the payment of a fine, the court, or the clerk under the direction of the court, shall apply the money in satisfaction thereof, and after satisfying the fine and costs shall refund the surplus, if any, to the person who deposited the bail, unless that person has directed, in writing, that any surplus be refunded to another.

2. When money has been deposited by a pretrial release organization, any fines or costs attributable to the defendant may not be satisfied with funds deposited by the pretrial release organization and the full amount of the deposit must be refunded to the pretrial release organization.

3. As used in this section, "pretrial release organization" means an entity:

(a) Recognized as exempt under section 501(c)(3) of the Internal Revenue Code; and

(b) Whose purpose includes, without limitation, posting bail for defendants who are indigent.

Sec. 12. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, ~~and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court,~~ the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 13. NRS 484D.680 is hereby amended to read as follows:

484D.680 1. Except as otherwise provided in subsection 5, a person convicted of a violation of any limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a fine as specified in the following table:

Pounds of Excess Weight	Fine

1 to 1,500	\$10

1,501 to 2,500	1 cent per pound of excess weight

2,501 to 5,000	2 cents per pound of excess weight

5,001 to 7,500	4 cents per pound of excess weight

7,501 to 10,000	6 cents per pound of excess weight

10,001 and over	8 cents per pound of excess weight

2. If the resulting fine is not a whole number of dollars, the nearest whole number above the computed amount must be imposed as the fine.

3. The fines provided in this section are mandatory, must be collected immediately upon a determination of guilt and must not be reduced under any circumstances by the court.

4. ~~Any bail allowed must not be less than the appropriate fine provided for in this section.~~

~~5.~~ A person convicted of a violation of a limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a fine that is equal to twice the amount of the fine specified in subsection 1 if that violation occurred on or after February 1 but before May 1 on a highway designated by the Director of the Department of Transportation as restricted pursuant to NRS 408.214. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 14. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➔ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➔ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person

may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

~~16. Any bail allowed must not be less than the appropriate fine provided for by this section.~~

Sec. 15. 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.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 470.

SUMMARY—Establishes provisions relating to the criminal forfeiture of ~~property~~ certain currency used in or derived from unlawful acts relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking~~ of controlled substances. (BDR 14-483)

AN ACT relating to criminal procedure; establishing the Criminal Forfeiture ~~Process~~ of Minor Currency Act; revising provisions relating to the civil forfeiture of ~~property and proceeds~~ certain currency attributable to certain crimes; authorizing the Peace Officers' Standards and Training Commission to ~~provide~~ require training ~~in the certification~~ of peace officers ~~relating to~~ regarding the Act; ~~repealing certain provisions relating to property subject to forfeiture;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the seizure, forfeiture and disposition of certain property and proceeds attributable to the commission of certain crimes, including, certain crimes relating to controlled substances. (NRS 179.1156-179.121, 453.301) **Sections 2-35** of this bill enact the Criminal Forfeiture

~~{Process}~~ of Minor Currency Act governing the seizure, forfeiture and disposition of ~~{contraband and property}~~ minor currency used in or derived from certain crimes relating to ~~{the possession, distribution or use of}~~ controlled substances. ~~Sections 4, 5 and 6~~ Sections 4.1, 5.1 and 5.5 of this bill define certain terms for the purpose of the Act ~~{, including the term “minor currency,”}~~ which means United States currency totaling \$5,000 or less. Section 7 of this bill sets forth the Legislature’s findings and declarations concerning the Act.

Section 8 of this bill provides that the Act : (1) governs the seizure, forfeiture and disposition of ~~{contraband and property}~~ minor currency used in or derived from crimes relating to the ~~{possession, distribution}~~ transportation, sale or use ~~{use}~~ trafficking of controlled substances ~~{, notwithstanding any other provision of law relating to the seizure, forfeiture and disposition of property attributable to certain crimes apply to such property or contraband. Section 49 of this bill repeals the provisions of law which authorize the civil forfeiture of property attributable to certain crimes relating to controlled substances.}~~ ; and (2) prohibits the forfeiture of minor currency used in or derived from the possession or purchase of a controlled substance. Sections 36, ~~{37, 38, 40, 41, 42,}~~ 45, 46 and ~~{47}~~ 46.5 of this bill make conforming changes relating to the applicability of the Act.

Section 9 of this bill provides that the court with jurisdiction over the underlying criminal proceedings has jurisdiction over any proceedings relating to the seizure, forfeiture and disposition of ~~{contraband and property}~~ minor currency under the Act. Section 9 also requires the attorney appointed to represent the defendant in the criminal proceedings to also represent the defendant in proceedings relating to the seizure, forfeiture and disposition of ~~{contraband and property}~~ minor currency under the Act.

Section 10 of this bill authorizes ~~{contraband, real property and personal property}~~ minor currency to be seized if the ~~{contraband or property}~~ minor currency was used in or derived from an unlawful act relating to the ~~{possession, distribution}~~ transportation, sale or use ~~{use}~~ trafficking of a controlled ~~{substances. Section 10 establishes an exemption from seizure under the Act for money totaling \$200 or less and motor vehicles valued at \$2,000 or less, unless the office of a prosecuting attorney establishes higher dollar amounts for the seizure of money or motor vehicles. Section 10 also requires the office of a prosecutor to advise certain state or local law enforcement agencies regarding any publication which determines the value of motor vehicles.}~~ substance.

~~{ Section 11 of this bill: (1) authorizes a state or local law enforcement agency to seize contraband at any time without a court order if the contraband was seized incident to a lawful search; and (2) requires the State to seek a court order authorizing a state or local law enforcement agency to dispose of the contraband in accordance with state law at the time that the contraband is no longer needed as evidence in the criminal proceedings of the defendant. }~~

Section 12 of this bill authorizes the State to file a verified application with the court for the seizure of ~~real property or personal property~~ minor currency by a state or local law enforcement agency. **Section 12** authorizes the court to issue a preliminary order for the seizure of the ~~property~~ minor currency if the State proves by ~~a preponderance of the~~ clear and convincing evidence that the ~~property~~ minor currency is subject to forfeiture. **Section 12** provides that the preliminary order: (1) may be granted without notice to the defendant or any party with an interest in the ~~property~~ minor currency; and (2) expires not later than 90 days after its issuance by the court. Finally, **section 12** authorizes: (1) the State to file a verified application for an extension of the preliminary order; and (2) the court to grant the extension upon the provision of notice to the defendant and any person with an interest in the ~~property~~ minor currency and a hearing on the application.

Section 13 of this bill authorizes a state or local law enforcement agency to seize ~~personal property~~ minor currency without a court order if: (1) the seizure is incident to a lawful arrest or search; (2) the ~~property~~ minor currency is subject to a previous judgment of forfeiture in this State; or (3) the State has probable cause to believe that the ~~property~~ minor currency will be ~~destroyed or~~ removed during the time it would take the State to obtain a court order.

Section 14 of this bill requires the state or local law enforcement agency who seized the ~~contraband, real property or personal property~~ minor currency to give an itemized receipt to the person whose ~~contraband or property~~ minor currency was seized or to leave the itemized receipt at the place where the ~~contraband or property~~ minor currency was seized.

After ~~real property or personal property~~ minor currency is seized by a state or local law enforcement agency, **section 15** of this bill requires the State to ~~complete~~ perform a reasonable search ~~of public records~~ and notify the defendant and other persons with an interest in the ~~property~~ minor currency that the ~~property~~ minor currency has been seized by a state or local law enforcement agency. The notice must include certain language relating to the right of the defendant and other persons with an interest in the seized ~~property~~ minor currency to a pretrial hearing on the seizure. **Section 16** of this bill establishes provisions relating to such a pretrial hearing, including, those circumstances where a court is required to order the return of seized ~~property~~ minor currency to the defendant or another person with an interest in the ~~property~~ minor currency.

Section 17 of this bill prohibits a state or local law enforcement agency from requesting, requiring or inducing any person to waive his or her interest in ~~real property or personal property~~ minor currency seized by the state or local law enforcement agency.

Section 18 of this bill provides that the State gains provisional title to seized ~~real property or personal property~~ minor currency until the ~~property~~ minor currency is forfeited, at which time the State gains real title to the ~~property~~. ~~Section 18 also provides that the State immediately receives real~~

~~title to contraband at the time of its seizure by the state or local law enforcement agency.~~ **minor currency.**

Section 19 of this bill prohibits ~~real property or personal property~~ **minor currency** seized by a state or local law enforcement agency from being forfeited under the Act if: (1) the State does not file criminal charges against a person for a violation of state law relating to the ~~possession, distribution, transportation, sale or use~~ **trafficking** of controlled substances; ~~for~~ (2) the ~~state~~ State dismisses any such charge against the defendant ~~if~~; **or (3) the defendant is not convicted of an unlawful act relating to the transportation, sale or trafficking of a controlled substance.**

Section 20 of this bill: (1) authorizes ~~real property and personal property~~ **minor currency** to be forfeited as part of a plea agreement or pursuant to the stipulation of the parties; and (2) sets forth the procedure relating to such forfeiture.

Section 21 of this bill requires the State to file a notice of proposed forfeiture with the information or indictment charging the defendant, or anytime thereafter, but not later than the date of the trial of the defendant. Section 21 also requires the court alone to make a determination regarding the forfeiture of the seized ~~real property or personal property~~ **minor currency** after the conviction of the defendant and sets forth the standards for making such a determination. Section 21 authorizes the forfeiture of seized ~~real property or personal property~~ **minor currency** before the conviction of the defendant if the defendant dies, gets deported or absconds. Finally, section 21 establishes appellate rights concerning the parties to the forfeiture decision.

~~Section 22 of this bill authorizes the court to order the forfeiture of substitute property owned by the defendant under certain circumstances.~~ Section 23 of this bill provides that a defendant is not jointly and severally liable for an award of forfeiture owed by other defendants.

Section 24 of this bill: (1) authorizes a defendant to petition the court to determine whether the forfeiture of ~~real property or personal property~~ **minor currency** is unconstitutionally excessive; and (2) establishes procedures concerning a hearing on such a petition.

Section 25 of this bill requires ~~a state or local law enforcement agency to sell forfeited property and requires the proceeds of the sale in addition to any money~~ **minor currency that is** forfeited to be distributed in accordance with a specific order of priority. ~~Section 26 of this bill prohibits forfeited property from being sold to certain persons.~~

~~Section 27 of this bill: (1) prohibits real property or personal property subject to a bona fide security interest from being forfeited; (2) authorizes to the State to summarily return property to a person who holds a bona fide security interest; (3) authorizes a person who holds a bona fide security interest in the seized property to file a petition for the return of the property; and (4) affords parties appellate rights regarding a decision on the petition.~~ Section 28 of this bill ~~establishes similar provisions relating to~~ **: (1) provides that minor currency of an innocent owners owner is not subject to forfeiture;**

(2) authorizes the State to summarily return minor currency to an innocent owner; (3) authorizes an innocent owner to file a petition for the return of the minor currency; (4) affords the parties appellate rights regarding a decision on the petition; and (5) prohibits the appointment of an attorney to represent an innocent owner. Section 29 of this bill awards certain fees and costs to ~~holders of security interests and~~ innocent owners who succeed on a petition for the return of seized ~~property.~~ **minor currency.**

Section 30 of this bill applies certain rules to actions taken by parties under the Act. Section 31 of this bill prohibits the State from seeking personal money judgments or other remedies unless expressly prescribed by the Act. Section 32 requires ~~real property or personal property.~~ **minor currency** to be returned to a person within a reasonable period ~~of time~~ not to exceed 5 days after the issuance of a court order to that effect.

Existing law requires law enforcement agencies to make annual reports to the Attorney General concerning the forfeiture of property. (NRS 179.1205) Section 33 of this bill requires state or local law enforcement agencies acting under the provisions of the Act to comply with such annual reporting requirements. Section 39 of this bill makes a conforming change relating to the report.

Section 34 of this bill prohibits a state or local law enforcement agency from transferring seized ~~contraband, real property or personal property.~~ **minor currency** to a federal agency seeking the adoption of the ~~contraband or property.~~ **minor currency.**

Section 35 of this bill requires: (1) the Attorney General to establish guidelines concerning the participation of state or local law enforcement agencies in joint tasks forces; and (2) the guidelines to be published on the Internet website of the Department of Public Safety.

Existing law requires the Peace Officers' Standards and Training Commission to certify peace officers in this State and sets forth various training requirements concerning the certification of peace officers. (NRS 289.550-289.605) Section 43 of this bill authorizes the ~~certification of~~ **Commission to require** peace officers to ~~include~~ **receive** training concerning the provisions of the Act. Section 44 of this bill makes a conforming change relating to the certification of peace officers.

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 the provisions set forth as sections 2 to 35, inclusive, of this act.

Sec. 2. *Sections 2 to 35, inclusive, of this act may be cited as the Criminal Forfeiture ~~Process~~ of Minor Currency Act.*

Sec. 3. *As used in sections 2 to 35, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 ~~4.5~~ and ~~4.5~~ 5.5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. “Actual knowledge” means direct and clear awareness of information, a fact or a condition.

Sec. 5. ~~“Contraband” means goods that are unlawful to possess.~~
(Deleted by amendment.)

Sec. 5.5. “Minor currency” means United States currency totaling \$5,000 or less.

Sec. 6. ~~“Real property” means:~~

- ~~1. Land, including land under water;~~
- ~~2. Anything growing on land; and~~
- ~~3. Permanent or temporary buildings, structures, fixtures or improvements on land.~~ (Deleted by amendment.)

Sec. 7. The Legislature finds and declares that the public policy of this State relating to sections 2 to 35, inclusive, of this act is to:

1. Deter criminal activity by reducing the economic incentives;
2. Confiscate ~~property~~ minor currency used in violation of the law;
3. Disgorge minor currency that is the fruit of illegal conduct; and
4. Protect against the wrongful forfeiture of ~~property~~ minor currency.

Sec. 8. Notwithstanding any other provision of law, sections 2 to 35, inclusive, of this act ~~govern~~ :

1. Govern the seizure, forfeiture and disposition of ~~property and contraband~~ minor currency used in or derived from an unlawful act relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking of a controlled substance~~ trafficking of a controlled substance.

2. Prohibit the forfeiture of minor currency used in or derived from the possession or purchase of a controlled substance.

Sec. 9. 1. A court with jurisdiction over any underlying criminal proceedings shall have jurisdiction over any proceedings relating to the seizure, forfeiture and disposition of ~~property~~ minor currency pursuant to sections 2 to 35, inclusive, of this act.

2. If an attorney is appointed by the court to represent a defendant in the criminal proceedings, the attorney shall represent the defendant in the proceedings relating to the seizure, forfeiture and disposition of ~~property~~ minor currency pursuant to sections 2 to 35, inclusive, of this act.

Sec. 10. ~~1. Except as otherwise provided in subsection 2, contraband, real property and personal property~~ Minor currency is subject to seizure pursuant to sections 11, 12 and 13 of this act, as applicable, if the ~~contraband or property~~ minor currency was used in or derived from an unlawful act relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking of a controlled substance~~ trafficking of a controlled substance.

~~2. The following types of property are not subject to seizure pursuant to sections 11, 12 and 13 of this act:~~

~~(a) Except as otherwise provided in paragraph (b), money totaling \$200 or less and motor vehicles valued at \$2,000 or less; and~~

~~(b) Money or motor vehicles which exceed the dollar amounts described in paragraph (a), respectively, unless the office of a prosecutor adopts a policy delineating higher dollar amounts which is based on the:~~

~~(1) Type and number of occurrences in the jurisdiction of the office of the prosecutor where the money and motor vehicles are subject to seizure pursuant to sections 2 to 35, inclusive, of this act; and~~

~~(2) Average value of money and motor vehicles seized in the jurisdiction of the office of a prosecuting attorney minus the cost to the office for the seizure, forfeiture and disposition of the money or motor vehicles pursuant to sections 2 to 35, inclusive, of this act.~~

~~3. Each office of a prosecutor shall advise the state or local law enforcement agencies in the jurisdiction of the office as to any publication that may be used to establish the value of motor vehicles for the purpose of subsection 2.~~

Sec. 11. ~~1. Contraband may be seized by a state or local law enforcement agency at any time without a court order if the seizure is made incident to a lawful search.~~

~~2. At any time in which contraband is no longer needed as evidence in the underlying criminal proceedings of the defendant, the State may petition the court for the destruction of the contraband in accordance with State law.~~

~~3. The court may grant a petition described in subsection 2 after notice has been provided to the defendant and any other party with an interest in the contraband and the State, at a hearing on the petition, proves by clear and convincing evidence that the contraband was used in or derived from an unlawful act relating to the possession, distribution or use of a controlled substance.~~ (Deleted by amendment.)

Sec. 12. 1. The State may file a verified application requesting that ~~personal property or real property~~ minor currency be seized by a state or local law enforcement agency.

2. If it appears ~~to the satisfaction of the court~~ by clear and convincing evidence from the specific facts shown by the verified application that the ~~personal property or real property~~ minor currency is subject to seizure pursuant to section 10 of this act, the court may grant a preliminary order for the seizure of the ~~property~~ minor currency.

3. A preliminary order may be granted without notice to the defendant and any other party with an interest in the ~~property~~ minor currency.

4. Except as otherwise provided in subsection 5, a preliminary order expires within such time, not to exceed 90 days, as the court fixes. At the time of such expiration, the ~~property~~ minor currency seized pursuant to this section must be returned to the owner.

5. The State may file a verified application requesting the extension of a preliminary order issued pursuant to subsection 2.

6. If good cause is shown for the extension, the court may grant the extension after notice is provided to the defendant and any person with an interest in the ~~property~~ minor currency and a hearing on the application.

An extension granted pursuant to this subsection expires upon a determination of forfeiture pursuant to section 20 or 21 of this act.

Sec. 13. 1. In addition to the seizure of ~~personal property~~ minor currency by court order pursuant to section 12 of this act, ~~personal property~~ minor currency may be seized by a state or local law enforcement agency if:

- (a) The seizure is incident to a lawful arrest or search;
- (b) The ~~personal property~~ minor currency subject to seizure has been the subject of a prior judgment in favor of the State; or
- (c) The State has probable cause to believe that the delay occasioned by the necessity to obtain a court order would result in the removal ~~for destruction~~ of the ~~personal property~~ minor currency that is forfeitable pursuant to section 20 or 21 of this act.

Sec. 14. 1. When ~~contraband, real property or personal property~~ minor currency is seized pursuant to section ~~11~~ 12 or 13 of this act, as applicable, the state or local law enforcement agency that seized the ~~property or contraband~~ minor currency shall:

- (a) Give an itemized receipt to the person possessing the ~~contraband or property~~ minor currency; or
- (b) In the absence of a person possessing the ~~contraband or property~~ minor currency, leave an itemized receipt at the place where the ~~contraband or property~~ minor currency was found, if reasonably practicable.

2. The receipt must contain a unique identification number.

3. Upon providing the receipt to a person or leaving the receipt at the place where the ~~contraband or property~~ minor currency was found pursuant to this section, notice of the seizure of the ~~contraband or property~~ minor currency shall be deemed complete.

Sec. 15. 1. Not later than 30 days after the seizure of ~~real property or personal property~~ minor currency pursuant to section 12 or 13 of this act, the State shall:

- (a) Perform a reasonable search ~~of public records~~ to identify any person, other than the defendant, known to have an interest in the ~~property~~ minor currency; and

- (b) Provide notice to the defendant and any person identified pursuant to paragraph (a) that the seized ~~property~~ minor currency is subject to forfeiture pursuant to section 20 or 21 of this act.

2. The notice described in subsection 1 must contain the unique identification number of the receipt described in section 14 of this act and state: “WARNING: You may lose the right to be heard in court if you do not file a motion pursuant to section 16 of this act. You do not have to pay a filing fee for the motion.”

Sec. 16. 1. In addition to any petition filed pursuant to section 24 of this act, any person to whom the State issued notice pursuant to section 15 of this act has a right to a pretrial hearing to determine the validity of the seizure of the ~~real property or personal property~~ minor currency pursuant

to section 12 or 13 of this act. The person may exercise the right by filing a motion with the court.

2. The court shall hear a motion filed pursuant to subsection 1 not later than 15 days after the filing. The motion must be heard:

- (a) At the a pretrial hearing of the defendant; or
- (b) In a hearing separate from any pretrial hearing of the defendant.

3. The State shall file an answer showing probable cause for the seizure of the ~~real property or personal property~~ minor currency pursuant to section 12 or 13 of this act, not less than 5 days before the hearing on the motion.

4. Upon a showing of good cause by any party, the court may postpone the hearing on the motion for not more than 10 days.

5. A court shall grant a motion filed pursuant to subsection 1 if the court finds that:

- (a) The seizure violated section 12 or 13 of this act;
- (b) An information or indictment charging the defendant with an unlawful act relating to the ~~possession, distribution, transportation, sale or use~~ trafficking of a controlled substance has not been filed by the State;
- (c) The judgment concerning the forfeiture of the ~~property~~ minor currency seized pursuant to section 12 or 13 of this act will likely be found in favor of:

(1) The defendant pursuant to section 20 or 21 of this act, if the defendant filed the motion pursuant to subsection 1; or

(2) A person with an interest in the ~~property~~ minor currency pursuant to section ~~17 or~~ 28 of this act, if the interested person filed the motion pursuant to subsection 1; or

(d) Unless the State proves by ~~a preponderance of the~~ clear and convincing evidence that the ~~property~~ minor currency will likely be forfeited pursuant to section 20 or 21 of this act, and subject to the limitations set forth in subsection 6, the defendant filed the motion pursuant to subsection 1 and the ~~property~~ minor currency is the only reasonable means for the defendant to pay for legal representation in the criminal proceedings.

6. The court shall not order the return of more ~~real property or personal property~~ minor currency pursuant to paragraph (d) of subsection 5 than is reasonably necessary to cover the costs of the legal representation of the defendant.

Sec. 17. 1. A state or local law enforcement agency shall not request, require or induce a person to waive an interest in ~~real property or personal property~~ minor currency seized pursuant to section 12 or 13 of this act for the purposes of the forfeiture pursuant to section 20 and 21 of this act.

2. A document purporting to waive an interest in ~~real property or personal property~~ minor currency seized pursuant to section 12 or 13 of this act is void and inadmissible in court.

Sec. 18. 1. At the time ~~property~~ minor currency is seized pursuant to section 12 or 13 of this act, the State acquires provisional title to the seized

~~{property}~~ minor currency. Provisional title authorizes the State to hold and protect the ~~{property}~~ minor currency.

2. Title to ~~{real property or personal property}~~ minor currency seized pursuant to section 12 or 13 of this act vests with the State when the court renders a decision concerning the forfeiture of the seized ~~{property}~~ minor currency pursuant to section 20 or 21 of this act and relates back to the time when the State acquired provisional title to the ~~{property}~~ minor currency pursuant to subsection 1. Such title is subject to claims by third parties adjudicated pursuant to section 16 ~~{, 27}~~ or 28 of this act.

~~{3. Title to contraband seized pursuant to section 11 of this act vests with the State at the time of the seizure by the state or local law enforcement agency.}~~

Sec. 19. ~~{Real property or personal property}~~ Minor currency seized pursuant to section 12 or 13 of this act may not be forfeited and must be returned to the person from whom the ~~{property}~~ minor currency was seized if ~~{he}~~ :

1. The State:

~~{1.}~~ (a) Does not file criminal charges against the defendant relating to the commission of an unlawful act relating to the ~~{possession, distribution}~~ transportation, sale or ~~{use}~~ trafficking of a controlled substance; or

~~{2.}~~ (b) Dismisses the charges filed against the defendant for an unlawful act relating to the ~~{possession, distribution}~~ transportation, sale or ~~{use}~~ trafficking of a controlled substance ~~{,}~~ ; or

2. The defendant is not convicted of an unlawful act relating to the transportation, sale or trafficking of a controlled substance.

Sec. 20. ~~{Real property or personal property}~~ Minor currency seized pursuant to section 12 or 13 of this act may be forfeited as part of a plea agreement or the stipulation of the parties if:

1. The State files a notice of forfeiture which contains a brief explanation of the plea agreement or stipulation; and

2. The court with jurisdiction over the criminal proceedings of the defendant approves the plea agreement or stipulation.

Sec. 21. 1. The State shall file a notice of proposed forfeiture with the information or indictment charging the defendant with a violation of state law relating to the ~~{possession, distribution}~~ transportation, sale or ~~{use}~~ trafficking of a controlled substance, or any time thereafter, but not later than the date of the commencement of the trial of the defendant. The State may amend the notice of proposed forfeiture at any time before the commencement of the trial.

2. The notice of proposed forfeiture must contain:

(a) A description of the ~~{real property or personal property}~~ minor currency seized pursuant to section 12 or 13 of this act;

(b) The time, date and place of the seizure of the ~~{property}~~ minor currency described in paragraph (a);

(c) The unique identification number of the receipt described in section 14 of this act;

(d) A brief description of how the ~~property~~ minor currency described in paragraph (a) was used in or derived from the unlawful act relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking~~ of any controlled substance for which the defendant was charged; and

(e) Whether the State seeks the forfeiture of the ~~property~~ minor currency described in paragraph (a):

(1) As a sanction relating to the unlawful act for which the defendant is charged; or

(2) As part of a sentencing consideration.

3. The notice of proposed forfeiture must not be read to the jury.

4. Except as otherwise provided in subsection 7, a determination relating to the forfeiture of ~~real property or personal property~~ minor currency pursuant to this section must be held in a single proceeding following the trial of the defendant. The court shall make a determination relating to the forfeiture in accordance with subsections 5 and 6.

5. The court shall order the return of any ~~property~~ minor currency seized pursuant to section 12 or 13 of this act if the defendant is not convicted or the provisions of subsection 6 are otherwise not satisfied.

6. The court shall order the forfeiture of the ~~property~~ minor currency, if the defendant is convicted and the prosecuting attorney establishes by clear and convincing evidence that:

(a) The defendant committed an unlawful act relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking~~ of a controlled substance; and

(b) The ~~property~~ minor currency was used in or derived from an unlawful act relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking~~ of a controlled substance.

7. If the defendant dies, is deported or absconds before trial, the court shall order the ~~return~~ forfeiture of the ~~real property or personal property~~ minor currency seized pursuant to section 12 or 13 of this act upon a finding by clear and convincing evidence that:

(a) The defendant was charged with a violation of state law relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking~~ of a controlled substance;

(b) The ~~property~~ minor currency was used in or derived from an unlawful act relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking~~ of a controlled substance; and

(c) The defendant would have been convicted of the violation described in paragraph (a) had the defendant not died, been deported or absconded before trial.

8. A decision of the court regarding forfeiture of ~~property~~ minor currency pursuant to this section may be appealed by any party to the decision.

Sec. 22. ~~Upon a motion by the State following conviction, or upon a motion of the court, the court may order the forfeiture of substitute property owned by the defendant up to the value of property described in section 10 of this act if the State proves by a preponderance of the evidence that the defendant intentionally:~~

- ~~1. Dissipated the property;~~
- ~~2. Transferred, sold or deposited the property with a third party to avoid the jurisdiction of the court;~~
- ~~3. Substantially diminished the value of the property; or~~
- ~~4. Commingled the property with other property that cannot be divided without difficulty.~~ (Deleted by amendment.)

Sec. 23. A defendant is not jointly and severally liable for an award of forfeiture owed by other defendants. If ownership of the ~~property~~ minor currency is unclear, a court may order each defendant to forfeit the ~~property~~ minor currency on a pro rata basis or by any other means the court finds equitable.

Sec. 24. 1. At any time after a court has ordered the forfeiture of ~~property~~ minor currency pursuant to section 21 of this act, the defendant may petition the court to determine whether the forfeiture is unconstitutionally excessive under the Nevada Constitution or the United States Constitution.

2. The defendant must establish by a preponderance of the evidence that the forfeiture is unconstitutionally excessive at hearing by the court. The hearing must be without a jury.

3. In determining whether the forfeiture ~~of property~~ is unconstitutionally excessive, the court:

(a) May consider all relevant factors, including, without limitation:

(1) The seriousness of the related crime and the impact on the community, including, without limitation, the duration of the activity and the harm caused by the defendant;

(2) The extent to which the defendant participated in the related crime;

(3) The extent to which the ~~property~~ minor currency was used in committing the related crime;

(4) The sentence imposed for committing the related crime;

(5) Whether the related crime was completed or attempted;

(6) The hardship to the defendant if the forfeiture is realized;

(7) Whether the forfeiture would deprive the defendant of his or her livelihood; and

(8) The hardship from the loss of the ~~property~~ minor currency to the family of the defendant or other relevant persons if the ~~property~~ minor currency is forfeited; and

(b) May not consider the value of the ~~property~~ minor currency to the State.

Sec. 25. 1. If a court orders the forfeiture of ~~real property or personal property~~ minor currency pursuant to section 20 or 21 of this act and all

appeals of the order have been exhausted by the defendant, the State and any other party with an interest in the ~~property, the state or local law enforcement agency that seized the property pursuant to section 12 or 13 must sell the property.~~

~~2. Any proceeds of the sale pursuant to subsection 1 must be combined with any property forfeited pursuant to section 20 or 21 of this act. The combined total~~ minor currency, the minor currency must be distributed in the following order of priority:

(a) To meet an obligation of the offender for restitution to a victim of crime;

(b) ~~To satisfy any outstanding liens on the forfeited property;~~

~~(c) To reimburse the state or local law enforcement agency who seized the property~~ minor currency for expenses related to the seizure, forfeiture and disposition of the property minor currency pursuant to sections 2 to 35, inclusive, of this act, except personnel costs; and

~~(d) (c) To reimburse the office of the prosecutor, office of the public defender or other court appointed attorney for any expenses related to the criminal proceedings, except personnel costs.~~

3. Any amount remaining after distribution pursuant to subsection 2 must be divided and disbursed to:

(a) The Department of Public Safety to be used to purchase equipment for use by state or local law enforcement agencies; and

(b) The State Permanent School Fund.

Sec. 26. ~~A state or local law enforcement agency shall not sell property pursuant to section 25 of this act directly or indirectly to:~~

~~1. An employee of the state or local law enforcement agency;~~

~~2. A person related to an employee of the state or local law enforcement agency by blood or marriage; or~~

~~3. Another state or local law enforcement agency.~~ (Deleted by amendment.)

Sec. 27. ~~1. Except as otherwise provided in subsection 4, a bona fide security interest in real property or personal property seized pursuant to section 12 or 13 of this act is not subject to forfeiture.~~

~~2. At any time before real property or personal property seized pursuant to section 12 or 13 of this act is forfeited pursuant to section 20 or 21 of this act, the State may summarily return the property to a person who holds a bona fide security interest in the property.~~

~~3. If the State does not summarily return real property or personal property pursuant to subsection 2, the holder of a bona fide security interest in the property may, at any time before the forfeiture of the property pursuant to section 20 or 21 of this act, petition the court for the return of the property.~~

~~4. A court shall hear a petition filed pursuant to subsection 3 not later than 30 days after the filing or at another time within the discretion of the court. The hearing shall be held before the court alone and the court may~~

~~consolidate the hearing on the petition with any other hearing before the court in the case of the defendant.~~

~~5. If the court determines that the petitioner established by clear and convincing evidence that the petitioner has a bona fide security interest in the real property or personal property seized pursuant to section 12 or 13 of this act, the court shall order the return of the seized property to the petitioner, unless the State proves by a preponderance of the evidence that the petitioner had actual knowledge that the property was used in or derived from an unlawful act for which the property was seized pursuant to section 12 or 13 of this act.~~

~~6. The determination of the court pursuant to subsection 5 may be appealed by any party to the decision. (Deleted by amendment.)~~

Sec. 28. 1. ~~{Real property or personal property}~~ Minor currency of an innocent owner seized pursuant to section 12 or 13 of this act is not subject to forfeiture.

2. At any time before ~~{real property or personal property}~~ minor currency seized pursuant to section 12 or 13 of this act is forfeited pursuant to section 20 or 21 of this act, the State may summarily return the ~~{property}~~ minor currency to an innocent owner.

3. If ~~the State~~ does not summarily return ~~{real property or personal property}~~ the minor currency to an innocent owner pursuant to subsection 2, the innocent owner may, at any time before the ~~{property}~~ minor currency is forfeited pursuant to section 20 or 21 of this act, file a petition with the court, free of charge.

4. The petition described in subsection 3 must state:

(a) The right, title or interest of the innocent owner to the ~~{real property or personal property}~~ minor currency seized pursuant to section 12 or 13 of this act;

(b) The time and circumstances of the acquisition of the right, title or interest in the ~~{property}~~ minor currency described in paragraph (a);

(c) Any other facts that support the claim of the innocent owner; and

(d) The relief sought by the innocent owner.

5. A court shall hear a petition filed pursuant to subsection 3 not later than 30 days after the filing or at another time within the discretion of the court. The hearing shall be held before the court alone and the court may consolidate the hearing on the petition with any other hearing before the court in the case of the defendant.

6. If the court determines that the petitioner has established by ~~clear and convincing~~ a preponderance of the evidence that the petitioner is an innocent owner, the court shall order the State to return the ~~{property}~~ minor currency to the petitioner, unless the State proves by ~~a preponderance of the~~ clear and convincing evidence that the petitioner had actual knowledge that the ~~{property}~~ minor currency was used in or derived from the unlawful act for which the ~~{property}~~ minor currency was seized pursuant to section 12 or 13 of this act.

7. The prosecuting attorney may not use information provided in the petition described in subsection 3 in the criminal proceedings against the defendant ~~unless the innocent party independently testifies to the same facts contained in the petition at the trial of the defendant.~~

8. A determination of the court pursuant to subsection 6 may be appealed by any party to the decision.

9. An attorney must not be appointed to represent an innocent owner.

10. As used in this section, “innocent owner” means a person who:

(a) ~~Has any interest in, including, without limitation, joint tenancy, tenancy in common or tenancy by the entirety, in real property or personal property~~ minor currency seized pursuant to section 12 or 13 of this act; or

(b) Is the heir of the defendant from whom ~~real property or personal property~~ minor currency was seized pursuant to section 12 or 13 of this act.

Sec. 29. In any proceeding pursuant to section ~~27 or~~ 28 of this act where a court orders the return of ~~real property or personal property~~ minor currency seized pursuant to section 12 or 13 of this act to a petitioner, the state or local law enforcement agency which seized the ~~property~~ minor currency shall be liable for:

1. Reasonable attorney’s fees and other litigation costs incurred by the petitioner;

2. Post-judgment interest; and

3. ~~In cases involving currency, other negotiable instruments or the proceeds of an interlocutory sale, any~~ Any interest actually paid from the date of the seizure.

Sec. 30. The local rules of practice adopted in the judicial district where the action is pending, to the extent they are not inconsistent with state law, apply to:

1. Discovery pursuant to sections 2 to 35, inclusive, of this act;

2. The application, filing, issuance and execution of a petition, application or order pursuant to sections 2 to 35, inclusive, of this act; and

3. Any requirements relating to notice pursuant to sections 2 to 35, inclusive, of this act.

Sec. 31. The State may not seek personal money judgments or other remedies unless expressly provided by sections 2 to 35, inclusive, of this act.

Sec. 32. 1. If a court orders the return of ~~real property or personal property~~ minor currency pursuant to sections 2 to 35, inclusive, of this act, the state or local law enforcement agency which seized the ~~property~~ minor currency pursuant to section 12 or 13 of this act shall return the ~~property~~ minor currency to the person within a reasonable period ~~of time~~ not to exceed 5 days after the date of the issuance of the order.

2. The state or local law enforcement agency which seized the ~~property~~ minor currency pursuant to section 12 or 13 of this act is responsible for any ~~damages, storage fees and~~ costs relating to the ~~property~~ minor currency returned pursuant to subsection 1.

Sec. 33. *Every state or local law enforcement agency shall comply with the reporting requirements described in NRS 179.1205.*

Sec. 34. 1. *A state or local law enforcement agency shall not refer or otherwise transfer ~~contraband, real property or personal property~~ minor currency seized pursuant to section ~~111~~ 12 or 13 of this act, as applicable, to a federal agency seeking the adoption of the seized ~~property~~ minor currency pursuant to the Controlled Substances Act, 21 U.S.C. Chapter 13 §§ 801 et seq. unless the state or local law enforcement agency is working with the federal agency:*

- (a) *In a joint investigation arising out of federal law; or*
- (b) *As part of a joint task force comprised of federal, state and local agencies.*

2. *Any payment received by a state or local law enforcement agency in violation of subsection 1 must be distributed to the State Permanent School Fund.*

Sec. 35. 1. *The Attorney General shall establish guidelines to be used by state or local law enforcement agencies who participate in joint task forces or otherwise collaborate with other jurisdictions concerning unlawful acts relating to the ~~possession, distribution~~ transportation, sale or use ~~trafficking~~ of a controlled substance.*

2. *The Department of Public Safety shall publish the guidelines established pursuant to subsection 1 on the Internet website of the Department.*

Sec. 36. NRS 179.1156 is hereby amended to read as follows:

179.1156 Except as otherwise provided in NRS 179.1211 to 179.1235, inclusive, and 207.350 to 207.520, inclusive, **and sections 2 to 35, inclusive, of this act**, the provisions of NRS 179.1156 to 179.121, inclusive, govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.

Sec. 37. ~~NRS 179.1164 is hereby amended to read as follows:~~

~~179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:~~

~~(a) Any proceeds attributable to the commission or attempted commission of any felony.~~

~~(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419 ~~1~~, 453.301 ~~1~~ or 501.3857.~~

~~2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.~~

~~3. Unless the owner of real property or a mobile home:~~

~~(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or~~

~~—(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to NRS 40.254,~~

~~—the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred. (Deleted by amendment.)~~

Sec. 38. ~~[NRS 179.1187 is hereby amended to read as follows:~~

~~—179.1187 1. The governing body controlling each law enforcement agency that receives proceeds from the sale of forfeited property shall establish with the State Treasurer, county treasurer, city treasurer or town treasurer, as custodian, a special account, known as the “..... Forfeiture Account.” The account is a separate and continuing account and no money in it reverts to the State General Fund or the general fund of the county, city or town at any time. For the purposes of this section, the governing body controlling a metropolitan police department is the Metropolitan Police Committee on Fiscal Affairs.~~

~~—2. The money in the account may be used for any lawful purpose deemed appropriate by the chief administrative officer of the law enforcement agency, except that:~~

~~—(a) The money must not be used to pay the ordinary operating expenses of the agency.~~

~~—(b) [Money derived from the forfeiture of any property described in NRS 453.301 must be used to enforce the provisions of chapter 453 of NRS.~~

~~—(c) Money derived from the forfeiture of any property described in NRS 501.3857 must be used to enforce the provisions of title 45 of NRS.~~

~~—[(d)] (e) Seventy percent of the amount of money in excess of \$100,000 remaining in the account at the end of each fiscal year, as determined based upon the accounting standards of the governing body controlling the law enforcement agency that are in place on March 1, 2001, must be distributed to the State Education Fund.~~

~~—[3. Notwithstanding the provisions of paragraphs (a) and (b) of subsection 2, money in the account derived from the forfeiture of any property described in NRS 453.301 may be used to pay for the operating expenses of a joint task force on narcotics otherwise funded by a federal, state or private grant or donation. As used in this subsection, “joint task force on narcotics” means a task force on narcotics operated by the Department of Public Safety in conjunction with other local or federal law enforcement agencies.] (Deleted by amendment.)~~

Sec. 39. NRS 179.1205 is hereby amended to read as follows:

179.1205 1. On an annual basis, each law enforcement agency shall report the following information about each individual seizure and forfeiture completed by the law enforcement agency under state forfeiture law:

(a) Data on seizures and forfeitures, including, without limitation, the:

(1) Date that currency, vehicles, houses or other types of property were seized;

(2) Type of property seized, including, the year, make and model, as applicable;

(3) Type of crime associated with the seizure of the property;

(4) Market value of the property seized;

(5) Disposition of the property following the seizure; and

(6) Date of the disposition of the property.

(b) Data on the use of proceeds, including, without limitation, the:

(1) Payment of all outstanding liens on the forfeited property;

(2) Payment of reasonable expenses, except personnel costs, of the seizure, storage and maintenance of custody of any forfeited property; and

(3) Distribution of proceeds pursuant to NRS 179.118, 179.1187, 179.1233 and 207.500 ~~†~~, **and section 25 of this act.**

(c) Any other information required by the Office of the Attorney General.

2. The Office of the Attorney General shall develop standard forms, processes and deadlines for the entry of electronic data for the annual submission of the report required by subsection 1.

3. Each law enforcement agency shall file with the Office of the Attorney General the report required by subsection 1. A null report must be filed by a law enforcement agency that did not engage in a seizure or forfeiture during the reporting period. The Office of the Attorney General shall compile the submissions and issue an aggregate report of all forfeitures in this State.

4. On or before April 1 of each year, the Office of the Attorney General shall make available:

(a) On its Internet website, the reports submitted by law enforcement agencies and the aggregate report.

(b) Upon request, printed copies of the reports submitted by law enforcement agencies and the aggregate report.

5. The Office of the Attorney General shall include in the aggregate report information on any law enforcement agencies not in compliance with this section.

Sec. 40. ~~NRS 179.121 is hereby amended to read as follows:~~

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

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

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

~~—(c) A violation of NRS 202.445 or 202.446;~~

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

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

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

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

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

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

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

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

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

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

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

~~— 4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415. (Deleted by amendment.)~~

Sec. 41. ~~[NRS 115.010 is hereby amended to read as follows:~~

~~— 115.010 — 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.~~

~~— 2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed \$605,000 in~~

value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

~~3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:~~

~~—(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or~~

~~—(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~—by both spouses, when that relation exists.~~

~~4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:~~

~~—(a) Any mortgage or deed of trust thereon; and~~

~~—(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~—unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.~~

~~5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive, 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive [.] , or sections 2 to 35, inclusive, of this act.~~

~~6. Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007.] (Deleted by amendment.)~~

Sec. 42. [NRS 202.340 is hereby amended to read as follows:

~~202.340 1. [Except as otherwise provided for firearms forfeitable pursuant to NRS 453.301, when] *When* any instrument or weapon described in NRS 202.350 is taken from the possession of any person charged with the~~

~~commission of any public offense or crime or any child charged with committing a delinquent act, the instrument or weapon must be surrendered to:~~

~~— (a) The head of the police force or department of an incorporated city if the possession thereof was detected by any member of the police force of the city;~~
~~or~~

~~— (b) The chief administrator of a state law enforcement agency, for disposal pursuant to NRS 333.220, if the possession thereof was detected by any member of the agency.~~

~~— In all other cases, the instrument or weapon must be surrendered to the sheriff of the county or the sheriff of the metropolitan police department for the county in which the instrument or weapon was taken.~~

~~— 2. Except as otherwise provided in subsection 5, the governing body of the county or city or the metropolitan police committee on fiscal affairs shall at least once a year order the local law enforcement officer to whom any instrument or weapon is surrendered pursuant to subsection 1 to:~~

~~— (a) Retain the confiscated instrument or weapon for use by the law enforcement agency headed by the officer;~~

~~— (b) Sell the confiscated instrument or weapon to another law enforcement agency;~~

~~— (c) Destroy or direct the destruction of the confiscated instrument or weapon if it is not otherwise required to be destroyed pursuant to subsection 5;~~

~~— (d) Trade the confiscated instrument or weapon to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency's duties; or~~

~~— (e) Donate the confiscated instrument or weapon to a museum, the Nevada National Guard or, if appropriate, to another person for use which furthers a charitable or public interest.~~

~~— 3. All proceeds of a sale ordered pursuant to subsection 2 by:~~

~~— (a) The governing body of a county or city must be deposited with the county treasurer or the city treasurer and the county treasurer or the city treasurer shall credit the proceeds to the general fund of the county or city.~~

~~— (b) A metropolitan police committee on fiscal affairs must be deposited in a fund which was created pursuant to NRS 280.220.~~

~~— 4. Any officer receiving an order pursuant to subsection 2 shall comply with the order as soon as practicable.~~

~~— 5. Except as otherwise provided in subsection 6, the officer to whom a confiscated instrument or weapon is surrendered pursuant to subsection 1 shall:~~

~~— (a) Except as otherwise provided in paragraph (c), destroy or direct to be destroyed any instrument or weapon which is determined to be dangerous to the safety of the public.~~

~~— (b) Except as otherwise provided in paragraph (c), return any instrument or weapon, which has not been destroyed pursuant to paragraph (a):~~

~~— (1) Upon demand, to the person from whom the instrument or weapon was confiscated if the person is acquitted of the public offense or crime of which the person was charged; or~~

~~— (2) To the legal owner of the instrument or weapon if the Attorney General or the district attorney determines that the instrument or weapon was unlawfully acquired from the legal owner. If retention of the instrument or weapon is ordered or directed pursuant to paragraph (c), except as otherwise provided in paragraph (a), the instrument or weapon must be returned to the legal owner as soon as practicable after the order or direction is rescinded.~~

~~— (c) Retain the confiscated instrument or weapon held by the officer pursuant to an order of a judge of a court of record or by direction of the Attorney General or district attorney that the retention is necessary for purposes of evidence, until the order or direction is rescinded.~~

~~— (d) Return any instrument or weapon which was stolen to its rightful owner, unless the return is otherwise prohibited by law.~~

~~— 6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument or weapon shall submit a full description of the instrument or weapon to a laboratory which provides forensic services in this State. The director of the laboratory shall determine whether the instrument or weapon:~~

~~— (a) Must be sent to the laboratory for examination as part of a criminal investigation; or~~

~~— (b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.} (Deleted by amendment.)~~

Sec. 43. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

The Peace Officers' Standards and Training Commission may require, as a condition of the certification of each peace officer, the completion of training concerning the procedures set forth in sections 2 to 35, inclusive, of this act.

Sec. 44. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.680, inclusive, **and section 43 of this act**, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 45. NRS 372A.070 is hereby amended to read as follows:

372A.070 1. A person shall not sell, offer to sell or possess with the intent to sell a controlled substance unless he or she first:

(a) Registers with the Department as a dealer in controlled substances and pays an annual fee of \$250; and

(b) Pays a tax on:

(1) Each gram of a controlled substance, or portion thereof, of \$1,000; and

(2) Each 50 dosage units of a controlled substance that is not sold by weight, or portion thereof, of \$2,000.

2. For the purpose of calculating the tax imposed by subparagraph (1) of paragraph (b) of subsection 1, the controlled substance must be measured by the weight of the substance in the dealer's possession, including the weight of any material, compound, mixture or preparation that is added to the controlled substance.

3. The Department shall not require a registered dealer to give his or her name, address, social security number or other identifying information on any return submitted with the tax.

4. Any person who violates subsection 1 is subject to a civil penalty of 100 percent of the tax in addition to the tax imposed by subsection 1. Any civil penalty imposed pursuant to this subsection must be collected as part of the tax.

5. The district attorney of any county in which a dealer resides may institute and conduct the prosecution of any action for violation of subsection 1.

6. Property *or minor currency* forfeited *or subject to forfeiture* pursuant to NRS 453.301 sections 2 to 35, inclusive, of this act must not be used to satisfy a fee, tax or penalty imposed by this section.

7. As used in this section:

(a) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(b) "Controlled substance" does not include cannabis or cannabis products.

(c) "Minor currency" has the meaning ascribed to it in section 5.5 of this act.

Sec. 46. [NRS 387.1212 is hereby amended to read as follows:

~~387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.~~

~~2. Money which must be deposited for credit to the State Education Fund includes, without limitation:~~

~~(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;~~

~~(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;~~

~~(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;~~

~~(d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph [(d)] (e) of subsection 2 of NRS 179.1187;~~

~~(e) The money identified in subsection 1 of NRS 328.450;~~

~~(f) The money identified in subsection 1 of NRS 328.460;~~

- ~~— (g) The money identified in paragraph (a) of subsection 2 of NRS 360.850;~~
 - ~~— (h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;~~
 - ~~— (i) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;~~
 - ~~— (j) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;~~
 - ~~— (k) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;~~
 - ~~— (l) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;~~
 - ~~— (m) The money identified in paragraph (b) of subsection 3 of NRS 678B.390;~~
 - ~~— (n) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;~~
 - ~~— (o) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;~~
 - ~~— (p) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;~~
 - ~~— (q) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;~~
 - ~~— (r) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and~~
 - ~~— (s) The direct legislative appropriation from the State General Fund required by subsection 3;~~
- ~~— 3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.~~
- ~~— 4. Money in the Fund must be paid out on claims as other claims against the State are paid.~~
- ~~— 5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund~~

~~pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.~~ **(Deleted by amendment.)**

Sec. 46.5. NRS 453.301 is hereby amended to read as follows:

453.301 ~~(The)~~ **Except as otherwise provided in sections 2 to 35, inclusive, of this act, the** following are subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive:

1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

3. All property which is used, or intended for use, as a container for property described in subsections 1 and 2.

4. All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used, or intended for use, in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

5. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, concealment, manufacture or protection, for the purpose of sale, possession for sale or receipt of property described in subsection 1 or 2.

6. All drug paraphernalia as defined by NRS 453.554 which are used in violation of NRS 453.560, 453.562 or 453.566 or a law of any other jurisdiction which prohibits the same or similar conduct, or of an injunction issued pursuant to NRS 453.558.

7. All imitation controlled substances which have been manufactured, distributed or dispensed in violation of the provisions of NRS 453.332 or 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

8. All real property and mobile homes used or intended to be used by any owner or tenant of the property or mobile home to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. As used in this subsection, “tenant” means any person entitled, under a written or oral rental agreement, to occupy real property or a mobile home to the exclusion of others.

9. Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same

or similar conduct, all proceeds traceable to such an exchange, and all other property used or intended to be used to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. If an amount of cash which exceeds \$300 is found in the possession of a person who is arrested for a violation of NRS 453.337 or 453.338, then there is a rebuttable presumption that the cash is traceable to an exchange for a controlled substance and is subject to forfeiture pursuant to this subsection.

10. All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

11. All computer hardware, equipment, accessories, software and programs that are in the actual or constructive possession of a person who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy and who violates the provisions of NRS 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

Sec. 47. ~~NRS 453.305 is hereby amended to read as follows:~~

~~453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.~~

~~2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.~~

~~3. The notices required by this section must:~~

~~(a) Be written in language which is easily understood;~~

~~(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;~~

~~(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be; and~~

~~(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted. [- and~~

~~(e) Advise the owner that:~~

~~— (1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;~~

~~— (2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;~~

~~— (3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and~~

~~— (4) The provisions of NRS 40.2514 and 40.254 authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.~~

~~4. [Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.~~

~~5.] As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.] (Deleted by amendment.)~~

Sec. 48. 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. 49. ~~[NRS 453.301 is hereby repealed.] (Deleted by amendment.)~~

†

~~TEXT OF REPEALED SECTION~~

~~453.301 Property subject to forfeiture. The following are subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive:~~

~~1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~3. All property which is used, or intended for use, as a container for property described in subsections 1 and 2.~~

~~4. All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used, or intended for use, in~~

~~violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~5. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, concealment, manufacture or protection, for the purpose of sale, possession for sale or receipt of property described in subsection 1 or 2.~~

~~6. All drug paraphernalia as defined by NRS 453.554 which are used in violation of NRS 453.560, 453.562 or 453.566 or a law of any other jurisdiction which prohibits the same or similar conduct, or of an injunction issued pursuant to NRS 453.558.~~

~~7. All imitation controlled substances which have been manufactured, distributed or dispensed in violation of the provisions of NRS 453.332 or 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~8. All real property and mobile homes used or intended to be used by any owner or tenant of the property or mobile home to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. As used in this subsection, "tenant" means any person entitled, under a written or oral rental agreement, to occupy real property or a mobile home to the exclusion of others.~~

~~9. Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct, all proceeds traceable to such an exchange, and all other property used or intended to be used to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. If an amount of cash which exceeds \$300 is found in the possession of a person who is arrested for a violation of NRS 453.337 or 453.338, then there is a rebuttable presumption that the cash is traceable to an exchange for a controlled substance and is subject to forfeiture pursuant to this subsection.~~

~~10. All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~11. All computer hardware, equipment, accessories, software and programs that are in the actual or constructive possession of a person who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy and who violates the provisions of NRS 453.3611 to~~

~~453.2648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.]~~

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 206.

AN ACT relating to public safety; revising provisions relating to the revocation of the license, permit or privilege of a driver; revising provisions concerning the issuance of a restricted driver's license; authorizing the Department of Motor Vehicles to issue an ignition interlock privilege to certain persons in lieu of a restricted driver's license; establishing provisions concerning ignition interlock devices; requiring the Director of the Department of ~~Motor Vehicles~~ **Public Safety** to establish the Ignition Interlock Program and adopt rules and regulations necessary to carry out the Program; establishing the Account for the Ignition Interlock Program; requiring the Department of Public Safety to adopt regulations establishing certain reasonable fees relating to ignition interlock devices; transferring certain duties from the Committee on Testing for Intoxication to the Department of Public Safety; revising various provisions concerning offenders who commit a violation of driving under the influence of alcohol or a prohibited substance; revising provisions relating to the statewide sobriety and drug monitoring program; authorizing a person who commits a first violation within 7 years of driving under the influence of alcohol or a prohibited substance to be sentenced to residential confinement in lieu of imprisonment; revising provisions relating to certain programs of treatment established by courts; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles (hereinafter "Department"), after receiving a record of a driver's final conviction of certain offenses, to revoke the license, permit or privilege of the driver for a period of 185 days, 1 year or 3 years, depending on the offense committed. (NRS 483.460) **Section 5** of this bill additionally requires the Department to make such a revocation for a period of either 3 or 5 years for offenses relating to driving without or tampering with an ignition interlock device.

Existing law establishes the circumstances in which the Department is authorized to issue a restricted driver's license to a person whose license has been suspended or revoked, which enables the person to drive to and from certain places for certain purposes. (NRS 483.490) Existing law also requires a court to order certain persons to install for a certain period, depending on the offense committed, an ignition interlock device in any motor vehicle that the person operates as a condition to obtaining such a restricted license. (NRS

484C.210, 484C.460) **Section 28** of this bill requires a court to order certain persons to install an ignition interlock device for a period of 185 days, 1 year or 3 years, depending on the offense committed, which aligns such periods with the periods of the revocation of person's license, permit or privilege to drive under **section 5**. **Section 7** of this bill requires the Department to issue an ignition interlock privilege in lieu of a restricted driver's license to such persons who have been ordered by the court to install an ignition interlock device after such persons provide proof of compliance with the order. **Section 7** also provides that any person for whom a court has provided an exception relating to the installation of an ignition interlock device is eligible for a restricted driver's license while participating in and complying with the requirements of the statewide sobriety and drug monitoring program. **Section 14** of this bill requires a court to give day-for-day credit to certain persons who install an ignition interlock device before the court orders the installation if such persons provide proof satisfactory to the court that the ignition interlock device was installed.

Section 7 provides that a person who violates any condition of an ignition interlock privilege is guilty of a misdemeanor and shall be punished by: (1) imprisonment in jail for not less than 30 days or more than 6 months, or by serving a term of residential confinement for not less than 60 days or more than 6 months; and (2) a fine of not less than \$500 and not more than \$1,000. **Section 6** of this bill additionally authorizes the Department to suspend the license of a driver without a preliminary hearing upon a sufficient showing that he or she failed to comply with the conditions of the issuance of an ignition interlock privilege.

Section 11 of this bill requires the Director of the Department of Public Safety to establish the Ignition Interlock Program and adopt rules and regulations that are necessary to carry out the Program. **Section 11** also establishes the Account for the Ignition Interlock Program and requires the Director or his or her designee to administer the Account, which can only be used to pay the expenses of the Program and must be funded by fees charged by the Department of Public Safety relating to ignition interlock devices. **Section 11** requires the Department of Public Safety to adopt regulations establishing reasonable fees for: (1) the certification, recertification and reinstatement of the certification of ~~the vendor,~~ manufacturers and vendors of ignition interlock devices; (2) the installation of an ignition interlock device by such ~~the vendor,~~ manufacturers and vendors; and (3) repeat violations relating to an ignition interlock device.

Existing law requires the Committee on Testing for Intoxication to adopt regulations ~~concerning the certification of and other matters~~ relating to ignition interlock devices, ~~and to establish its own standards and procedures for evaluating the models of ignition interlock devices.~~ (NRS 484C.480) **Section 31** of this bill transfers such ~~responsibilities,~~ a responsibility to the Department of Public Safety, ~~and~~ and requires that such regulations provide for the certification of manufacturers and vendors of ignition interlock

devices to allow such manufacturers and vendors to conduct business in this State.

Existing law requires a police officer to seize the driver's license or permit of a person who fails to submit to a preliminary breath test to determine the concentration of alcohol in his or her breath at the request of the police officer. (NRS 484C.150) **Section 13** of this bill removes such a requirement.

Existing law requires that certain offenders be evaluated before being sentenced to determine whether the offender has an alcohol or other substance use disorder and can be successfully treated for the disorder, and requires the person conducting the evaluation to forward the results of the evaluation to the Director of the Department of Corrections. (NRS 484C.300) **Section 17** of this bill provides that if the offender is assigned to any specialty court or diversionary program, the person conducting the evaluation is instead required to forward the results of the evaluation to the court having jurisdiction over the offender.

Existing law authorizes a person who is found guilty of a first or second violation within 7 years of driving under the influence of alcohol or a prohibited substance to apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for at least 6 months or 1 year, respectively. The court is required to authorize the treatment if the offender satisfies certain requirements, including if the offender has served or will serve a term of imprisonment in jail of 1 day or 5 days, respectively. If the offender satisfactorily completes the treatment, his or her sentence will be reduced to a term of imprisonment that is no longer than the applicable 1-day or 5-day period. (NRS 484C.320, 484C.330) **Sections 18 and 19** of this bill, respectively, instead provide that such a term of imprisonment must be not less than 1 day or 5 days, as applicable.

Existing law also authorizes a person who pleads guilty or nolo contendere to a third violation within 7 years of driving under the influence of alcohol or a prohibited substance to apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for a period of at least 3 years. If the court grants the application for treatment, the court is required to advise the offender that the court may order him or her to be admitted to a residential treatment facility or be provided with outpatient treatment in the community. (NRS 484C.340) **Section 20** of this bill removes such an option for outpatient treatment. **Section 20** also requires that as a condition of participating in a program of treatment, the offender must be placed under a system of active electronic monitoring and pay ~~it, to the extent of his or her ability to pay,~~ any costs associated with his or her participation under the system of active electronic monitoring. **Section 20** provides that a person who intentionally removes or disables or attempts to remove or disable in an unlawful manner an electronic monitoring device placed on an offender is guilty of a gross misdemeanor.

Existing law enacts the Nevada 24/7 Sobriety and Drug Monitoring Program Act, which generally establishes a statewide sobriety and drug monitoring

program that provides for the frequent testing of persons assigned to the program to determine the presence of alcohol or a prohibited substance in their system. (NRS 484C.372-484C.397) A court is authorized to assign an offender to the program who is found guilty of a second or third violation within 7 years of driving under the influence of alcohol or a prohibited substance. (NRS 484C.394) **Sections 23-26 and 45** of this bill make various changes to the program. **Section 23** ~~of this bill~~ requires a participant in the program to be subject to : **(1) testing to determine the presence of alcohol for a prohibited substance in his or her system not less than two times; either at a designated testing location at least twice each day or by using any other method approved under federal law; regulations; and (2) if appropriate, random testing to determine the presence of a prohibited substance in his or her system at least two times each week using any method approved under federal regulations.** **Section 23** also **provides that any person who uses alcohol or a prohibited substance while assigned to the program or fails or refuses to undergo required testing must be subject to an immediate sanction unless the approved testing method used does not allow for the imposition of an immediate sanction, in which case the person must be subject to a timely sanction.** **Section 22.5 of this bill revises the definition of the term “timely sanction.”** **Section 23 additionally** removes a provision allowing other testing methodologies to be used in cases of economic hardship or when a participant is rewarded with less stringent testing requirements. **Section 45 repeals certain provisions that have been included in or are amended by section 23.** **Section 24** of this bill authorizes a person who was arrested or found guilty, as applicable, of a first, second or third violation within 7 years of driving under the influence of alcohol or a prohibited substance to be assigned to the program as a condition of pretrial release, a sentence, or suspension of sentence or probation. **Section 24** requires a person who committed: (1) a first violation within 7 years of driving under the influence of alcohol or a controlled substance to participate in the program for not less than 90 days; and (2) a second or third violation within 7 years of driving under the influence of alcohol or a prohibited substance to participate in the program for not less than 1 year or 18 months, respectively, and receive an assessment of whether the person has an alcohol or other substance use disorder and any appropriate treatment. If any such repeat offender successfully completes the program, his or her sentence will be reduced, but the minimum mandatory term of imprisonment the person serves must not be less than 5 or 10 days, respectively. **Section 26** of this bill specifies that if rewards are given to participants in the program who meet certain standards of compliance, such a reward cannot include undergoing less frequent testing than that which is required.

Existing law generally provides that a person who commits a first violation within 7 years of driving under the influence of alcohol or a prohibited substance must be sentenced to imprisonment for not less than 2 days and not more than 6 months in jail, and a person who commits a second violation

within 7 years of driving under the influence of alcohol or a prohibited substance must be sentenced to imprisonment in jail or residential confinement for not less than 10 days and not more than 6 months. (NRS 484C.400) **Section 27** of this bill authorizes a person who commits a first violation within 7 years of driving under the influence of alcohol or a prohibited substance to be sentenced to residential confinement in lieu of being sentenced to imprisonment in jail. **Section 27** also provides that a person who commits a third violation within 7 years of driving under the influence of alcohol or a prohibited substance may be ordered to attend a program of treatment for an alcohol or other substance use disorder if the person has been evaluated and the results of the evaluation indicate that the person has such a disorder and can be treated successfully for the condition.

Existing law authorizes a court to establish a program for the treatment of veterans and members of the military to which certain eligible defendants may be assigned. (NRS 176A.280) If the defendant was charged with a violation of certain provisions of law, including driving under the influence of alcohol or a prohibited substance, the court is authorized to conditionally dismiss the charges against the defendant upon his or her fulfillment of the terms and conditions of the program. (NRS 176A.290) Not sooner than 7 years after the charges are conditionally dismissed, the records relating to the case can be sealed by court order. (NRS 176A.295) **Section 37** of this bill additionally authorizes the court to set aside the judgment of conviction against such a defendant, if applicable, and provides that any judgment of conviction that is set aside is a conviction for certain purposes, including for the purpose of additional penalties imposed for second or subsequent convictions. **Section 38** of this bill authorizes the records relating to the case to be sealed by court order not sooner than 7 years after the judgment of conviction is set aside.

Existing law also authorizes a court to establish a program for the treatment of alcohol or other substance use disorders and a program for the treatment of mental illness or intellectual disabilities to which certain eligible defendants may be assigned. (NRS 176A.230, 176A.250) **Sections 33-36** of this bill establish provisions that mirror the provisions in **sections 37 and 38** and authorize: (1) a court to conditionally dismiss the charges or set aside the judgment of conviction against a defendant who was charged with a violation of certain provisions of law, including driving under the influence of alcohol or a prohibited substance, upon the defendant's fulfillment of the terms and conditions of the respective program; and (2) the records relating to such a case to be sealed by court order not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside. **Sections 33 and 35** of this bill also specify that any charge that is conditionally dismissed or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions.

Section 39 of this bill provides that the provisions of law which prohibit a person who was convicted of a violation of driving under the influence of alcohol or a prohibited substance that is punishable as a felony from being able

to petition the court to seal the records relating to such a conviction must not be construed to preclude certain persons from petitioning the court for the sealing of records.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this section and NRS 483.420 to 483.525, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Ignition interlock device” has the meaning ascribed to it in section 9 of this act.*

Sec. 4. *“Ignition interlock privilege” has the meaning ascribed to it in section 10 of this act.*

Sec. 5. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) *For a period of 185 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.*

(b) *For a period of 1 year if the offense is:*

(1) *Except as otherwise provided in paragraph (c), any manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.*

(2) *Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.*

(3) *Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, and sections 2, 3 and 4 of this act, or pursuant to any other law relating to the ownership or driving of motor vehicles.*

(4) *Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.*

(5) *A second violation within 7 years of NRS 484C.110 or 484C.120.*

(6) *A violation of NRS 484B.550.*

(c) *For a period of 3 years if the offense is:*

(1) *A first violation of driving without an ignition interlock device or tampering with an ignition interlock device pursuant to subsection 2 of NRS 484C.470 and the driver is not eligible for a restricted license or an ignition interlock privilege during any of that period.*

(2) A violation of subsection 9 of NRS 484B.653.

~~{(2)}~~ (3) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

~~{(3)}~~ (4) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

~~{(4)}~~ (5) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➤ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

~~{(b)}~~ For a period of 1 year if the offense is:

~~— (1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.~~

~~— (2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.~~

~~— (3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.~~

~~— (4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.~~

~~— (5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.~~

~~— (6) A violation of NRS 484B.550.~~

~~—(e)}~~ (d) For a period of ~~{not less than 185 days,}~~ **5 years** if the offense is a ~~{first}~~ **second or subsequent** violation ~~{within 7 years of NRS 484C.110 or 484C.120,}~~ **of driving without an ignition interlock device or tampering with an ignition interlock device pursuant to subsection 2 of NRS 484C.470 and the driver is not eligible for a restricted license or an ignition interlock privilege during any of that period.**

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the

Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

~~4. [The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460 but who operates a motor vehicle without such a device:~~

~~—(a) For 3 years, if it is his or her first such offense during the period of required use of the device.~~

~~—(b) For 5 years, if it is his or her second such offense during the period of required use of the device.~~

~~5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.~~

~~6.]~~ In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

~~[7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.]~~

Sec. 6. NRS 483.470 is hereby amended to read as follows:

483.470 1. The Department may suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction;

(b) Has been involved as a driver in any crash resulting in the death or personal injury of another or serious property damage;

(c) Is physically or mentally incompetent to drive a motor vehicle;

(d) Has permitted an unlawful or fraudulent use of his or her license;

(e) Has committed an offense in another state which if committed in this State would be grounds for suspension or revocation; or

(f) Has failed to comply with the conditions of issuance of a restricted license ~~or~~ **or an ignition interlock privilege.**

2. Upon suspending the license of any person as authorized in this section, the Department shall immediately notify the person in writing, and upon his or her request shall afford the person an opportunity for a hearing as early as practical within 20 days after receipt of the request in the county wherein the person resides unless the person and the Department agree that the hearing may be held in some other county. The Administrator, or an authorized agent thereof, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee in connection with the hearing. Upon the hearing, the Department

shall either rescind its order of suspension or, for good cause, extend the suspension of the license or revoke it.

Sec. 7. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked ~~for an offense other than a violation of NRS 484C.110,~~ and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension **or revocation** prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➡ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. ~~A person who is required to install a device in a motor vehicle pursuant to NRS 484C.210 or 484C.460:~~

~~—(a) Shall install the device not later than 14 days after the date on which the order was issued; and~~

~~—(b) May not receive a restricted license pursuant to this section until:~~

~~—(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:~~

~~—(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~—(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; or~~

~~—(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 9 of NRS 484B.653.~~

~~3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 or following an order of revocation issued pursuant to NRS 484C.220, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.~~

~~4. If the driver's license of a person assigned to a program established pursuant to NRS 484C.392 is suspended or revoked, the Department may after verifying the proof of compliance submitted pursuant to subsection 3, if applicable,~~ issue a restricted driver's license to ~~such~~ an applicant that is valid while he or she is ~~a participant~~ **participating in and complying with the**

requirements of the program and that permits the applicant to drive a motor vehicle:

- (a) To and from a testing location established by a **designated** law enforcement agency pursuant to NRS 484C.393;
- (b) If applicable, to and from work or in the course of his or her work, or both;
- (c) To and from court appearances;
- (d) To and from counseling; or
- (e) To receive regularly scheduled medical care for himself or herself.

~~15.1~~ **3.** Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

- (a) If applicable, to and from work or in the course of his or her work, or both; or
- (b) If applicable, to and from school.

~~16.1~~ **4.** After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

- (a) If applicable, to and from work or in the course of his or her work, or both;
- (b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or
- (c) If applicable, as necessary to exercise a court-ordered right to visit a child.

~~17.1~~ **5.** A driver who violates a condition of a restricted license issued pursuant to subsection 1 or ~~14 or by another jurisdiction~~ **2** is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

- (a) A violation of NRS 484C.110, 484C.210 or 484C.430;
- (b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or
- (c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

~~18.1~~ **6.** The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

~~19.1~~ **7.** Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

8. Any person for whom a court provides an exception relating to the installation of an ignition interlock device pursuant to subsection 4 of NRS 484C.210 or subsection 2 of NRS 484C.460 is eligible for a restricted driver's license under this section while the person is participating in and complying with the requirements of a program established pursuant to NRS 484C.392.

9. If the Department receives a copy of an order requiring a person to install an ignition interlock device in a motor vehicle pursuant to NRS 484C.460, the Department shall issue an ignition interlock privilege to the person after he or she submits proof of compliance with the order. A person who is required to install an ignition interlock device pursuant to NRS 484C.210 or 484C.460 shall install the device not later than 14 days after the date on which the order was issued. A driver who violates any condition of an ignition interlock privilege issued pursuant to this subsection is guilty of a misdemeanor and shall be punished in the same manner provided in subsection 2 of NRS 483.560 for driving a vehicle while a driver's license is cancelled, revoked or suspended.

Sec. 8. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.

Sec. 9. "Ignition interlock device" means a mechanism that:

1. Tests a person's breath to determine the concentration of alcohol in his or her breath; and
2. If the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevents the motor vehicle in which it is installed from starting.

Sec. 10. "Ignition interlock privilege" means a license issued by the Department which authorizes the holder to operate a motor vehicle that has an ignition interlock device installed.

Sec. 11. 1. The Director of the Department of Public Safety shall:

- (a) Establish the Ignition Interlock Program; and
- (b) Adopt rules and regulations which are necessary to carry out the Program.
2. The Director may contract for the provision of services necessary for the Program.

3. The Account for the Ignition Interlock Program is hereby created as a special account in the State Highway Fund. The Director, or his or her designee, shall administer the Account.

4. The Account must be funded through the fees established by regulation pursuant to subsection 7. The money in the Account may only be used to pay the expenses of the Program, including, without limitation:

- (a) Enforcement activities relating to driving under the influence of alcohol or a prohibited substance;
- (b) The creation and maintenance of a case management statistical tracking system;
- (c) An on-site audit program;
- (d) Treatment assistance;

- (e) *Educational programs and training for law enforcement officers; and*
- (f) *Outreach programs.*

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

6. *Any money remaining in the Account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year.*

7. *The Department of Public Safety shall adopt regulations to establish a fee schedule that includes reasonable fees for:*

(a) *The certification of ~~the vendor~~ manufacturers and vendors of ignition interlock devices;*

(b) *The annual recertification of ~~the vendor~~ manufacturers and vendors of ignition interlock devices;*

(c) *The reinstatement of the certification of ~~the vendor~~ manufacturers and vendors of ignition interlock devices;*

(d) *The installation of an ignition interlock device by ~~the vendor~~ manufacturers and vendors of ignition interlock devices; and*

(e) *Repeat violations relating to an ignition interlock device.*

Sec. 12. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.105, inclusive, *and sections 9 and 10 of this act* have the meanings ascribed to them in those sections.

Sec. 13. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the request of a police officer at the scene of a vehicle crash or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~if~~:

~~—(a) Seize the license or permit of the person to drive as provided in NRS 484C.220; and~~

~~—(b) If~~, *if* reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or
(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080, at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of ~~190~~ **185** days.

3. ~~Except as otherwise provided in subsection 1, at~~ **At** any time while a person is not eligible for a license, permit or privilege to drive following a revocation under subsection 1 or 2, ~~which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath,~~ the person shall install, at his or her own expense, ~~at~~ **an ignition interlock** device in any motor vehicle which the person operates as a condition to obtaining ~~a restricted license~~ **an ignition interlock privilege** pursuant to NRS 483.490.

4. ***The Department may provide for an exception to the requirements of subsection 3 and issue a restricted license pursuant to subsection 1 of NRS 483.490 if the Department determines that the person is not a repeat intoxicated driver, as that term is defined in 23 C.F.R. § 1275.3(k) and:***

(a) The person is unable to provide a deep lung breath sample for analysis by an ignition interlock device, as certified in writing by a physician or an advanced practice registered nurse of the person; or

(b) The person resides more than 100 miles from a manufacturer of an ignition interlock device or its agent.

5. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~§~~ 6. If an order to install ~~at~~ **an ignition interlock** device pursuant to NRS 62E.640 or 484C.460 follows the installation of ~~at~~ **an ignition interlock** device pursuant to subsection 3, the court ~~may~~ **shall** give the person day-for-day credit for any period during which the person ~~installed at~~ **can provide proof satisfactory to the court that he or she had an ignition interlock** device

installed as a condition to obtaining ~~for a restricted license,~~ *an ignition interlock privilege.*

~~6.~~ 7. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

~~7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.~~

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who failed to submit to a test requested by the police officer pursuant to NRS ~~484C.150 or~~ 484C.160 or who has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then, unless the information is expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. The officer shall also, unless the information is expressly set forth in the order of revocation, advise the person that he or she is required to install ~~for~~ *an ignition interlock* device pursuant to NRS 484C.210. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, if any, a written certificate that the officer had

reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle:

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080, as determined by a chemical test; or

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➡ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order must also ~~indicate that~~ **state whether** the person is required to install ~~an~~ **an ignition interlock** device pursuant to NRS 484C.210. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

~~{5.—As used in this section, “device” has the meaning ascribed to it in NRS 484C.450.}~~

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted as soon as is practicable at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a

reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review. A person who is issued a temporary license is not subject to and is exempt *during the period of the administrative review* from the requirement to install ~~an~~ ***an ignition interlock*** device pursuant to NRS 484C.210.

2. The scope of the hearing must be limited to the issue of whether the person:

(a) Failed to submit to a required test provided for in NRS ~~484C.150 or~~ 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 678C.080.

➔ Upon an affirmative finding on either issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, permit or privilege to drive has been revoked shall, if not previously installed, install ~~an~~ ***an ignition interlock*** device pursuant to NRS 484C.210.

4. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review. A person who is issued a temporary license is not subject to and is exempt *during the period of the judicial review* from the requirement to install ~~an~~ ***an ignition interlock*** device pursuant to NRS 484C.210.

5. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

~~16. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.~~

Sec. 17. NRS 484C.300 is hereby amended to read as follows:

484C.300 1. Before sentencing an offender for a violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410, other than an offender who has been evaluated pursuant to NRS 484C.340, or a violation of NRS 484C.130 or 484C.430, the court shall require that the offender be evaluated to determine whether the

offender has an alcohol or other substance use disorder and whether the offender can be treated successfully for the condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug counselor who is licensed or certified, or a clinical alcohol and drug counselor who is licensed, pursuant to chapter 641C of NRS, to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners;

(c) An advanced practice registered nurse who is certified to make such an evaluation by the State Board of Nursing; or

(d) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug counselor, clinical alcohol and drug counselor, physician, advanced practice registered nurse or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections ~~and~~ ***or, if the offender is assigned to any specialty court or diversionary program, to the court having jurisdiction over the offender.***

Sec. 18. NRS 484C.320 is hereby amended to read as follows:

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as a person with an alcohol or other substance use disorder by:

(1) An alcohol and drug counselor who is licensed or certified, or a clinical alcohol and drug counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis;

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; or

(3) An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing;

(b) The offender agrees to pay the cost of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of ***not less than*** 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for an alcohol or other substance use disorder. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a

hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is ~~no longer~~ **not less than 1 day** ~~that provided for the offense in paragraph (c) of subsection 1~~ and a fine of not more than the minimum fine provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender **for the period prescribed by law.**

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 176A.230 to 176A.245, inclusive, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 19. NRS 484C.330 is hereby amended to read as follows:

484C.330 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for at least 1 year. The court shall authorize that treatment if:

(a) The offender is diagnosed as a person with an alcohol or other substance use disorder by:

(1) An alcohol and drug counselor who is licensed or certified, or a clinical alcohol and drug counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis;

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; or

(3) An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing;

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of **not less than** 5 days and, if required pursuant to NRS 484C.400, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of the treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is ~~no longer~~ **not less than 5 days** ~~that provided for the offense in paragraph (c) of subsection 1~~ and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender ~~for the period prescribed by law.~~

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 176A.230 to 176A.245, inclusive, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 20. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for at least 3 years. The court may authorize that treatment if:

(a) The offender is diagnosed as a person with an alcohol or other substance use disorder by:

(1) An alcohol and drug counselor who is licensed or certified, or a clinical alcohol and drug counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis;

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(3) An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➡ An alcohol and drug counselor, a clinical alcohol and drug counselor, a physician or an advanced practice registered nurse who diagnoses an offender as a person with an alcohol or other substance use disorder shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years.

(b) Order the offender to complete a program of treatment for an alcohol or other substance use disorder with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for not more than 5 years.

(2) The court may order the offender to be admitted to a residential treatment facility . ~~for to be provided with outpatient treatment in the community.~~

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if a treatment provider fails to accept the offender for a program of treatment for an alcohol or other substance use disorder or if the offender fails to complete the program of treatment satisfactorily. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

(5) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 176A.230 to 176A.245, inclusive, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

- (a) Serve not less than 6 months of residential confinement;
- (b) *Be placed under a system of active electronic monitoring, through the Division, that is capable of identifying the offender's location and producing, upon request, reports or records of the offender's presence near or within, or departure from, a specified geographic location and pay any costs associated with the offender's participation under the system of active electronic monitoring; ~~to the extent of his or her ability to pay;~~*
- (c) Install, at his or her own expense, ~~at~~ *an ignition interlock* device for not less than 12 months;
- ~~((e))~~ (d) Not drive any vehicle unless it is equipped with ~~at~~ *an ignition interlock* device;
- ~~((d))~~ (e) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and
- ~~((e))~~ (f) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for an alcohol or other substance use disorder pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been convicted of:

- (a) A violation of NRS 484C.430;
- (b) A violation of NRS 484C.130;
- (c) 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;
- (d) A violation of paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.410; or
- (f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. *An offender placed under a system of active electronic monitoring pursuant to paragraph (b) of subsection 6 shall:*

- (a) *Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.*
- (b) *Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.*
- (c) *Abide by any other conditions set forth by the court or the Division with regard to the offender's participation under the system of active electronic monitoring.*

9. *Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on an offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.*

10. As used in this section, ~~“device” has the meaning ascribed to it in NRS 484C.450.~~ **“Division” means the Division of Parole and Probation of the Department of Public Safety.**

Sec. 21. NRS 484C.360 is hereby amended to read as follows:

484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or ~~paragraph (a) or (b) of~~ subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment provider for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:

(a) Order the offender to be placed under the supervision of a treatment provider, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,
↪ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment provider to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment provider that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment provider is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

↪ after the treatment provider has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or ~~paragraph (a) or (b) of~~ subsection 1 of NRS 484C.400.

Sec. 22. ~~NRS 484C.374 is hereby amended to read as follows:~~

~~484C.374 As used in NRS 484C.372 to 484C.397, inclusive, unless the context otherwise requires, the words and terms defined in NRS 484C.376 to 484C.390, 484C.388, inclusive, have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

Sec. 22.5. NRS 484C.390 is hereby amended to read as follows:

484C.390 “Timely sanction” means a sanction that is able to be applied as soon as possible ~~1, but not later than 14 days,~~ after the results of testing

indicate the presence of alcohol or a prohibited substance in a program participant's system.

Sec. 23. NRS 484C.392 is hereby amended to read as follows:

484C.392 1. There is hereby established a statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate.

2. The ~~core components of the~~ program established pursuant to subsection 1 must ~~include the use of a primary testing methodology that tests for the presence of alcohol or a prohibited substance in a program participant's system, best facilitates the ability to apply immediate sanctions for noncompliance and is available at an affordable cost. In cases of economic hardship or when a program participant is rewarded with less stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized.~~ meet the federal definition of "24-7 sobriety program" in 23 C.F.R. § 1300.23(b).

3. ~~The program must be evidence based and satisfy at least two of the following requirements:~~

~~—(a) The program is included in the National Registry of Evidence-based Programs and Practices;~~

~~—(b) The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or~~

~~—(c) The program has been documented as effective by informed experts and other sources.~~

4. ~~The core components of~~ Any ~~participant in~~ person who is assigned to the program ~~that generally require~~ must ~~be~~:

(a) Abstain from alcohol and prohibited substances while assigned to the program; and

(b) Be subject to ~~testing~~:

(1) Testing to determine the presence of alcohol ~~for a prohibited substance~~ in ~~a person's~~ his or her system ~~not less than two times~~:

(I) At least twice each day ~~and random~~ at a testing location established by a designated law enforcement agency pursuant to NRS 484C.393; or

(II) By using any other approved method set forth in the federal definition of "24-7 sobriety program" in 23 C.F.R. § 1300.23(b).

(2) If appropriate, random testing to determine the presence of a prohibited substance in ~~a person's~~ his or her system ~~not less than~~ at least two times each week ~~must not be altered or modified.~~ ~~location~~, using any approved method set forth in the federal definition of "24-7 sobriety program" in 23 C.F.R. § 1300.23(b).

4. Must be subject to lawful and consistent sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing, including, without limitation, incarceration. Any such sanction must be an immediate sanction or, if the approved testing method being used pursuant to paragraph (b) of subsection

3 does not allow for the imposition of an immediate sanction, a timely sanction.

5. Is eligible for a restricted driver's license pursuant to subsection 2 of NRS 483.490 while participating in and complying with the requirements of the program if the driver's license of the person is suspended or revoked.

Sec. 24. NRS 484C.394 is hereby amended to read as follows:

484C.394 1. A court may, *as a condition of pretrial release, a sentence, a suspension of sentence or probation*, assign an offender who is *arrested for or* found guilty of, *as applicable*, a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 484C.400 to the program established pursuant to NRS 484C.392. ~~For a specified period determined by the court.~~

2. *If the court assigns to the program an offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, the court:*

(a) *Shall immediately sentence the offender in accordance with NRS 484C.400 and enter judgment accordingly.*

(b) *Shall suspend the sentence of the offender upon the condition that the offender participate in the program for not less than 90 days.*

(c) *Shall advise the offender that:*

(1) *If the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program, the court will require the offender to serve the sentence imposed by the court. The sentence of imprisonment must be reduced by a time equal to that which the offender served before participating in the program.*

(2) *If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the sentencing conditions, including, without limitation, the mandatory period of imprisonment or community service, will be reduced, but the conviction must remain on the record of criminal history of the offender for the period prescribed by law.*

(3) *The offender is eligible for a restricted driver's license pursuant to subsection 2 of NRS 483.490 while participating in and complying with the requirements of the program.*

(d) *May immediately revoke the suspension of sentence for a violation of a condition of suspension.*

3. If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400, the court:

(a) Shall immediately sentence the offender *in accordance with NRS 484C.400* and enter judgment accordingly.

(b) Shall suspend the sentence of the offender upon the condition that the offender participate in the program ~~for a specified period determined by the court.~~ *not less than 1 year and require that the offender receive an*

assessment of whether the offender has an alcohol or other substance use disorder and any appropriate treatment.

(c) Shall advise the offender that:

(1) If the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program, the court ~~may~~ **will** require the offender to serve the sentence imposed by the court. ~~Any~~ **The** sentence of imprisonment must be reduced by a time equal to that which the offender served before participating in the program.

(2) ~~It~~ **Except as otherwise provided in subparagraph (2) of paragraph (c) of subsection 4, if** the offender participates in the program for the period determined by the court and complies with the requirements of the program, the offender's sentence will be reduced ~~to a~~ **, but the minimum mandatory** term of imprisonment ~~which is~~ **must not longer** ~~be less than that provided for the offense in paragraph (c) of subsection 1 of NRS 484C.330 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but~~ **5 days, and** the conviction must remain on the record of criminal history of the offender ~~for the period prescribed by law.~~

(3) The offender is eligible for a restricted driver's license pursuant to subsection ~~4~~ **2** of NRS 483.490 ~~while participating in and complying with the requirements of the program.~~

(d) Shall not defer the sentence, set aside the conviction or impose conditions upon participation in the program except as otherwise provided in this section.

(e) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

~~3~~ **4.** If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, the court:

(a) Shall immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation.

(b) Shall order the offender to participate in the program ~~for not less than 18 months and require that the offender receive an assessment of whether the offender has an alcohol or other substance use disorder and any appropriate treatment.~~

(c) Shall advise the offender that:

(1) The court ~~may~~ **will** enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before participating in the program.

(2) If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the court will

enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400 ~~¶ and sentence the offender accordingly, but the minimum mandatory term of imprisonment must not be less than 10 days, and the conviction must remain on the record of criminal history of the offender for the period prescribed by law.~~

(3) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply and the offender is eligible for a restricted driver's license pursuant to subsection ~~¶¶~~ 2 of NRS 483.490 ~~¶ while participating in and complying with the requirements of the program.~~

(d) Shall not defer the sentence or set aside the conviction upon participation in the program, except as otherwise provided in this section.

(e) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

~~¶¶~~ 5. *If the court assigns an offender to the program as a condition of pretrial release after his or her arrest for a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, the court shall advise the offender that:*

(a) If the offender fails to participate in the program, the court may remand the offender to custody and require bond or other conditions.

(b) The offender is eligible for a restricted driver's license pursuant to subsection 2 of NRS 483.490 while participating in and complying with the requirements of the program.

6. If a court assigns a person to the program pursuant to this section, the court shall notify the Department of Motor Vehicles that as a participant in the program, the person is eligible for a restricted driver's license pursuant to subsection ~~¶¶~~ 2 of NRS 483.490. If the person fails to comply with the requirements of the program, the court may notify the Department of Motor Vehicles of the person's noncompliance and direct the Department of Motor Vehicles to revoke the restricted license.

~~¶§~~ 7. The Department of Motor Vehicles may adopt any regulations necessary to provide for the issuance of a restricted driver's license to a person assigned to the program.

8. *As used in this section, "imprisonment" means confinement in jail or an inpatient rehabilitation or treatment center or other facility or under house arrest with electronic monitoring, provided the person under confinement or house arrest is in fact being detained.*

Sec. 25. ~~¶NRS 484C.395 is hereby amended to read as follows:~~

~~484C.395 Any person who is assigned to the program:~~

~~1. Shall abstain from alcohol and prohibited substances while assigned to the program;~~

~~2. Shall undergo testing to determine the presence of alcohol or a prohibited substance in the person's system;~~

~~— (a) Except as otherwise provided in paragraph (b), not less than two times each day at a testing location established by a designated law enforcement agency pursuant to NRS 484C.392 so that immediate sanctions can be applied —;~~

~~— (b) If being tested two or more times each day is not practical, by an alternate method consistent with NRS 484C.392 that allows timely sanctions to be applied; or~~

~~— (c) By any other alternate method consistent with NRS 484C.392.~~

~~— 3. Shall undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system.~~

~~— 4.] 3. Must be subject to immediate, lawful and consistent sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing, including, without limitation, immediate incarceration.~~

~~— [5.] 4. Is eligible for a restricted driver's license pursuant to subsection [4] 2 of NRS 483.490 while participating in and complying with the requirements of the program if the driver's license of the person is suspended or revoked. (Deleted by amendment.)~~

Sec. 26. NRS 484C.396 is hereby amended to read as follows:

484C.396 Each political subdivision that elects to participate in the program established pursuant to NRS 484C.392 shall adopt guidelines consistent with NRS 484C.372 to 484C.397, inclusive. Such guidelines must:

1. Provide for the nature and manner of testing and the testing procedures and devices to be used.

2. Establish the requirements for compliance with the program, including, without limitation, the immediate sanctions and timely sanctions that may be imposed against a program participant.

3. Establish reasonable participant and testing fees for the program, including, without limitation, fees to pay the cost of installation, monitoring and deactivation of any testing device, and provide for the establishment and use of a local program account for the deposit of any fees collected. The established fees must be as low as possible, but the total amount of the fees and other funds credited to the local program account must defray the entire expense of the program to ensure program sustainability.

4. Provide that a political subdivision may accept gifts, grants, donations and any other form of financial assistance from any source for the purpose of enabling the political subdivision to participate in the program and carry out the provisions of NRS 484C.372 to 484C.397, inclusive.

5. Establish a process for the determination and management of program participants who are indigent.

6. Require and provide for the approval of a program data management technology plan to be used to manage testing, data access, fees, fee payments and any required reports.

7. Require a program participant to sign an agreement:

(a) Acknowledging his or her understanding of the program rules and expectations, including , without limitation, the prohibition against using alcohol or a prohibited substance while assigned to the program, and the sanctions that may be imposed;

(b) Agreeing to abide by the program rules and expectations; and

(c) Authorizing his or her records relating to participation in the program to be used for assessment purposes.

8. Require that program participants who meet certain standards of compliance be given positive feedback and rewarded when appropriate ~~[- Such],~~ **except that such** a reward ~~[may]~~ **cannot** include ~~[- without limitation,]~~ undergoing less frequent testing ~~[-] than that which is required pursuant to subsection 44 3 of NRS 484C.392.~~

Sec. 27. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS **484C.394** **or** 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on alcohol or other substance use disorders approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320 ~~[- sentence]~~ :

(I) Sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail ~~[-] or residential confinement for not less than 2 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;~~ or

(II) Order the person to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than \$400 nor more than \$1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330 , ~~for the person is assigned to a program pursuant to NRS 484C.394,~~ the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than \$750 nor more than \$1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360.

↪ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, ~~and unless the person is assigned to a program pursuant to NRS 484C.394,~~ for a third offense within 7 years, is guilty of a category B felony and ~~shall be punished by~~ **the court:**

(1) Shall:

(I) Sentence the person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years ~~and shall be further punished by a fine of~~ ; **and**

(II) Fine the person not less than \$2,000 nor more than \$5,000 ~~and~~ ; **and**

(2) May order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360 if the results of an evaluation conducted pursuant to NRS 484C.300 indicate that the person has an alcohol or other substance use disorder and that the person can be treated successfully for his or her condition.

↪ An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed **or the judgment of conviction is set aside** pursuant to NRS 176A.240, 176A.260 or 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

↪ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony,

must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, “offense” means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

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

Sec. 28. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, ~~and unless the person is assigned to a program pursuant to NRS 484C.394,~~ a court shall order a person ~~to install, at his or her own expense, an ignition interlock device in any motor vehicle which the person operates as a condition to obtaining an ignition interlock privilege pursuant to NRS 483.490 to reinstate the driving privilege of the person:~~

(a) ~~Except as otherwise provided in paragraph (b), a violation of paragraph (a), (b) or (c) of subsection 1 or paragraph (b) of subsection 2 of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, to install, at his or her own expense and for a period of not less than 185 days, a device in any motor vehicle which, if the person operates as a condition to obtaining a restricted license pursuant to NRS~~

~~483.490 or as a condition of reinstatement of the driving privilege of the person.}~~ **is convicted of a first violation within 7 years of NRS 484C.110.**

(b) ~~{A violation of:}~~ **For a period of 1 year if the person is convicted of a second violation within 7 years of NRS 484C.110.**

(c) **For a period of 3 years if the person is convicted of:**

(1) ~~{NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;~~

~~—(2)} A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or~~

~~{(3)} (2) A violation of NRS 484C.130 or 484C.430 . }~~

~~↪ to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.}~~

2. A court may ~~{, in the interests of justice,}~~ provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, if the court determines that:

(a) The person is unable to provide a deep lung breath sample for ~~{a}~~ **analysis by an ignition interlock** device, as certified in writing by a physician or an advanced practice registered nurse of the person; or

(b) The person resides more than 100 miles from a manufacturer of ~~{a}~~ **an ignition interlock** device or its agent.

3. If the court orders a person to install ~~{a}~~ **an ignition interlock** device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that ~~{a}~~ **an ignition interlock** device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted ~~{as a restriction}~~ on the person's ~~{driver's license.}~~ **ignition interlock privilege.**

(b) The person who is required to install the **ignition interlock** device shall provide proof of compliance to the Department before the person may receive ~~{a restricted license or before the driving}~~ **an ignition interlock** privilege. ~~{of the person may be reinstated, as applicable.}~~ Each model of ~~{a}~~ **an ignition interlock** device installed pursuant to this section must have been certified by the ~~{Committee on Testing for Intoxication.}~~ **Department of Public Safety.**

4. A person ~~{whose driving}~~ **who obtains an ignition interlock** privilege ~~{is restricted}~~ pursuant to this section or NRS 483.490 shall have the **ignition interlock** device inspected, calibrated, monitored and maintained by the manufacturer of the **ignition interlock** device or its agent at least one time each 90 days during the period in which the person is required to use the **ignition interlock** device to determine whether the **ignition interlock** device is

operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director *of the Department of Public Safety* indicating ~~whether the device is operating properly,~~ whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the *ignition interlock* device has been tampered with. ~~If the device has been tampered with, the Director and the manufacturer or its agent shall notify the court that ordered the installation of the device. Upon receipt of such notification and before~~ *Before* the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of ~~a~~ *an ignition interlock* device, if:

(a) The employee notifies his or her employer that the ~~employee's driving privilege~~ *employee* has been ~~so restricted,~~ *issued an ignition interlock privilege;* and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➡ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have ~~a~~ *an ignition interlock* device installed pursuant to this section commences when the Department issues ~~a restricted license~~ *an ignition interlock privilege* to the person ~~for reinstates the driving privilege of the person~~ and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 29. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. The court may extend the order of a person who is required to install ~~a~~ *an ignition interlock* device pursuant to NRS 484C.210 or 484C.460, ~~not~~ to ~~exceed~~ one-half of the period during which the person is required to have ~~a~~ *an ignition interlock* device installed, if the court receives from the Director of the Department of Public Safety or the manufacturer of the *ignition interlock* device or its agent a report that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the **ignition interlock** device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without ~~an~~ **ignition interlock** device or tamper with the **ignition interlock** device.

2. A person required to install ~~an~~ **ignition interlock** device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without ~~an~~ **ignition interlock** device or tamper with the **ignition interlock** device.

3. A person who violates any provision of subsection 2:

(a) Must have his or her driving privilege revoked in the manner set forth in *paragraph (c) or (d) of* subsection ~~4~~ **1** of NRS 483.460 ~~if, as applicable;~~ and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

↪ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 30. NRS 484C.475 is hereby amended to read as follows:

484C.475 Any person who provides a sample of breath for ~~an~~ **ignition interlock** device, with the intent to start a motor vehicle of another and for the purpose of allowing a person required to install ~~an~~ **ignition interlock** device pursuant to NRS 484C.210 or 484C.460 to avoid providing a sample of his or her breath, is guilty of a misdemeanor.

Sec. 31. NRS 484C.480 is hereby amended to read as follows:

484C.480 1. The ~~Committee on Testing for Intoxication~~ **Department of Public Safety** shall adopt regulations which:

(a) Provide for the certification of ~~each model of these~~ **manufacturers and vendors of ignition interlock** devices, ~~as described by manufacturer and model, which it approves as designed and manufactured to be accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a~~

~~concentration of alcohol of 0.02 or more in his or her breath, prevent the motor vehicle in which it is installed from starting.]~~ to allow such manufacturers and vendors to conduct business in this State.

(b) Prescribe the form and content of records respecting the calibration of **ignition interlock** devices, which must be kept by the manufacturer of the **ignition interlock** device or its agent, and other records respecting the installation, removal, inspection, maintenance and operation of the **ignition interlock** devices which it finds should be kept by the manufacturer or its agent.

(c) Prescribe standards and procedures for the proper installation, removal, inspection, calibration, maintenance and operation of ~~an~~ **ignition interlock** device installed by the manufacturer or its agent.

(d) Require the manufacturer or its agent to waive the cost of installing or removing the **ignition interlock** device and adjust the fee to lease, calibrate or monitor the **ignition interlock** device, if the person required to install ~~an~~ **ignition interlock** device pursuant to NRS 484C.210 or 484C.460:

(1) Has an income which is at or below 100 percent of the federally designated level signifying poverty, to 50 percent of the fee; or

(2) Receives supplemental nutritional assistance, as defined in NRS 422A.072, was determined indigent pursuant to NRS 171.188 or has an income which is at or below 149 percent of the federally designated level signifying poverty, to 75 percent of the fee.

2. The ~~Committee~~ **Department of Public Safety** shall establish its own standards and procedures for evaluating the models of the **ignition interlock** devices and obtain evaluations of those models from the Director or the manufacturer of the **ignition interlock** device or its agent.

3. If a model of ~~an~~ **ignition interlock** device has been certified by the ~~Committee~~ **Department of Public Safety** to be accurate and reliable pursuant to subsection 1, it is presumed that, as designed and manufactured, each **ignition interlock** device of that model is accurate and reliable to test a person's breath to determine the concentration of alcohol in the person's breath and, if the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, will prevent the motor vehicle in which it is installed from starting.

Sec. 32. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for 185 days and requiring the child to surrender the driver's license of the child to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to

subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may:

(a) Authorize the Department of Motor Vehicles to issue ~~to a restricted driver's license~~ **an ignition interlock privilege** pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section; and

(b) Order the child to install, at his or her own expense, or at the expense of the parent or guardian of the child, ~~to a restricted license~~ **an ignition interlock privilege** pursuant to NRS 483.490.

5. As used in this section ~~the "device"~~:

(a) **"Ignition interlock device"** has the meaning ascribed to it in ~~NRS 484C.450~~ **section 9 of this act**.

(b) **"Ignition interlock privilege"** has the meaning ascribed to it in **section 10 of this act**.

Sec. 33. NRS 176A.240 is hereby amended to read as follows:

176A.240 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from a substance use disorder or any co-occurring disorder tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.230 if the court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.230 if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.230 if the defendant is diagnosed as having a substance use disorder or any co-occurring disorder:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; or

(b) Pursuant to a substance use assessment.

3. A counselor or physician who diagnoses a defendant as having a substance use disorder shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.

5. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. ~~Upon~~ ***Except as otherwise provided in subsection 8, upon*** fulfillment of the terms and conditions, the court:

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or

regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 34. NRS 176A.245 is hereby amended to read as follows:

176A.245 1. ~~After~~ ***Except as otherwise provided in subsection 2, after*** a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.240, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. ***If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.210 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.240, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

3. If the court orders sealed the record of a defendant who is discharged from probation, ~~for~~ whose case is dismissed, ***whose charges were conditionally dismissed or whose judgment of conviction was set aside*** pursuant to NRS 176A.240, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 35. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 if the court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.

5. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. ~~Upon~~ ***Except as otherwise provided in subsection 8, upon*** fulfillment of the terms and conditions, the court:

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. *If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.*

Sec. 36. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. ~~After~~ **Except as otherwise provided in subsection 2, after** a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. *If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all*

documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a defendant who is discharged from probation, ~~for~~ whose case is dismissed, *whose charges were conditionally dismissed or whose judgment of conviction was set aside* pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 37. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211 and NRS 176A.287, if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of:

(a) Any offense punishable as a felony or gross misdemeanor for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court may:

(1) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program; or

(2) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program; or

(b) Any offense punishable as a misdemeanor for which the suspension of sentence is not prohibited by statute, the justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

3. Except as otherwise provided in subsection 5, upon fulfillment of the terms and conditions:

(a) The district court:

(1) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(II) Has previously failed to complete a specialty court program; or

(2) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(II) Has previously failed to complete a specialty court program; or

(b) The justice court or municipal court, as applicable, shall discharge the defendant and dismiss the proceedings.

4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges ~~or set aside the judgment of conviction, as applicable.~~ If a court conditionally dismisses the charges ~~or sets aside the judgment of conviction,~~ the court shall notify the defendant that ~~the~~ **any** conditionally dismissed ~~charges are~~ **charge or judgment of conviction that is set aside is**

a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but ~~for~~ **is** not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal **or having a judgment of conviction set aside** restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 38. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed **or the judgment of conviction is set aside** as provided in NRS 176A.290, not sooner than 7 years after ~~such a conditional dismissal~~ **the charges are conditionally dismissed or the judgment of conviction is set aside** and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, ~~for~~ whose charges were conditionally dismissed **or whose judgment of conviction was set aside** pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 39. 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 prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may 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, a hearing on the petition must be conducted.

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. ***The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found***

guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. 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.

~~§ 9.~~ 9. 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. 40. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3, 4 and 5, 4 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible 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. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) “Sexual offense” has the meaning ascribed to it in ~~paragraph (b) of subsection 8 of~~ NRS 179.245.

Sec. 41. 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 *or the judgment of conviction is set aside* pursuant to NRS 176A.240, 176A.260 or 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, 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, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

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

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. 42. NRS 209.427 is hereby amended to read as follows:

209.427 1. If the results of an evaluation conducted pursuant to NRS 484C.300 or 488.430 indicate that an offender has an alcohol or other substance use disorder and that the offender can be treated successfully for his or her condition, the Director shall, except as otherwise provided in this section ~~††~~ ***and unless a court has already assigned the offender to a program of treatment pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 484C.400,*** assign the offender to the program of treatment established pursuant to NRS 209.425. Such an assignment must be, to the extent that the period reasonably can be predicted, for the year, or as much thereof as practicable, immediately preceding the date the offender is due to be released from prison, either on parole or at the expiration of the offender’s term.

2. Before assigning an offender to a program of treatment, the Director, in cooperation with the Division of Parole and Probation of the Department of Public Safety, shall determine, to the extent possible:

(a) The length of time remaining on the offender’s sentence, taking into consideration any credits earned by the offender; and

(b) The likelihood that the offender will complete the entire program of treatment.

3. The Director shall when assigning offenders to the program, to the extent possible, give preference to those offenders who appear to the Director capable of successfully completing the entire program.

4. The Director is not required to assign an offender to the program of treatment if the offender is not eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481 and the regulations adopted pursuant thereto.

5. The Director may withdraw the offender from the program of treatment at any time if the Director determines that the offender:

- (a) Is not responding satisfactorily to the program; or
- (b) Has failed or refused to comply with any term or condition of the program.

6. As used in this section, “entire program” means both phases of the program established pursuant to NRS 209.425, for offenders who have not been released from prison, and NRS 209.429, for offenders who have been assigned to the custody of the Division of Parole and Probation of the Department of Public Safety.

Sec. 43. Any regulations adopted by the Committee on Testing for Intoxication before the effective date of this act pursuant to NRS 484C.480 remain in effect and may be enforced by the Department of Public Safety until the Department adopts regulations to repeal or replace those regulations.

Sec. 44. 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. 45. NRS ~~484C.390~~ **484C.395** and 484C.450 are hereby repealed.

Sec. 46. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

~~484C.390 “Timely sanction” defined. “Timely sanction” means a sanction that is able to be applied as soon as possible, but not later than 14 days, after the results of testing indicate the presence of alcohol or a prohibited substance in a program participant’s system.~~

484C.395 Requirements for offender in program. Any person who is assigned to the program:

1. Shall abstain from alcohol and prohibited substances while assigned to the program.

2. Shall undergo testing to determine the presence of alcohol in the person’s system:

(a) Except as otherwise provided in paragraph (b), not less than two times each day at a testing location established by a designated law enforcement agency pursuant to NRS 484C.393 so that immediate sanctions can be applied;

(b) If being tested two or more times each day is not practical, by an alternate method consistent with NRS 484C.392 that allows timely sanctions to be applied; or

(c) By any other alternate method consistent with NRS 484C.392.

3. Shall undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system.

4. Must be subject to immediate, lawful and consistent sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing, including, without limitation, immediate incarceration.

5. Is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490 if the driver's license of the person is suspended or revoked.

484C.450 "Device" defined. As used in NRS 484C.450 to 484C.480, inclusive, unless the context otherwise requires, "device" means a mechanism that:

1. Tests a person's breath to determine the concentration of alcohol in his or her breath; and
2. If the results of the test indicate that the person has a concentration of alcohol of 0.02 or more in his or her breath, prevents the motor vehicle in which it is installed from starting.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 380.

AN ACT relating to motor vehicles; establishing provisions governing the licensing and operation of a peer-to-peer car sharing program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 20 of this bill requires a person to obtain a license from the Department of Motor Vehicles before operating a peer-to-peer car sharing program in this State and establishes provisions governing the issuance and renewal of such a license. **Section 21** of this bill establishes the grounds upon which the Department may refuse to issue or suspend or revoke a license. **Sections 22 and 23** of the bill establish procedures to review a decision of the Department to refuse to issue or suspend or revoke a license. **Section 24** of this bill provides for the filing of a bond or, alternatively, a deposit by a licensee.

Sections 3-11 of this bill define terms relating to peer-to-peer car sharing programs.

Section 12 of this bill requires the Director of the Department to adopt regulations to carry out the provisions of law relating to peer-to-peer car sharing programs.

Section 13 of this bill provides that a peer-to-peer car sharing program assumes liability for certain damages on behalf of a shared vehicle owner. **Section 13** also requires a peer-to-peer car sharing program to ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy meeting certain requirements. If the insurance policy used to satisfy these requirements has lapsed or does not meet the requirements, the peer-to-peer car sharing program assumes liability for damages up to the required level of coverage. **Section 15** of this bill authorizes an authorized insurer to exclude from coverage claims afforded under a shared vehicle owner's motor vehicle liability insurance policy.

Sections 14 and 25 of this bill require a peer-to-peer car sharing program to make certain disclosures to shared vehicle owners and shared vehicle drivers.

Section 16 of this bill requires a peer-to-peer car sharing program to maintain certain records.

Existing federal law provides that a vehicle owner who rents or leases the vehicle is not vicariously liable for harm to persons or property that results or arises out of the use, operation or possession of the vehicle during the period of the rental or lease under certain circumstances. (49 U.S.C. § 30106) **Section 17** of this bill provides that the provisions of **sections 2-29** of this bill are not be construed to impose liability which is inconsistent with this federal law.

Section 18 of this bill authorizes an insurer who defends or indemnifies certain claims to seek recovery from the motor vehicle insurer of the peer-to-peer car sharing program under certain circumstances.

Section 19 of this bill provides that a peer-to-peer car sharing program has an insurable interest in the shared vehicle during the car sharing period and may own and maintain certain types of motor vehicle liability insurance.

Section 26 of this bill prohibits a peer-to-peer car sharing program from entering into a car sharing program agreement with a person who does not possess a valid driver's license.

Section 27 of this bill establishes liability for the loss of or damage to equipment placed in or on a shared vehicle.

Section 28 of this bill establishes provisions relating to safety recalls on shared vehicles.

Section 29 of this bill prohibits a local governmental entity from imposing additional taxes, fees or licensing requirements on a peer-to-peer car sharing program, shared vehicle owner, shared vehicle driver or shared vehicle, other than those which are applicable, in general, to all businesses.

Existing law prohibits a person from engaging in the activities of a short-term lessor unless such person has obtained a license to do so. (NRS 482.300)

Section 31 of this bill provides that a peer-to-peer car sharing program and a vehicle owner who makes a vehicle available through such a program are not

engaged in the activities of a short-term lessor. **Section 30** of this bill provides that the sharing of a vehicle through a peer-to-peer car sharing program is not a lease for certain purposes.

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

Section 1. Title 43 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 29, inclusive, of this act.

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

Sec. 3. *“Car sharing delivery period” means the period of time before the car sharing start time during which a shared vehicle is being delivered to the location where the shared vehicle driver will assume control of the shared vehicle.*

Sec. 4. *“Car sharing period” means the period of time that:*

1. Begins:

(a) If there is a car sharing delivery period, at the start of that period; or

(b) If there is no car sharing delivery period, at the car sharing start time;
and

2. Ends at the car sharing termination time.

Sec. 5. *“Car sharing program agreement” means an agreement entered into between a peer-to-peer car sharing program and a shared vehicle driver or shared vehicle owner which establishes terms and conditions governing the sharing of a vehicle through the peer-to-peer car sharing program.*

Sec. 6. *“Car sharing start time” means the time ~~for~~*

~~*1. At or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program at which the shared vehicle becomes subject to the control of the shared vehicle driver; or*~~

~~*2. If the shared vehicle becomes subject to the control of the shared vehicle driver before the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program, the time of the reservation.*~~ *when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of the peer-to-peer car sharing program.*

Sec. 7. *“Car sharing termination time” means ~~for~~ whichever of the following events occurs first:*

1. The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

2. The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to a location alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program and incorporated into the car sharing program agreement; or

3. When the shared vehicle owner or the authorized designee of the shared vehicle owner takes possession and control of the shared vehicle ~~at~~ ~~whichever occurs first.~~

Sec. 7.5. “Peer-to-peer car sharing” means the authorized use of a vehicle by an individual other than the owner of the vehicle through a peer-to-peer car sharing program.

Sec. 8. “Peer-to-peer car sharing program” means a platform operated by a business that connects shared vehicle owners with shared vehicle drivers to enable the sharing of vehicles in exchange for money.

Sec. 9. “Shared vehicle” means a vehicle that is shared or available for sharing through a peer-to-peer car sharing program.

Sec. 10. “Shared vehicle driver” means a person who has been authorized to drive a shared vehicle by the shared vehicle owner pursuant to the terms of a car sharing program agreement.

Sec. 11. “Shared vehicle owner” means the registered owner of a shared vehicle or a person who is authorized by the registered owner to make a vehicle available for sharing through a peer-to-peer car sharing program.

Sec. 12. The Director shall adopt such regulations as are necessary to carry out the provisions of this chapter.

Sec. 13. 1. Except as otherwise provided in subsection 2, a peer-to-peer car sharing program assumes any tort liability of a shared vehicle owner arising out of the use or operation of the shared vehicle during the car sharing period up to an amount of:

(a) For bodily injury to or death of one person in any one crash, ~~+\$25,000+~~ \$50,000;

(b) For bodily injury to or death of two or more persons in any one crash and subject to the limit for one person, ~~+\$50,000+~~ \$100,000; and

(c) For injury to or destruction of property of others in any one crash, \$20,000,

↪ or any amount set forth in the car sharing program agreement which is greater than an amount provided for by this section.

2. The provisions of subsection 1 do not apply to a shared vehicle owner:

(a) Who made an intentional and fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the liability arose; or

(b) Who acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

3. The assumption of liability pursuant to subsection 1 includes, without limitation, liability for bodily injury, property damage, uninsured and underinsured motorist or personal injury protection losses by damaged third parties to the same extent as the insurance required by NRS 485.185 is required to include coverage for such damage or losses ~~for~~, up to any applicable amount set forth in subsection 1.

4. A peer-to-peer car sharing program shall ensure that, during each car sharing period ~~for both~~ :

(a) ~~Both~~ the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that includes coverage which is not less than ~~the coverage required by NRS 485.185 and which:~~

~~(a)~~ :

(1) For bodily injury to or death of one person in any one crash, \$50,000;

(2) For bodily injury to or death of two or more persons in any one crash and subject to the limit for one person, \$100,000; and

(3) For injury to or destruction of property of others in any one crash, \$20,000,

~~or~~ or any amount set forth in the car sharing program agreement which is greater than an amount provided for by this section.

(b) Any insurance policy used to satisfy the requirements of paragraph (a):

(1) Expressly recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; ~~and~~ or

~~(b)~~ (2) Does not prohibit or exclude the use of the shared vehicle by a shared vehicle driver.

5. The insurance policy used to satisfy the requirements of subsection 4 may be a policy maintained by:

(a) The shared vehicle owner;

(b) The shared vehicle driver;

(c) The peer-to-peer car sharing program; or

(d) The shared vehicle owner, shared vehicle driver and peer-to-peer car sharing program.

6. The insurance policy used to satisfy the requirements of subsection 4 provides primary insurance during each car sharing period. If, during the car sharing period, a claim arises in another state with minimum financial responsibility requirements that are higher than the ~~requirements of NRS 485.185,~~ amounts set forth in paragraph (a) of subsection 4, the insurance policy used to satisfy the requirements of subsection 4 must satisfy the difference in minimum coverage amounts, up to the applicable policy limits.

7. The insurer providing the insurance used to satisfy the requirements of subsection 4 shall assume primary liability for a claim when:

(a) A dispute exists as to who was in control of the shared vehicle at the time of the occurrence out of which liability arose and the peer-to-peer car sharing program does not have available, did not retain or fails to provide the information required by section 16 of this act; or

(b) A dispute exists as to whether the shared vehicle was returned to an alternatively agreed upon location.

8. *If the insurance used to satisfy the requirements of subsection 4 has lapsed or does not provide the coverage required pursuant to subsection 4, the peer-to-peer car sharing program:*

(a) Shall assume liability for damages up to the amounts set forth in subsection 1, which may be satisfied through the peer-to-peer car sharing program's own insurance policy, beginning with the first dollar of any claim; and

(b) Is responsible for defending against any such claim,
↳ except in the situation where the shared vehicle owner acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

9. *Coverage under a motor vehicle liability insurance policy maintained by a peer-to-peer car sharing program must not be dependent on another insurer first denying a claim or require another motor vehicle liability insurance policy to first deny a claim.*

10. *Nothing in this chapter shall be construed to:*

(a) Limit the liability of a peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program that results in injury to any person as a result of the use of a shared vehicle through the peer-to-peer car sharing program; or

(b) Limit the ability of a peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

11. *As used in this section, "alternatively agreed upon location" means a location alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program for the return of the shared vehicle.*

Sec. 14. *At the time when the owner of a motor vehicle registers as a shared vehicle owner through a peer-to-peer car sharing program and before the shared vehicle owner is permitted to make his or her vehicle available for car sharing through a peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including, without limitation, use without insurance coverage for physical damage, may violate the terms of the contract with the lienholder.*

Sec. 15. 1. *An authorized insurer that writes motor vehicle liability insurance in this State may exclude any and all coverage for and any duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy, including, without limitation:*

- (a) Liability coverage for bodily injury and property damage;*
- (b) Personal injury protection coverage;*
- (c) Uninsured and underinsured motorist coverage;*
- (d) Medical payments coverage;*
- (e) Comprehensive physical damage coverage; and*
- (f) Collision physical damage coverage.*

2. *Nothing in this section shall be construed to:*

(a) Invalidate or limit an exclusion contained in a motor vehicle liability insurance policy, including, without limitation, any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing or hire or for any business use.

(b) Invalidate, limit or restrict an insurer's ability to underwrite an insurance policy or to cancel or decline to renew a policy.

3. *As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.*

Sec. 16. 1. *A peer-to-peer car sharing program shall collect and maintain the following records relating to ~~the use of a shared vehicle~~ peer-to-peer car sharing of a shared vehicle through the peer-to-peer car sharing program in such format as the Director may prescribe:*

- (a) The exact car sharing start time and car sharing termination time, plus the exact start and end time of any car sharing delivery period;*
- (b) The pick-up and drop-off locations for each car sharing period;*
- (c) The amount of any fees paid by the shared vehicle driver for each car sharing period;*
- (d) The amount of any revenues received by the shared vehicle owner for each car sharing period; and*
- (e) Such other records as the Director may require by regulation.*

2. *The peer-to-peer car sharing program shall maintain the peer-to-peer car sharing records required pursuant to subsection 1 for a period of not less than ~~4~~ 6 years after the record is created.*

3. *Upon request, the peer-to-peer car sharing program shall provide copies of the peer-to-peer car sharing records maintained pursuant to this section and section 26 of this act to the shared vehicle owner, shared vehicle driver, ~~for~~ insurer of the shared vehicle owner or shared vehicle driver or a claimant alleging damages related to the use of the shared vehicle to facilitate a claim coverage investigation or the settlement, negotiation or litigation of a claim.*

4. *Upon request, each peer-to-peer car sharing record maintained pursuant to this section and section 26 of this act must be made available for inspection by a shared vehicle owner, shared vehicle driver, the insurer of a*

shared vehicle owner or shared vehicle driver or the Department or its designee at any time during regular business hours, subject to the provisions of any applicable data security or data privacy law.

5. *A peer-to-peer car sharing program that keeps outside of this State any books, papers and records maintained pursuant to this section and section 26 of this act shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.*

6. *The Director shall adopt such regulations as the Director determines are necessary to carry out the provisions of this section.*

Sec. 17. *The provisions of this chapter shall not be construed to impose liability which is inconsistent with the provisions of 49 U.S.C. § 30106.*

Sec. 18. *A motor vehicle insurer that defends or indemnifies a claim arising from the use of a shared vehicle shall have the right to seek recovery against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is:*

1. *Made against the shared vehicle owner or shared vehicle driver for loss or injury that occurs during the car sharing period; and*

2. *Excluded under the terms of the motor vehicle liability insurance policy of the motor vehicle insurer who is not the motor vehicle insurer of the peer-to-peer car sharing program.*

Sec. 19. 1. *Notwithstanding any other provision of law, a peer-to-peer car sharing program shall be deemed to have an insurable interest in a shared vehicle during the car sharing period.*

2. *A peer-to-peer car sharing program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for:*

(a) *Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement;*

(b) *Any liability of a shared vehicle owner;*

(c) *Any liability of a shared vehicle driver; or*

(d) *Damage or loss to a shared motor vehicle.*

3. *Nothing in this section shall be construed to require a peer-to-peer car sharing program to obtain or maintain the motor vehicle liability insurance policy necessary to satisfy the requirements of subsection 4 of section 13 of this act or to impose any liability on the peer-to-peer car sharing program which does not obtain or maintain such a policy.*

Sec. 20. 1. *A peer-to-peer car sharing program shall not engage in business in this State unless the person who operates the peer-to-peer car sharing program holds a valid license issued by the Department pursuant to this chapter.*

2. A person who desires to operate a peer-to-peer car sharing program in this State must:

(a) Submit to the Department an application for the issuance of a license to operate a peer-to-peer car sharing program in such form and including such information and documentation as the Director may require by regulation.

(b) Provide evidence of insurance coverage to satisfy any liability that accrues to a peer-to-peer car sharing program for damage that arises from the failure of the peer-to-peer car sharing program to comply with the provisions of this chapter in an amount established by the Director by regulation, which is separate from any insurance coverage a peer-to-peer car sharing program may use to satisfy the liability which may accrue to a peer-to-peer car sharing program pursuant to section 13 of this act or which may be used to satisfy the requirements of subsection 4 of section 13 of this act, or ~~not~~ file a bond or make a deposit pursuant to section 24 of this act.

(c) Pay a fee of \$125.

3. Licenses issued pursuant to subsection 2 expire on December 31 of each year. Before December 31 of each year, licensees shall furnish the Department with an application for renewal of the license in such form and including such information and documentation as the Director may require by regulation accompanied by an annual renewal fee of \$50.

Sec. 21. The Department may refuse to issue or suspend or revoke a license as a peer-to-peer car sharing program upon any of the following grounds:

1. Material misstatement in the application for a license.

2. Willful failure to comply with any provision of this chapter or regulations adopted pursuant thereto. If the Department notifies a peer-to-peer car sharing program that the peer-to-peer car sharing program has violated the provisions of this chapter or the regulations adopted pursuant thereto and the peer-to-peer car sharing program fails to take corrective action within 10 days after having received the notice or continues to violate the provisions of this chapter or the regulations adopted pursuant thereto, ~~this~~ the failure to take corrective action or the continuing violation, as applicable, shall be deemed prima facie evidence of willful failure to comply with the provisions of this chapter or the regulations adopted pursuant thereto.

3. Failure or refusal to furnish and keep in force any bond or maintain insurance in an amount established by the Director in regulations adopted pursuant to section 20 of this act to satisfy any liability that accrues to a peer-to-peer car sharing program for damage that arises from the failure of the peer-to-peer car sharing program to comply with the provisions of this chapter.

4. Failure or refusal to pay or otherwise discharge any final judgement entered against the licensee arising out of a violation of this chapter.

Sec. 22. 1. *An applicant or licensee may, within 30 days after receipt of the notice of denial, suspension or revocation, petition the Director in writing for a hearing.*

2. *Except as otherwise provided in subsection 3, the Director shall make written findings of fact and conclusions and grant or finally deny the application or suspend or revoke the license within 15 days after the hearing unless by interim order the Director extends the time to 30 days after the hearing. If the license has been temporarily suspended, the suspension expires not later than 15 days after the hearing.*

3. *If the Director finds that the action is necessary in the public interest, upon notice to the licensee, the Director may temporarily suspend or refuse to renew the license issued to a peer-to-peer car sharing program for a period not to exceed 30 days. A hearing must be held, and a final decision rendered, within 30 days after notice of the temporary suspension.*

4. *The Director may issue subpoenas for the attendance of witnesses and the production of evidence.*

Sec. 23. *Upon judicial review of the denial or revocation of a license, the court for good cause shown may order a trial de novo.*

Sec. 24. 1. *In lieu of insurance coverage to satisfy any liability that accrues to a peer-to-peer car sharing program for damage that arises from the failure of the peer-to-peer car sharing program to comply with the provisions of this chapter, a peer-to-peer car sharing program may:*

(a) *File with the Department a bond of a surety company authorized to transact business in this State in an amount not less than \$5,000 conditioned that the peer-to-peer car sharing program will comply with the provisions of this chapter in the operation of the peer-to-peer car sharing program.*

(b) *Deposit with the Department, under such terms as the Director may prescribe, a like amount of lawful money of the United States or a savings certificate of a bank, credit union, savings and loan association or savings bank situated in Nevada, which must state that the amount is unavailable for withdrawal except upon order of the Director. Interest earned on the amount accrues to the account of the licensee or applicant.*

2. *The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.*

3. *The bond must provide that a shared vehicle owner or shared vehicle driver injured by the failure of the licensee to provide the disclosure required by section 25 of this act or to otherwise comply with the provisions of this chapter may apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.*

4. *A deposit made pursuant to paragraph (b) of subsection 1 may be disbursed by the Director, for good cause shown and after notice and an opportunity for hearing, in an amount determined by the Director to compensate a shared vehicle owner or shared vehicle driver for an injury*

incurred due to the failure of the licensee to provide the disclosure required by section 25 of this act or to otherwise comply with the provisions of this chapter, or released upon receipt of:

(a) A court order requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the licensee requesting the Director to release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

5. When a deposit is made pursuant to paragraph (b) of subsection 1, liability under the deposit is in the amount prescribed by the Department. If the amount of the deposit is reduced or there is an outstanding court judgment for which the licensee is liable under the deposit, the license as a peer-to-peer car sharing program is automatically suspended. The license must be reinstated if the licensee:

(a) Files an additional bond pursuant to subsection 1;

(b) Restores the deposit with the Department to the original amount required under this section; or

(c) Satisfies the outstanding judgment for which the licensee is liable under the deposit.

6. A deposit made pursuant to paragraph (b) of subsection 1 may be refunded:

(a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or

(b) By order of court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.

Sec. 25. Each car sharing program agreement entered into between a peer-to-peer car sharing program and a shared vehicle driver or shared vehicle owner shall disclose:

1. Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

2. That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program.

3. That the insurance coverage of the peer-to-peer car sharing program on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and shared vehicle owner may not have insurance coverage.

4. *The daily rate, fees and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver.*

5. *That the motor vehicle liability insurance of the shared vehicle owner may not provide coverage for a shared vehicle.*

6. *An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries.*

7. *If there are conditions under which a shared vehicle driver must maintain a personal motor vehicle liability insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle.*

Sec. 26. 1. *A peer-to-peer car sharing program may not enter into a car sharing program agreement with a person to be a shared vehicle driver unless the person:*

(a) Possesses a valid driver's license issued by the Department that authorizes the person to operate vehicles of the class of the shared vehicle; or

(b) Is exempt from the requirement to obtain a Nevada driver's license pursuant to subsection 3 of NRS 483.240 and possesses a valid driver's license issued to the person in his or her home state or country that authorizes the person to operate vehicles of the class of the shared vehicle in that home state or country.

2. *A peer-to-peer car sharing program shall keep a record of:*

(a) The name and address of each shared vehicle driver;

(b) The number of the driver's license of each shared vehicle driver and each other person, if any, who will operate the shared vehicle; and

(c) The place of issuance of each driver's license described in paragraph (b).

Sec. 27. *A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment, that is put in or on the shared vehicle to monitor or facilitate the car sharing transaction and shall indemnify and hold harmless the shared vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the shared vehicle owner. A peer-to-peer car sharing program may enter into an agreement with a shared vehicle driver wherein the shared vehicle driver agrees to indemnify the peer-to-peer car sharing program for any loss or damage to such equipment that occurs during the car sharing period.*

Sec. 28. 1. *At the time when a motor vehicle owner registers as a shared vehicle owner through a peer-to-peer car sharing program and before being permitted to make a shared vehicle available for car sharing through the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:*

(a) Verify that the shared vehicle is not subject to any safety recalls on the vehicle for which the repairs have not been made; and

(b) Notify the shared vehicle owner of the requirements under subsections 2, 3 and 4.

2. If a shared vehicle owner has received an actual notice of a safety recall on the vehicle, the shared vehicle owner may not make the vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

3. If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available through a peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle from being made available through the peer-to-peer car sharing program as soon as possible after receiving the notice of the safety recall and until the safety recall repair has been made.

4. If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is in the possession of a shared vehicle driver, the shared vehicle owner shall notify the peer-to-peer car sharing program as soon as possible after receiving the notice of the safety recall so that the shared vehicle owner may address the safety recall repair.

Sec. 29. 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on:

(1) Any peer-to-peer car sharing ~~company~~ program operating within the scope of a valid license issued pursuant to section 20 of this act;

(2) Any shared vehicle driver;

(3) Any shared vehicle owner; or

(4) Any shared vehicle.

(b) Require:

(1) A peer-to-peer car sharing program operating within the scope of a valid license issued pursuant to section 20 of this act to obtain from the local government any certificate, license or permit to operate as a peer-to-peer car sharing ~~company~~ program; or

(2) A shared vehicle owner who makes a shared vehicle available through a peer-to-peer car sharing program to obtain from the local government any certificate, license or permit to make the shared vehicle available through a peer-to-peer car sharing program.

(c) Impose any other requirement on a peer-to-peer car sharing program, shared vehicle owner or shared vehicle driver which is not of general applicability to all similarly situated persons or entities within the jurisdiction of the local government.

2. Nothing in this section shall be construed to:

(a) Prohibit a local government from requiring a peer-to-peer car sharing program to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibit an airport or its governing body from requiring a peer-to-peer car sharing program or shared vehicle owner to:

(1) Obtain a permit or certification to operate at the airport; ~~for~~

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempt a shared vehicle from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. Nothing in this section shall be construed to exempt a peer-to-peer car sharing program from the requirement to obtain a state business license pursuant to chapter 76 of NRS.

Sec. 30. NRS 482.053 is hereby amended to read as follows:

482.053 For the purposes of regulation under this chapter and of imposing tort liability under NRS 41.440, and for no other purpose:

1. “Lease” means a contract by which the lienholder or owner of a vehicle transfers to another person, for compensation, the right to use such vehicle ~~to~~ *not including but does not include the sharing of a vehicle through a peer-to-peer car sharing program pursuant to sections 2 to 29, inclusive, of this act.*

2. “Long-term lessee” means a person who has leased a vehicle from another person for a fixed period of more than 31 days.

3. “Long-term lessor” means a person who has leased a vehicle to another person for a fixed period of more than 31 days.

4. “Short-term lessee” means a person who has leased a vehicle from another person for a period of 31 days or less, or by the day, or by the trip.

5. “Short-term lessor” means a person who has leased a vehicle to another person for a period of 31 days or less, or by the day, or by the trip.

Sec. 31. NRS 482.300 is hereby amended to read as follows:

482.300 *1.* It is unlawful for any person to engage in the activities of a short-term lessor unless such person has been licensed pursuant to NRS 482.363.

2. A peer-to-peer car sharing program licensed pursuant to section 20 of this act and ~~any~~ a shared vehicle owner ~~of a vehicle who makes the vehicle available for use through such a program who operate pursuant to the provisions of sections 2 to 29, inclusive, of this act~~ as defined by section 11 of this act shall not be deemed to be engaged in the activities of a short-term lessor.

Sec. 32. 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. 33. *1.* This section and section 32 of this act become effective upon passage and approval.

2. Sections 1 to 31, 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 October 1, 2021, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 331.

AN ACT relating to crimes; defining the terms ~~“aggregate”~~ **“repeat** offense” and “crime of violence”; ~~requiring a peace officer to issue a misdemeanor citation in lieu of executing a warrant by arresting the defendant if the warrant is issued upon an offense punishable as a misdemeanor and the offense does not constitute an aggregate offense or a crime of violence;~~ requiring certain persons to issue misdemeanor citations, traffic citations, vessel citations and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute ~~aggregate~~ **repeat** offenses or crimes of violence; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Existing law requires a warrant of arrest to be executed by the arrest of the defendant unless certain circumstances apply and a peace officer issues a misdemeanor citation in lieu of executing the warrant. (NRS 171.122) Section 5 of this bill requires a peace officer to issue a misdemeanor citation in lieu of executing such a warrant unless the warrant is issued upon an offense punishable as a misdemeanor that is an aggregate offense or a crime of violence, in which case, the peace officer is authorized to issue the misdemeanor citation.~~

Existing law ~~provides that~~ **authorizes a peace officer**, whenever any person is detained by ~~or~~ **the** peace officer for any violation of an ordinance or a state law punishable as a misdemeanor and the person is not otherwise required to be taken before a magistrate, ~~the person is required to be given~~ **to issue the person** a misdemeanor citation ~~for to be taken~~ **instead of taking the person** before the proper magistrate. (NRS 171.1771) ~~Existing~~ **Similarly, existing** law ~~also~~ **authorizes a peace officer to issue a misdemeanor** citation in lieu of taking ~~the~~ **a** person before a magistrate if ~~or~~ **the** person is arrested by a private person for any violation of an ordinance or a state law punishable as a misdemeanor. (NRS 171.1772) **Existing law, however, removes the discretion of the peace officer to issue the misdemeanor citation and requires the person to be taken before a magistrate if the identity of the person cannot be verified or the peace officer believes the person will disregard a written promise to appear in court. (NRS 171.1771, 171.1772) Sections 6 and 7 of this bill: (1)** require a

peace officer to issue a misdemeanor citation for any such violation unless the violation is ~~an aggregate~~ **a repeat** offense or a crime of violence, in which case, the peace officer is authorized to issue the misdemeanor citation ~~;~~ **and (2) expand the circumstances under which a peace officer is prohibited from issuing the misdemeanor citation to include those circumstances in which the peace officer believes the violation will continue if the person is not taken before a magistrate or the peace officer believes another person or property is in imminent danger.** Section 8 of this bill makes a conforming change related to the issuance of misdemeanor citations.

Section ~~12~~ **3.5** of this bill defines the term ~~“aggregate”~~ **“repeat offense”** for the purposes of sections 6 and 7. Additionally, section 3 of this bill defines the term “crime of violence” for the purposes of sections 6 and 7 and 9-14 of this bill. Section 4 of this bill makes a conforming change related to the proper placement of sections ~~12 and~~ **3 and 3.5** in the Nevada Revised Statutes.

Existing law authorizes a peace officer to issue a traffic citation or a misdemeanor citation at the scene of a crash so long as the offense is not a felony or certain other traffic offenses. (NRS 484A.660) While retaining the existing exceptions, section 21 of this bill revises the discretionary issuance of such citations by requiring a peace officer to issue a traffic citation or a misdemeanor citation for an offense punishable as a misdemeanor that does not constitute ~~an aggregate~~ **a repeat** offense or a crime of violence.

Existing law also provides that whenever any person is halted by a peace officer for a violation of certain traffic laws and is not otherwise required to be taken before a magistrate, the person may be given a traffic citation or be taken before the proper magistrate. (NRS 484A.730) Section 24 of this bill revises the discretionary issuance of such citations by instead requiring a peace officer to issue a traffic citation for an offense punishable as misdemeanor that does not constitute ~~an aggregate~~ **a repeat** offense or a crime of violence.

Sections ~~16 and~~ **17 and 17.5** of this bill define the terms ~~“aggregate offense” and~~ “crime of violence” **and “repeat offense”** for the purposes of sections 21 and 24. Section 18 of this bill makes a conforming change to indicate the proper placement of sections ~~16 and~~ **17 and 17.5** in the Nevada Revised Statutes.

Sections 19, 20 and 23 of this bill make conforming changes related to the requirement to issue a traffic citation for traffic offenses punishable as misdemeanors that do not constitute ~~aggregate~~ **repeat** offenses or crimes of violence.

Existing law authorizes a peace officer to arrest a person, with or without a warrant, who commits certain traffic offenses. (NRS 484A.710) Section 22 of this bill ~~1. (1) removes those offenses punishable as misdemeanors which are now required to be issued traffic citations pursuant to section 21 or 24; and (2)~~ provides an exception for the discretionary issuance of traffic citations or misdemeanor citations pursuant to section 21 or 24, as applicable.

Existing law authorizes a game warden, sheriff or peace officer to issue a citation for certain offenses relating to vessels. (NRS 488.920) While retaining

the existing discretionary issuance of citations for offenses relating to vessels that are punishable as felonies or gross misdemeanors, **section 25** of this bill requires a game warden, sheriff or peace officer to issue a citation for such an offense punishable as a misdemeanor unless the offense is ~~an aggregate~~ **a repeat** offense or a crime of violence, in which case, the game warden, sheriff or peace officer is authorized to issue the citation.

Existing law also authorizes a game warden to issue a citation for certain offenses relating to wildlife. (NRS 501.386) While retaining the existing discretionary issuance of citations for offenses relating to wildlife that are punishable as felonies or gross misdemeanors, **section 26** of this bill requires a game warden to issue a citation for an offense punishable as a misdemeanor unless the offense is ~~an aggregate~~ **a repeat** offense or a crime of violence, in which case, the game warden is authorized to issue the citation.

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

Section 1. Chapter 169 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2 and~~ **3 and 3.5** of this act.

Sec. 2. ~~1. “Aggregate offense” means an offense for which a penalty is determined by a previous conviction, or lack thereof, of the same offense.~~

~~2. As used in this section, “penalty” means a term of imprisonment or a fine, or both.~~ **(Deleted by amendment.)**

Sec. 3. “Crime of violence” has the meaning ascribed to it in NRS 200.408.

Sec. 3.5. “Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.

Sec. 4. NRS 169.045 is hereby amended to read as follows:

169.045 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 169.049 to 169.205, inclusive, **and sections 2 and 3 and 3.5 of this act** have the meanings ascribed to them in those sections.

Sec. 5. ~~NRS 171.122 is hereby amended to read as follows:~~

~~171.122 1. Except as otherwise provided in subsection 2, the warrant must be executed by the arrest of the defendant. The officer need not have the warrant in the officer’s possession at the time of the arrest, but upon request the officer must show the warrant to the defendant as soon as possible. If the officer does not have a warrant in the officer’s possession at the time of the arrest, the officer shall then inform the defendant of the officer’s intention to arrest the defendant, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for the defendant’s arrest and detention. If the defendant either flees or forcibly resists, the officer may, except as otherwise provided in NRS 171.1455, use only the amount of reasonable force necessary to effect the arrest.~~

~~2. [In] Except as otherwise provided in subsection 3, a peace officer shall issue a misdemeanor citation as provided in NRS 171.1773 in lieu of executing the warrant by arresting the defendant [; a] unless the warrant is issued upon an offense that constitutes an aggregate offense or a crime of violence, in which case, the peace officer may issue [a] the misdemeanor citation. [as provided in NRS 171.1773 if:]~~

~~3. The citation described in subsection 2 must not be issued unless:~~

~~(a) The warrant is issued upon an offense punishable as a misdemeanor;~~

~~(b) The peace officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;~~

~~(c) The defendant provides satisfactory evidence of his or her identity to the peace officer;~~

~~(d) The defendant signs a written promise to appear in court for the misdemeanor offense; and~~

~~(e) The peace officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.~~

~~[3.] 4. The summons must be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.] (Deleted by amendment.)~~

Sec. 6. NRS 171.1771 is hereby amended to read as follows:

171.1771 ~~[Whenever]~~

1. *Except as otherwise provided in subsection 2, whenever* any person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not required to be taken before a magistrate, the person ~~[shall,]~~ ***must be given a misdemeanor citation unless the violation constitutes ~~an aggregate~~ a repeat offense or a crime of violence, in which case, the person may,*** in the discretion of the peace officer, either be given a misdemeanor citation ~~[;]~~ or be taken without unnecessary delay before the proper magistrate. ~~[Any such person shall]~~

2. *A person described in subsection 1 must be taken before the proper magistrate when ~~the~~ :*

(a) The person does not furnish satisfactory evidence of identity ~~for when the~~ ; or

(b) The peace officer has reasonable ~~and probable~~ grounds to believe ~~the~~ that:

(1) ~~The~~ person will disregard a written promise to appear in court ~~if~~;

(2) ~~The violation will continue; or~~

(3) ~~Another person or property is in imminent danger.~~

Sec. 7. NRS 171.1772 is hereby amended to read as follows:

171.1772 1. Whenever any person is arrested by a private person, as provided in NRS 171.126, for any violation of a county, city or town ordinance or state law which is punishable as a misdemeanor, such person arrested ~~may~~ **must** be issued a misdemeanor citation by a peace officer in lieu of being immediately taken before a magistrate by the peace officer ~~if~~ **unless the violation constitutes ~~an aggregate~~ a repeat offense or a crime of violence, in which case, the person arrested may be issued the misdemeanor citation or be immediately taken before a magistrate by the ~~police~~ peace officer.**

2. **The citation described in subsection 1 must not be issued unless:**

~~1-~~ (a) The person arrested furnishes satisfactory evidence of identity; and

~~2-~~ (b) The peace officer has reasonable grounds to believe that ~~the~~;

(1) ~~The~~ person arrested will keep a written promise to appear in court ~~if~~

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(2) ~~The violation will cease; and~~

(3) ~~Another person or property is not in imminent danger.~~

Sec. 8. NRS 171.1773 is hereby amended to read as follows:

171.1773 1. Whenever a person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not taken before a magistrate as required or permitted by NRS 171.177, 171.1771 or 171.1772, the peace officer ~~may~~ **must** prepare a misdemeanor citation manually or electronically in the form of a complaint issuing in the name of “The State of Nevada” or in the name of the respective county, city or town, containing a notice to appear in court, the name and address of the person, the state registration number of the person’s vehicle, if any, the offense charged, including a brief description of the offense and the NRS or ordinance citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be necessary. The citation must be signed by the peace officer. If the citation is prepared electronically, the officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.

3. The place specified in the notice must be before a magistrate, as designated in NRS 171.178 and 171.184.

4. The person charged with the violation may give a written promise to appear in court by signing at least one copy of the misdemeanor citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the officer shall deliver the signed copy of the citation

to the person and shall indicate on the electronic record of the citation whether the person charged gave a written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave a written promise to appear suffices as proof of service.

Sec. 9. NRS 174.031 is hereby amended to read as follows:

174.031 1. At the arraignment of a defendant in justice court or municipal court, but before the entry of a plea, the court may determine whether the defendant is eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032. The court shall receive input from the prosecuting attorney and the attorney for the defendant, if any, whether the defendant would benefit from and is eligible for assignment to the program.

2. A defendant may be determined to be eligible by the court for assignment to a preprosecution diversion program if the defendant:

(a) Is charged with a misdemeanor other than:

(1) A crime of violence ; ~~as defined in NRS 200.408;~~

(2) Vehicular manslaughter as described in NRS 484B.657;

(3) Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 484C.130; or

(4) A minor traffic offense; and

(b) Has not previously been:

(1) Convicted of violating any criminal law other than a minor traffic offense; or

(2) Ordered by a court to complete a preprosecution diversion program in this State.

3. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to subsection 2, the justice court or municipal court may order the defendant to complete the program pursuant to subsection 5 of NRS 174.032.

4. A defendant has no right to complete a preprosecution diversion program or to appeal the decision of the justice court or municipal court relating to the participation of the defendant in such a program.

Sec. 10. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the

number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation or parole.

6. The Division may not seek revocation of probation or parole for a technical violation of the conditions of probation or parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation or parole that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

↪ The term does not include termination from a specialty court program.

Sec. 11. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and system of graduated sanctions adopted pursuant to NRS 176A.510, as applicable, and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

- (a) Continue or revoke the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
- (d) Cause the sentence imposed to be executed; or
- (e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in

writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:
 - (1) Thirty days for the first temporary revocation;
 - (2) Ninety days for the second temporary revocation; or
 - (3) One hundred and eighty days for the third temporary revocation; or
- (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

- (a) Continue probation and modify the terms and conditions of probation;
- or
- (b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

- (a) Consuming any alcoholic beverage.
- (b) Testing positive on a drug or alcohol test.
- (c) Failing to abide by the requirements of a mental health or substance use treatment program.
- (d) Failing to seek and maintain employment.

- (e) Failing to pay any required fines or fees.
- (f) Failing to report any changes in residence.

5. As used in this section:

(a) “Absconding” means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.

(b) “Technical violation” means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

- (1) New felony or gross misdemeanor;
- (2) Battery which constitutes domestic violence pursuant to NRS 200.485;
- (3) Violation of NRS 484C.110 or 484C.120;
- (4) Crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor;
- (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;
- (6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or
- (7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.

↪ The term does not include termination from a specialty court program.

Sec. 12. 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 prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may 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, a hearing on the petition must be conducted.

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. 13. 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 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 after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may 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, a hearing on the petition must be conducted.

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. 14. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. “Sexual offense” means any of the following offenses:

(a) 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.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) 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 subsection.

(f) 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 section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(q) Sex trafficking pursuant to NRS 201.300.

(r) Any other offense that has an element involving a sexual act or sexual conduct with another.

(s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (r), inclusive.

(t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. Except for the offenses described in paragraphs (n) and (o) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 15. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~16 and~~ 17 **and 17.5** of this act.

Sec. 16. ~~1. “Aggregate offense” means an offense for which a penalty is determined by a previous conviction, or lack thereof, of the same offense.~~

~~2. As used in this section, “penalty”:~~

~~(a) Means a term of imprisonment or a fine, or both.~~

~~(b) Does not mean a court order to pay tuition for and attend a school for driver training as described in NRS 484A.900. (Deleted by amendment.)~~

Sec. 17. “Crime of violence” has the meaning ascribed to it in NRS 200.408.

Sec. 17.5. “Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.

Sec. 18. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, ~~and sections 16 and~~ **17 and 17.5** of this act have the meanings ascribed to them in those sections.

Sec. 19. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation ~~may~~ **must** be issued pursuant to NRS 484A.630 or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 5, the court or traffic violations bureau may allow a person who has been issued a traffic citation that is filed with the court or traffic violations bureau to make a plea and state his or her defense or any mitigating circumstances by mail, by electronic mail, over the Internet or by other electronic means.

2. Except as otherwise provided in subsection 5, if a court or traffic violations bureau has established a system pursuant to subsection 1, a person who has been issued a traffic citation that is filed with the court or traffic violations bureau may, if allowed by the court and in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court, make a plea and state his or her defense or any mitigating circumstances by using the system. Any such plea and statement must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation.

3. If a court or traffic violations bureau allows an eligible person to whom a traffic citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives ~~this or her~~ **any relevant constitutional right, including, without limitation, the** right to a trial, ~~and~~ **the right to confront any witnesses ~~+~~ and the right to counsel, as applicable.**

4. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances is the person to whom the traffic citation was issued, be capable of requiring the person to submit any of the following information, at the discretion of the court or traffic violations bureau:

- (1) The traffic citation number;
- (2) The name and address of the person;
- (3) The state registration number of the person's vehicle, if any;
- (4) The number of the driver's license of the person, if any;
- (5) The offense charged; or

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 6.

(b) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives ~~this or her~~ **any relevant constitutional right, including, without limitation, the** right to a trial, ~~and~~ **the right to confront any witnesses ~~+~~ and the right to counsel, as applicable. The notice regarding waiver of relevant constitutional rights must specifically delineate the constitutional rights that**

the person is waiving in relation to an offense punishable as a misdemeanor, gross misdemeanor and felony, respectively.

(c) If a plea and statement of the defense or mitigating circumstances is submitted by electronic mail, over the Internet or by other electronic means, confirm receipt of the plea and statement or make available to the person making the plea a copy of the plea and statement.

5. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

- (a) Aggressive driving in violation of NRS 484B.650;
- (b) Reckless driving in violation of NRS 484B.653;
- (c) Vehicular manslaughter in violation of NRS 484B.657; or
- (d) Driving, operating or being in actual physical control of a vehicle ~~for a vessel under power or sail~~ while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 ~~or~~ 484C.120, ~~or 488.410,~~ as applicable.

6. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 20. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS ~~punishable as a misdemeanor~~ and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer ~~may~~ **must** prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of “The State of Nevada,” containing a notice to appear in court, the name and address of the person, the state registration number of the person’s vehicle, if any, the number of the person’s driver’s license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 21. NRS 484A.660 is hereby amended to read as follows:

484A.660 Except for felonies ~~and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710,~~ ***when based upon the personal investigation of*** a peace officer at the scene of a traffic crash, ~~may issue a traffic citation, as provided in NRS 484A.630, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the crash when, based upon personal investigation,~~ the peace officer has reasonable and probable grounds to believe that ~~the~~ ***a*** person has committed any offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the crash ~~+~~, ***the peace officer:***

1. Must, except as otherwise provided in subsections 2 and 3, issue a traffic citation as provided in NRS 484A.630 or a misdemeanor citation as provided in NRS 171.1773, if the offense is punishable as a misdemeanor.

2. May issue a traffic citation as provided in NRS 484A.630, if the offense is punishable as:

(a) A gross misdemeanor; or

(b) A misdemeanor that constitutes ~~an aggregate~~ a repeat offense or a crime of violence.

3. May issue a misdemeanor citation as provided in NRS 171.1773, if the offense is punishable as a misdemeanor that constitutes ~~an aggregate~~ a repeat offense or a crime of violence.

Sec. 22. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. ~~Any~~ ***Except when a peace officer issues a citation as required or permitted pursuant to NRS 484A.660 or 484A.730, any*** peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

- (a) Homicide by vehicle;
- (b) A violation of NRS 484C.110 or 484C.120;
- (c) A violation of NRS 484C.430;
- (d) A violation of NRS 484C.130;
- (e) Failure to stop , give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 ~~or 484E.030~~;
- (f) Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;
- (g) Reckless driving;
- (h) ~~(g)~~ Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or
- (i) ~~(h)~~ Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750. ~~I, except that in the case of either of the offenses designated in paragraphs (f) and (g) of subsection 1, a peace officer has the same discretion as is provided in other cases in NRS 484A.730.~~

Sec. 23. NRS 484A.720 is hereby amended to read as follows:

484A.720 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS, ~~not amounting to a gross misdemeanor or felony,~~ the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750, in either of the following cases:

- 1. When the person demands an immediate appearance before a magistrate; or
- 2. In any other event when the person is issued a traffic citation by an authorized person and refuses to sign or take physical delivery of a copy of the traffic citation.

Sec. 24. NRS 484A.730 is hereby amended to read as follows:

484A.730 ~~Whenever~~

1. *Except as otherwise provided in subsection 2, whenever* any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not required to be taken before a magistrate, the person ~~may,~~

(a) Must, except as otherwise provided in paragraph (b), be given a traffic citation if the offense is punishable as a misdemeanor; or

(b) May, in the discretion of the peace officer, either be given a traffic citation ~~or~~ or be taken without unnecessary delay before the proper magistrate ~~The~~, if the offense is punishable as:

(1) A felony or gross misdemeanor; or

(2) *A misdemeanor that constitutes ~~an aggregate~~ a repeat offense or a crime of violence.*

2. A person *described in subsection 1* must be taken before the magistrate ~~in any of the following cases:~~

~~1. When~~ *when* the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or a notice to appear in court. ~~‡~~

~~2. When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;~~

~~3. When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or~~

~~4. When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.~~

Sec. 25. NRS 488.920 is hereby amended to read as follows:

488.920 ~~{Whenever}~~

1. *Except as otherwise provided in subsection 2, whenever* any person is halted by a game warden, sheriff or peace officer for any violation of this chapter, the person ~~{shall}~~ :

(a) *Must, except as otherwise provided in paragraph (b), be given a citation, if the violation is punishable as a misdemeanor; or*

(b) *May, in the discretion of the game warden, sheriff or peace officer either be given a citation or be taken without unnecessary delay before the proper magistrate* ~~{The person shall}~~ *, if the violation is punishable as:*

(1) *A felony or gross misdemeanor; or*

(2) *A misdemeanor that constitutes ~~an aggregate~~ a repeat offense or a crime of violence.*

2. A person *described in subsection 1* must be taken before the *proper* magistrate in either of the following cases:

~~{1-}~~ (a) When the person does not furnish satisfactory evidence of identity;
or

~~{2-}~~ (b) When the game warden, sheriff or peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

3. *As used in this section:*

(a) ~~“Aggregate offense” means an offense for which a penalty is determined by a previous conviction, or lack thereof, of the same offense. As used in this paragraph, “penalty” means a term of imprisonment or a fine, or both.~~

~~(b)~~ “Crime of violence” has the meaning ascribed to it in NRS 200.408.

(b) “Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.

Sec. 26. NRS 501.386 is hereby amended to read as follows:

501.386 1. Except as otherwise provided in *subsection 2 and* NRS 501.382, whenever any person is halted by a game warden for any violation of this title, the person ~~must~~:

(a) *Must, except as otherwise provided in paragraph (b), be given a citation, if the violation is punishable as a misdemeanor; or*

(b) *May, in the discretion of the game warden, either be given a citation or be taken without unnecessary delay before the proper magistrate* ~~†. The person must~~, *if the violation is punishable as:*

(1) *A felony or gross misdemeanor; or*

(2) *A misdemeanor that constitutes ~~an aggregate~~ a repeat offense or a crime of violence.*

2. *A person described in subsection 1 must* be taken before the magistrate in either of the following cases:

~~††~~ (a) When the person does not furnish satisfactory evidence of identity; or

~~†2†~~ (b) When the game warden has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

3. *As used in this section:*

(a) ~~“Aggregate offense” means an offense for which a penalty is determined by a previous conviction, or lack thereof, of the same offense. As used in this paragraph, “penalty” means a term of imprisonment or a fine, or both.~~

~~—(b)† “Crime of violence” has the meaning ascribed to it in NRS 200.408.~~

(b) “Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 442.

Bill read second time.

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

Amendment No. 245.

AN ACT relating to health care; requiring certain providers of health care to complete training in the screening, brief intervention and referral to treatment approach to substance use disorder; authorizing such a provider of health care to use such training to complete certain continuing education requirements; authorizing a physician, physician assistant or advanced practice registered nurse to use a federal registration to dispense narcotic drugs for maintenance treatment or detoxification treatment to satisfy certain continuing education requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires providers of health care who are authorized to prescribe controlled substances, including physicians, physician assistants, dentists, advanced practice registered nurses, podiatrists and opticians, to complete training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. (NRS 630.2535, 631.344, 632.2375, 633.473, 635.116, 636.2881) **Sections 1, 16, 21, 26, 41 and 47** of this bill define the term “screening, brief intervention and referral to treatment approach” to mean an evidence-based method of delivering early intervention and treatment to persons who have or are at risk of developing a substance use disorder. **Sections 2, 17, 22, 27 and 48** of this bill make conforming changes to indicate the proper placement of **sections 1, 16, 21, 26 and 47** in the Nevada Revised Statutes.

~~Sections 3, 10, 12, 18, 23, 28, 31, 35, 42 and 49 of this bill require each applicant for the issuance of a renewable license, other than a license by endorsement and certain specialized medical licenses, as a physician, physician assistant, dentist, advanced practice registered nurse, podiatrist or optometrist on or after January 1, 2024, to have completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder. Sections 4, 6, 9, 13, 14, 18, 23, 29, 30, 34, 36, 37, 43, 44, 50 and 51 of this bill require each person to whom a license by endorsement as a physician, physician assistant, dentist, advanced practice registered nurse, podiatrist or optometrist is issued on or after January 1, 2024, to complete at least 2 hours of such training within 6 months after the date on which the license was issued. Sections 15, 20, 25, 40 and 46 of this bill authorize disciplinary action against a holder of a license by endorsement as a physician, physician assistant, dentist, advanced practice registered nurse or podiatrist who fails to complete such training. The Nevada State Board of Optometry would also be authorized to take disciplinary action against a holder of a license by endorsement as an optometrist who fails to complete such training. (NRS 636.295).~~ **Existing law requires physicians, physician assistants, dentists, advanced practice registered nurses, podiatrists and optometrists to complete certain continuing education as a condition to the renewal of a license. (NRS 630.253, 631.342, 632.343, 633.471, 635.115, 636.260) Sections 7, 18.5, 24.5, 38, 44.5 and 51.5 of this bill require those providers to complete a certain number of hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within the first 2 years of licensure. Section 53 of this bill requires a person who holds a license as a physician, physician assistant, dentist, advanced practice registered nurse, podiatrist or optometrist on January 1, 2024, to complete at least 2 hours of such training before renewing his or her license. Sections 7, 8, 19, 24, 38, 39, 45, 52 and 53 of this bill authorize a physician, physician assistant, dentist, advanced practice registered nurse, podiatrist or optometrist to use training in the screening, brief intervention and referral to treatment approach to substance use disorder to**

satisfy certain continuing education requirements on or after the date on which this bill is approved by the Governor.

Existing federal law requires a practitioner who dispenses narcotic drugs to individuals for maintenance treatment or detoxification treatment to obtain annually a registration for that purpose. (21 U.S.C. § 823) **Sections 8, 24 and 39** of this bill: (1) exempt a physician, physician assistant or advanced practice registered nurse who obtains such a registration from requirements to complete continuing education relating specifically to substance use and other addictive disorders and the prescribing of opioids for one period of licensure; and (2) authorize such a physician, physician assistant or advanced practice registered nurse to use the registration to satisfy 4 hours of any applicable continuing education requirement.

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

Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

“Screening, brief intervention and referral to treatment approach” means an evidence-based method of delivering early intervention and treatment to persons who have or are at risk of developing a substance use disorder that consists of:

- 1. Screening to assess the severity of substance use and identify the appropriate level of treatment;***
- 2. Brief intervention to increase awareness of the person’s substance use and motivation to change his or her behavior; and***
- 3. Referral to treatment for persons who need more extensive treatment and specialty care for substance use disorder.***

Sec. 2. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 3. ~~NRS 630.160 is hereby amended to read as follows:~~

~~630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.~~

~~2. Except as otherwise provided in NRS 630.1605, 630.161, inclusive, and 630.258 to 630.2665, inclusive, a license may be issued to any person who:~~

~~(a) Has received the degree of doctor of medicine from a medical school:~~

~~(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or~~

~~(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;~~

~~— (b) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:~~

~~— (1) All parts of the examination given by the National Board of Medical Examiners;~~

~~— (2) All parts of the Federation Licensing Examination;~~

~~— (3) All parts of the United States Medical Licensing Examination;~~

~~— (4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;~~

~~— (5) All parts of the examination to become a licentiate of the Medical Council of Canada; or~~

~~— (6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;~~

~~— (c) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family medicine and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:~~

~~— (1) Has completed 36 months of progressive postgraduate:~~

~~— (I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations; or~~

~~— (II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;~~

~~— (2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or~~

~~— (3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; [and]~~

~~— (d) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (a) [.] ; and~~

~~— (e) Has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.~~

~~4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:~~

~~(a) Temporarily suspend the license;~~

~~(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;~~

~~(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;~~

~~(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or~~

~~(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:~~

~~(1) Placing the licensee on probation for a specified period with specified conditions;~~

~~(2) Administering a public reprimand;~~

~~(3) Limiting the practice of the licensee;~~

~~(4) Suspending the license for a specified period or until further order of the Board;~~

~~(5) Requiring the licensee to participate in a program to correct an alcohol or other substance use disorder;~~

~~(6) Requiring supervision of the practice of the licensee;~~

~~(7) Imposing an administrative fine not to exceed \$5,000;~~

~~(8) Requiring the licensee to perform community service without compensation;~~

~~(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;~~

~~(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and~~

~~(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.~~

~~5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the~~

~~Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 630.1605 is hereby amended to read as follows:~~

~~630.1605 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:~~

~~—(a) At the time the applicant files an application with the Board, the license is in effect;~~

~~—(b) The applicant:~~

~~—(1) Submits to the Board proof of passage of an examination approved by the Board;~~

~~—(2) Submits to the Board any documentation and other proof of qualifications required by the Board;~~

~~—(3) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160; and~~

~~—(4) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and~~

~~—(e) Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.~~

~~2. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~3. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
~~(Deleted by amendment.)~~

Sec. 5. ~~[NRS 630.1606 is hereby amended to read as follows:~~

~~630.1606 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~—(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and~~

~~—(b) Is certified in a specialty recognized by the American Board of Medical Specialties.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~—(a) Proof satisfactory to the Board that the applicant:~~

~~—(1) Satisfies the requirements of subsection 1;~~

~~— (2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice medicine; and~~

~~— (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~— (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;~~

~~— (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (d) Any other information required by the Board.~~

~~— 3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:~~

~~— (a) Forty-five days after receiving the application; or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints;~~

~~— whichever occurs later.~~

~~— 4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~— 5. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 6. ~~NRS 630.1607 is hereby amended to read as follows:~~

~~— 630.1607 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~— (a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and~~

~~— (b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.~~

~~— 2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~— (a) Proof satisfactory to the Board that the applicant:~~

~~— (1) Satisfies the requirements of subsection 1;~~

~~— (2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and~~

~~— (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~— (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;~~

~~— (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (d) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:~~

~~— (a) Forty five days after receiving all the additional information required by the Board to complete the application; or~~

~~— (b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints;~~

~~↪ whichever occurs later.~~

~~4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.~~

~~6. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 7. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

↪ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of

terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 5.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

➡ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

8. ~~1A~~ ***Except as otherwise provided in NRS 630.2535, a*** holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, ~~for~~ care for persons with an addictive disorder ***or the screening, brief intervention and referral to treatment approach to substance use disorder*** for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 8. NRS 630.2535 is hereby amended to read as follows:

630.2535 **1.** The Board shall, by regulation, require each physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. ***Except as otherwise provided in subsection 2, such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder.*** Any licensee may use ~~such~~ training ***required by the regulations adopted pursuant to this section*** to satisfy 2 hours of any continuing education requirement established by the Board.

2. ***A physician may not use continuing education in the screening, brief intervention and referral to treatment approach to substance use disorder to satisfy the requirements of subsection 1 for a licensure period during which***

the licensee also uses such continuing education to satisfy a requirement for continuing education in ethics pursuant to subsection 8 of NRS 630.253.

3. A physician or physician assistant who obtains a registration to treat opioid dependency with narcotic medications in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. §§ 823 et seq., is exempt from the training required by subsection 1 for one period of licensure. A physician or physician assistant may use such registration to satisfy 4 hours of the total number of hours of continuing education required by the Board pursuant to NRS 630.253 during one period of licensure.

Sec. 9. ~~NRS 630.258 is hereby amended to read as follows:~~

~~630.258 1. A physician who is retired from active practice and who:~~

~~(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization;~~

~~may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.~~

~~2. An application for a special volunteer medical license must be on a form provided by the Board and must include:~~

~~(a) Documentation of the history of medical practice of the physician;~~

~~(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;~~

~~(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605, 630.1606 or 630.1607;~~

~~(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care;~~

~~(1) To persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and~~

~~(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.~~

~~3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to~~

~~practice medicine, the Board must issue a special volunteer medical license to the physician.~~

~~4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance of the renewed license.~~

~~5. The Board shall not charge a fee for:~~

~~(a) The review of an application for a special volunteer medical license; or~~

~~(b) The issuance or renewal of a special volunteer medical license pursuant to this section.~~

~~6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.~~

~~7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.~~

~~8. *Not later than 6 months after the issuance of a special volunteer medical license pursuant to this section to an applicant who meets the requirements for licensure by endorsement set forth in NRS 630.1605, 630.1606 or 630.1607, the licensee must submit to the Board proof that he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 10. ~~[NRS 630.2645 is hereby amended to read as follows:~~

~~630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license to teach, research or practice medicine to a person if:~~

~~(a) The person:~~

~~(1) Submits to the Board:~~

~~(I) Proof that the person is a graduate of a foreign medical school, as provided in NRS 630.195, or a physician who has previously been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;~~

~~(II) Proof that the person teaches, researches or practices medicine;~~
~~[and]~~

~~(III) *Proof that the person has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder; and*~~

~~(IV) Any other documentation or proof of qualifications required by the Board; and~~

~~(2) Intends to teach, research or practice medicine at a medical facility, medical research facility or medical school in this State.~~

~~—(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.~~

~~—2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine.~~

~~—3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.~~

~~—4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice medicine in this State at the medical facility, medical research facility or medical school where the person is employed:~~

~~—(a) The medical facility, medical research facility or medical school, as applicable, shall notify the Board; and~~

~~—(b) Upon receipt of such notification, the restricted license expires automatically.~~

~~—5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.~~

~~—6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.~~

~~—7. A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~ **(Deleted by amendment.)**

Sec. 11. ~~NRS 630.265 is hereby amended to read as follows:~~

~~—630.265 1. Unless the Board denies such licensure pursuant to NRS 630.161 or for other good cause, the Board shall issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant *has complied with the requirements of subsections 2 and 3 and is:*~~

~~—(a) A graduate of an accredited medical school in the United States or Canada; or~~

~~—(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.~~

~~—2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.~~

~~3. An applicant for the issuance of a limited license pursuant to this section must submit to the Board proof that the applicant has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~4. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.~~

~~[4.] 5. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.~~

~~[5.] 6. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive. (Deleted by amendment.)~~

Sec. 12. [NRS 630.273 is hereby amended to read as follows:

~~630.273 1. The Board may issue a license to an applicant who [is] +~~

~~(a) Is qualified under the regulations of the Board to perform medical services under the supervision of a supervising physician [.] + and~~

~~(b) Has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~2. The application for a license as a physician assistant must include all information required to complete the application. (Deleted by amendment.)~~

Sec. 13. [NRS 630.2751 is hereby amended to read as follows:

~~630.2751 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and~~

~~(b) Is certified in a specialty recognized by the American Board of Medical Specialties.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;~~

~~(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (d) Any other information required by the Board.~~

~~— 3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:~~

~~— (a) Forty-five days after receiving the application; or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.~~

~~— 4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~— 5. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 14. [NRS 630.2752 is hereby amended to read as follows:

~~— 630.2752 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~— (a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;~~

~~— (b) Is certified in a specialty recognized by the American Board of Medical Specialties; and~~

~~— (c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

~~— 2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~— (a) Proof satisfactory to the Board that the applicant:~~

~~— (1) Satisfies the requirements of subsection 1;~~

~~— (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and~~

~~— (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~— (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;~~

~~— (e) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (d) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:~~

~~— (a) Forty five days after receiving all the additional information required by the Board to complete the application; or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,~~

~~— whichever occurs later.~~

~~4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.~~

~~6. ***Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.***~~

~~7. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.† (Deleted by amendment.)~~

~~Sec. 15. [NRS 630.306 is hereby amended to read as follows:~~

~~630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:~~

~~— (a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance;~~

~~— (b) Engaging in any conduct:~~

~~— (1) Which is intended to deceive;~~

~~— (2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or~~

~~— (3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.~~

~~— (c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.~~

- ~~— (d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.~~
- ~~— (e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.~~
- ~~— (f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.~~
- ~~— (g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.~~
- ~~— (h) Having an alcohol or other substance use disorder.~~
- ~~— (i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.~~
- ~~— (j) Failing to comply with the requirements of NRS 630.254.~~
- ~~— (k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.~~
- ~~— (l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~
- ~~— (m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.~~
- ~~— (n) Operation of a medical facility at any time during which:~~
 - ~~— (1) The license of the facility is suspended or revoked; or~~
 - ~~— (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~
- ~~— This paragraph applies to an owner or other principal responsible for the operation of the facility.~~
- ~~— (o) Failure to comply with the requirements of NRS 630.373.~~
- ~~— (p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.~~
- ~~— (q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~— (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~— (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~— (3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or~~

~~— (4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~— (r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~— (s) Failure to comply with the provisions of NRS 630.3745.~~

~~— (t) Failure to obtain any training required by the Board pursuant to NRS 630.2535 [.] or, where applicable, the training required by NRS 630.1605, 630.1606, 630.1607, 630.2751 or 630.2752.~~

~~— (u) Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~— 2. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351 [.] (Deleted by amendment.)~~

Sec. 16. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

“Screening, brief intervention and referral to treatment approach” means an evidence-based method of delivering early intervention and treatment to persons who have or are at risk of developing a substance use disorder that consists of:

1. Screening to assess the severity of substance use and identify the appropriate level of treatment;

2. Brief intervention to increase awareness of the person’s substance use and motivation to change his or her behavior; and

3. Referral to treatment for persons who need more extensive treatment and specialty care for substance use disorder.

Sec. 17. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, **and section 16 of this act** have the meanings ascribed to them in those sections.

Sec. 18. ~~[NRS 631.230 is hereby amended to read as follows:~~

~~— 631.230 1. Any person is eligible to apply for a license to practice dentistry in the State of Nevada who:~~

~~— (a) Is over the age of 21 years;~~

~~— (b) Is a graduate of an accredited dental school or college; [and]~~

~~— (c) Is of good moral character [.] ; and~~

~~— (d) Except as otherwise provided in subsection 3, has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~— 2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dentistry in another state~~

has been suspended or revoked or whether the person is currently involved in any disciplinary action concerning his or her license in that state.

~~3. An applicant for the issuance of a license by endorsement pursuant to the regulations adopted by the Board pursuant to NRS 622.530 is not required to have completed the training described in paragraph (d) of subsection 1 before the license is issued. Not later than 6 months after the issuance of a license by endorsement pursuant to those regulations, the licensee must submit to the Board proof that he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder. (Deleted by amendment.)~~

Sec. 18.5. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. **Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to**

treatment approach to substance use disorder within 2 years after initial licensure.

6. As used in this section:

- (a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.
- (b) “Biological agent” has the meaning ascribed to it in NRS 202.442.
- (c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.
- (d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.
- (e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 19. NRS 631.344 is hereby amended to read as follows:

631.344 The Board shall, by regulation, require each holder of a license to practice dentistry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. ***Such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder.*** Any such holder of a license may use ~~such~~ training ***required by the regulations adopted pursuant to this section*** to satisfy 2 hours of any continuing education requirement established by the Board.

~~**Sec. 20.** NRS 631.3475 is hereby amended to read as follows:~~

~~631.3475 The following acts, among others, constitute unprofessional conduct:~~

- ~~1. Malpractice;~~
- ~~2. Professional incompetence;~~
- ~~3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;~~
- ~~4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;~~
- ~~5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;~~
- ~~6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~
 - ~~(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~
 - ~~(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or~~
 - ~~(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;~~

- ~~7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;~~
- ~~8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;~~
- ~~9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;~~
- ~~10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto;~~
- ~~11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;~~
- ~~12. Failure to comply with the provisions of NRS 454.217 or 629.086;~~
- ~~13. Failure to obtain any training required by the Board pursuant to NRS 631.344 [;] or, where applicable, the training required by subsection 3 of NRS 631.230; or~~
- ~~14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - ~~(a) The license of the facility is suspended or revoked; or~~
 - ~~(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~~~
- ~~↗ This subsection applies to an owner or other principal responsible for the operation of the facility.] (Deleted by amendment.)~~

Sec. 21. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

“Screening, brief intervention and referral to treatment approach” means an evidence-based method of delivering early intervention and treatment to persons who have or are at risk of developing a substance use disorder that consists of:

- 1. Screening to assess the severity of substance use and identify the appropriate level of treatment;***
- 2. Brief intervention to increase awareness of the person’s substance use and motivation to change his or her behavior; and***
- 3. Referral to treatment for persons who need more extensive treatment and specialty care for substance use disorder.***

Sec. 22. NRS 632.010 is hereby amended to read as follows:

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, ***and section 21 of this act*** have the meanings ascribed to them in those sections.

Sec. 23. ~~NRS 632.237 is hereby amended to read as follows:~~

~~632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse:~~

~~— (a) Who is licensed by endorsement pursuant to NRS 632.161 or 632.162 and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or~~

~~— (b) Who:~~

~~— (1) Has completed an educational program designed to prepare a registered nurse to:~~

~~— (I) Perform designated acts of medical diagnosis;~~

~~— (II) Prescribe therapeutic or corrective measures; and~~

~~— (III) Prescribe controlled substances, poisons, dangerous drugs and devices;~~

~~— (2) Except as otherwise provided in subsection 7, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; [and]~~

~~— (3) ***Has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorders; and***~~

~~— (4) Meets any other requirements established by the Board for such licensure.~~

~~— 2. An advanced practice registered nurse may:~~

~~— (a) Engage in selected medical diagnosis and treatment;~~

~~— (b) Order home health care for a patient;~~

~~— (c) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices; and~~

~~— (d) Provide his or her signature, certification, stamp, verification or endorsement when a signature, certification, stamp, verification or endorsement by a physician is required, if providing such a signature, certification, stamp, verification or endorsement is within the authorized scope of practice of an advanced practice registered nurse.~~

~~— An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.~~

~~— 3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:~~

~~— (a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or~~

~~— (b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.~~

~~— 4. An advanced practice registered nurse may perform the acts described in paragraphs (a), (b) and (c) of subsection 2 by using equipment that transfers~~

~~information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, as defined in NRS 629.515, from within or outside this State or the United States.~~

~~5. Nothing in paragraph (d) of subsection 2 shall be deemed to expand the scope of practice of an advanced practice registered nurse who provides his or her signature, certification, stamp, verification or endorsement in the place of a physician.~~

~~6. The Board shall adopt regulations:~~

~~(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.~~

~~(b) Delineating the authorized scope of practice of an advanced practice registered nurse, including, without limitation, when an advanced practice registered nurse is qualified to provide his or her signature, certification, stamp, verification or endorsement in the place of a physician.~~

~~(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.~~

~~7. The provisions of subparagraph (2) of paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.~~

~~8. *Not later than 6 months after the issuance of a license as an advanced practice registered nurse to a registered nurse described in paragraph (a) of subsection 1, the licensee must submit to the Board proof that he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.* (Deleted by amendment.)~~

Sec. 24. NRS 632.2375 is hereby amended to read as follows:

632.2375 1. The Board shall, by regulation, require each advanced practice registered nurse who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use or other addictive disorders and the prescribing of opioids during each period of licensure. *Such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder.* An advanced practice registered nurse may use ~~such~~ training *required by the regulations adopted pursuant to this section* to satisfy 2 hours of any continuing education requirement established by the Board.

2. *An advanced practice registered nurse who obtains a registration to treat opioid dependency with narcotic medications in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. §§ 823 et. seq., is exempt from the training required by subsection 1 for one period of licensure. An advanced practice registered nurse may use such registration to satisfy 4 hours of the total number of hours of continuing education required by NRS 632.343 during one period of licensure.*

Sec. 24.5. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or
- (d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse, a course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 5.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

➡ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

(c) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

4. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

5. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

6. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. As used in this section:

- (a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.
- (b) “Biological agent” has the meaning ascribed to it in NRS 202.442.
- (c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.
- (d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.
- (e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 25. ~~NRS 632.347 is hereby amended to read as follows:~~

~~632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:~~

- ~~(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter;~~
- ~~(b) Is guilty of any offense;~~
- ~~(1) Involving moral turpitude; or~~

~~— (2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,~~

~~→ in which case the record of conviction is conclusive evidence thereof.~~

~~— (e) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.~~

~~— (d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.~~

~~— (e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.~~

~~— (f) Is a person with mental incompetence.~~

~~— (g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:~~

~~— (1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.~~

~~— (2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.~~

~~— (3) Impersonating another licensed practitioner or holder of a certificate.~~

~~— (4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide—certified.~~

~~— (5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.~~

~~— (6) Physical, verbal or psychological abuse of a patient.~~

~~— (7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.~~

~~— (h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.~~

~~— (i) Is guilty of aiding or abetting any person in a violation of this chapter.~~

~~— (j) Has falsified an entry on a patient's medical chart concerning a controlled substance.~~

~~— (k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.~~

~~— (l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~— (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~— (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~— (3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or~~

~~— (4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~— (m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide certified, or has committed an act in another state which would constitute a violation of this chapter.~~

~~— (n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.~~

~~— (o) Has willfully failed to comply with a regulation, subpoena or order of the Board.~~

~~— (p) Has operated a medical facility at any time during which:~~

~~— (1) The license of the facility was suspended or revoked; or~~

~~— (2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~✱ This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~— (q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375 [.] , or, **where applicable, the training required by subsection 8 of NRS 632.237.**~~

~~— (r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~— (s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~— (t) Has violated the provisions of NRS 454.217 or 629.086.~~

~~— 2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.~~

~~— 3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.~~

~~— 4. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.251 [.] **(Deleted by amendment.)**~~

Sec. 26. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

“Screening, brief intervention and referral to treatment approach” means an evidence-based method of delivering early intervention and treatment to

persons who have or are at risk of developing a substance use disorder that consists of:

- 1. Screening to assess the severity of substance use and identify the appropriate level of treatment;*
- 2. Brief intervention to increase awareness of the person's substance use and motivation to change his or her behavior; and*
- 3. Referral to treatment for persons who need more extensive treatment and specialty care for substance use disorder.*

Sec. 27. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, *and section 26 of this act* have the meanings ascribed to them in those sections.

Sec. 28. ~~NRS 633.311 is hereby amended to read as follows:~~

~~633.311 1. Except as otherwise provided in NRS 633.315 and 633.381 to 633.419, inclusive, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:~~

- ~~(a) The applicant is 21 years of age or older;~~
- ~~(b) The applicant is a graduate of a school of osteopathic medicine;~~
- ~~(c) The applicant:~~
 - ~~(1) Has graduated from a school of osteopathic medicine before 1995 and has completed:~~
 - ~~(I) A hospital internship; or~~
 - ~~(II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;~~
 - ~~(2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or~~
 - ~~(3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;~~
- ~~(d) The applicant applies for the license as provided by law;~~
- ~~(e) The applicant passes:~~
 - ~~(1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;~~
 - ~~(2) All parts of the licensing examination of the Federation of State Medical Boards;~~
 - ~~(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or~~
 - ~~(4) A combination of the parts of the licensing examinations specified in subparagraphs (1), (2) and (3) that is approved by the Board;~~

~~(f) The applicant has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder;~~

~~(g) The applicant pays the fees provided for in this chapter; and~~

~~[(g)] (h) The applicant submits all information required to complete an application for a license.~~

~~2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (c) of subsection 1:~~

~~(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (c) of subsection 1, in the District of Columbia or another state or territory of the United States;~~

~~(b) In one or more approved specialties or disciplines;~~

~~(c) In noneconsecutive months; and~~

~~(d) At any time before receiving his or her license.} (Deleted by amendment.)~~

Sec. 29. ~~[NRS 633.399 is hereby amended to read as follows:~~

~~633.399 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:~~

~~(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and~~

~~(b) The applicant:~~

~~(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;~~

~~(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;~~

~~(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;~~

~~(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;~~

~~(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and~~

~~(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.~~

~~2. Any person applying for a license by endorsement pursuant to this section shall submit:~~

~~— (a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;~~

~~— (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~— (c) In advance to the Board the application and initial license fee specified in this chapter; and~~

~~— (d) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:~~

~~— (a) Forty five days after receiving the application; or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.~~

~~4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.~~

~~5. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 30. ~~[NRS 633.400 is hereby amended to read as follows:~~

~~633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:~~

~~— (a) At the time the person files an application with the Board, the license is in effect and unrestricted; and~~

~~— (b) The applicant:~~

~~— (1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;~~

~~— (2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;~~

~~— (3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;~~

~~— (4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;~~

~~— (5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and~~

~~— (6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.~~

~~— 2. Any person applying for a license by endorsement pursuant to this section must submit:~~

~~— (a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;~~

~~— (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~— (c) In advance to the Board the application and initial license fee specified in this chapter; and~~

~~— (d) Any other information required by the Board.~~

~~— 3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:~~

~~— (a) Forty five days after receiving all the additional information required by the Board to complete the application; or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,~~

~~— whichever occurs later.~~

~~— 4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.~~

~~— 5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice osteopathic medicine in accordance with regulations adopted by the Board.~~

~~— 6. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 31. ~~[NRS 633.401 is hereby amended to read as follows:~~

~~— 633.401 1. Unless the Board denies such licensure pursuant to NRS 633.315 or for other good cause, the Board shall issue a special license to practice osteopathic medicine:~~

~~— (a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment~~

of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

~~— (b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of subparagraph (3) of paragraph (c) of subsection 1 of NRS 633.311.~~

~~— (c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.~~

~~— 2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:~~

~~— (a) Hold a full and unrestricted license to practice osteopathic medicine in another state;~~

~~— (b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and~~

~~— (c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.~~

~~— 3. *An applicant for the issuance of a special license pursuant to this section must submit to the Board proof that the applicant has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~

~~— 4. A special license issued under this section may be renewed by the Board upon application of the licensee.~~

~~— [4.] 5. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 633.411 is hereby amended to read as follows:~~

~~— 633.411 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license to practice osteopathic medicine to a person qualified under this section to authorize the person to serve:~~

~~— (a) As a resident medical officer in any hospital in Nevada. A person issued such a license shall practice osteopathic medicine only within the confines of the hospital specified in the license and under the supervision of the regular medical staff of that hospital.~~

~~— (b) As a professional employee of the State of Nevada or of the United States. A person issued such a license shall practice osteopathic medicine only within the scope of his or her employment and under the supervision of the appropriate state or federal medical agency.~~

~~— 2. An applicant for a special license under this section must:~~

~~— (a) Be a graduate of a school of osteopathic medicine.~~

~~— (b) *Have completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~

~~— (c) Pay the special license fee specified in this chapter.~~

~~— 3. The Board shall not issue a license under subsection 1 unless it has received a letter from a hospital in Nevada or from the appropriate state or~~

~~federal medical agency requesting issuance of the special license to the applicant.~~

~~4. A special license issued under this section:~~

~~(a) Must be issued at a meeting of the Board or between its meetings by its President and Secretary subject to approval at the next meeting of the Board.~~

~~(b) Is valid for a period not exceeding 1 year, as determined by the Board.~~

~~(c) May be renewed by the Board upon application and payment by the licensee of the special license renewal fee specified in this chapter.~~

~~(d) Does not entitle the licensee to engage in the private practice of osteopathic medicine.~~

~~5. The issuance of a special license under this section does not obligate the Board to grant any regular license to practice osteopathic medicine.† (Deleted by amendment.)~~

Sec. 33. ~~[NRS 633.415 is hereby amended to read as follows:~~

~~633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license to teach, research or practice osteopathic medicine to a person if:~~

~~(a) The person:~~

~~(1) Submits to the Board:~~

~~(I) Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;~~

~~(II) Proof that the person teaches, researches or practices osteopathic medicine outside the United States; [and]~~

~~(III) **Proof that the person has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder; and**~~

~~(IV) Any other documentation or proof of qualifications required by the Board; and~~

~~(2) Intends to teach, research or practice osteopathic medicine at a medical facility, medical research facility or school of osteopathic medicine in this State.~~

~~(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.~~

~~2. A person who applies for a special license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice osteopathic medicine.~~

~~3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.~~

~~4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice osteopathic medicine in this State at the medical facility, medical research facility or school of osteopathic medicine where the person is employed:~~

~~(a) The medical facility, medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and~~

~~—(b) Upon receipt of such notification, the special license expires automatically.~~

~~—5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.~~

~~—6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.~~

~~—7. A special license to teach, research or practice osteopathic medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board. (Deleted by amendment.)~~

Sec. 34. ~~[NRS 633.416 is hereby amended to read as follows:~~

~~633.416 1. An osteopathic physician who is retired from active practice and who:~~

~~—(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~—(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization;~~
~~— may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.~~

~~— 2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:~~

~~—(a) Documentation of the history of medical practice of the osteopathic physician;~~

~~—(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;~~

~~—(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.399 or 633.400;~~

~~—(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care;~~

~~—(1) To persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~—(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and~~

~~—(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a~~

medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

~~3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board shall issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.~~

~~4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.~~

~~5. The Board shall not charge a fee for:~~

~~(a) The review of an application for a special volunteer license to practice osteopathic medicine; or~~

~~(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.~~

~~6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.~~

~~7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.~~

~~8. Not later than 6 months after the issuance of a special volunteer license to practice osteopathic medicine pursuant to this section to an applicant who meets the requirements for licensure by endorsement set forth in NRS 633.399 or 633.400, the licensee must submit to the Board proof that he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

(Deleted by amendment.)

Sec. 35. [NRS 633.433 is hereby amended to read as follows:

~~633.433 1. The Board may issue a license as a physician assistant to an applicant who [is]:~~

~~(a) Is qualified under the regulations of the Board to perform medical services under the supervision of a supervising osteopathic physician [;]; and~~

~~(b) Has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~2. The application for a license as a physician assistant must include all information required to complete the application.~~ **(Deleted by amendment.)**

Sec. 36. ~~NRS 633.4335 is hereby amended to read as follows:~~

~~633.4335 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~—(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and~~

~~—(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~—(a) Proof satisfactory to the Board that the applicant:~~

~~—(1) Satisfies the requirements of subsection 1;~~

~~—(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and~~

~~—(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~—(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;~~

~~—(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~—(d) The application and initial license fee specified in this chapter; and~~

~~—(e) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:~~

~~—(a) Forty five days after receiving the application; or~~

~~—(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints;~~

~~— whichever occurs later.~~

~~4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief~~

~~*intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 37. ~~NRS 633.4336 is hereby amended to read as follows:~~

~~633.4336 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;~~

~~(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; and~~

~~(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;~~

~~(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~(d) The application and initial license fee specified in this chapter; and~~

~~(e) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:~~

~~(a) Forty five days after receiving all the additional information required by the Board to complete the application; or~~

~~(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,~~

~~whichever occurs later.~~

~~4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and~~

~~Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.~~

~~6. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~

~~7. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~ **(Deleted by amendment.)**

Sec. 38. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~101~~ **11** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

- (a) Applying for renewal on forms provided by the Board;
- (b) Paying the annual license renewal fee specified in this chapter;
- (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;
- (d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

- (e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial

licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 8.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, ~~for~~ care of persons with addictive disorders ~~+~~ ***or the screening, brief intervention and referral to treatment approach to substance use disorder.***

8. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

9. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. **The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.**

11. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 39. NRS 633.473 is hereby amended to read as follows:

633.473 *1.* The Board shall, by regulation, require each osteopathic physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. ***Except as otherwise provided by subsection 2, such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder.*** Any licensee may use ~~such~~ training ***required by the regulations adopted pursuant to this section*** to satisfy 2 hours of any continuing education requirement established by the Board.

2. An osteopathic physician may not use continuing education in the screening, brief intervention and referral to treatment approach to substance use disorder to satisfy the requirements of subsection 1 for a licensure period during which the licensee also uses such continuing education for the purposes of satisfying the requirements of subsection 7 of NRS 633.471.

3. An osteopathic physician or physician assistant who obtains a registration to treat opioid dependency with narcotic medications in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. §§ 823 et seq., is exempt from the training required by subsection 1 for one period of licensure. An osteopathic physician or physician assistant may use such registration to satisfy 4 hours of the total number of hours of continuing education required by the Board pursuant to NRS 633.470 during one period of licensure.

Sec. 40. ~~NRS 633.511 is hereby amended to read as follows:~~

~~633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:~~

~~(a) Unprofessional conduct;~~

~~(b) Conviction of:~~

~~(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;~~

~~(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;~~

~~(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;~~

~~(4) Murder, voluntary manslaughter or mayhem;~~

~~(5) Any felony involving the use of a firearm or other deadly weapon;~~

~~(6) Assault with intent to kill or to commit sexual assault or mayhem;~~

~~(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;~~

~~(8) Abuse or neglect of a child or contributory delinquency; or~~

~~(9) Any offense involving moral turpitude.~~

~~(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.~~

~~— (d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.~~

~~— (e) Professional incompetence.~~

~~— (f) Failure to comply with the requirements of NRS 633.527.~~

~~— (g) Failure to comply with the requirements of subsection 3 of NRS 633.471.~~

~~— (h) Failure to comply with the provisions of NRS 633.694.~~

~~— (i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~— (1) The license of the facility is suspended or revoked; or~~

~~— (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~— This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~— (j) Failure to comply with the provisions of subsection 2 of NRS 633.322.~~

~~— (k) Signing a blank prescription form.~~

~~— (l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~— (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~— (2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~— (3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or~~

~~— (4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~— (m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.~~

~~— (n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.~~

~~— (o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.~~

~~— (p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.~~

~~— (q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state~~

~~or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

~~— (r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.~~

~~— (s) Failure to comply with the provisions of NRS 629.515.~~

~~— (t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~— (u) Failure to obtain any training required by the Board pursuant to NRS 633.473 [.] or, where applicable, the training required by NRS 633.399, 633.400, 633.4335 or 633.4336.~~

~~— (v) Failure to comply with the provisions of NRS 633.6955.~~

~~— (w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~— (x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~— (y) Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~2. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351. (Deleted by amendment.)~~

Sec. 41. NRS 635.010 is hereby amended to read as follows:

635.010 As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Podiatry.

2. “Podiatry” is the diagnosis, prevention and treatment of ailments of the human foot and leg.

3. “Podiatry hygienist” means a person engaged in assisting a podiatric physician.

4. *“Screening, brief intervention and referral to treatment approach” means an evidence-based method of delivering early intervention and treatment to persons who have or are at risk of developing a substance use disorder that consists of:*

(a) Screening to assess the severity of substance use and identify the appropriate level of treatment;

(b) Brief intervention to increase awareness of the person’s substance use and motivation to change his or her behavior; and

(c) Referral to treatment for persons who need more extensive treatment and specialty care for substance use disorder.

Sec. 42. ~~NRS 635.050 is hereby amended to read as follows:~~

~~635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.~~

~~2. Except as otherwise provided in NRS 635.066 and 635.0665, a license to practice podiatry may be issued by the Board to any person who:~~

~~— (a) Is of good moral character.~~

~~— (b) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.~~

~~— (c) Has completed a residency approved by the Board.~~

~~— (d) Has passed the examination given by the National Board of Podiatric Medical Examiners.~~

~~— (e) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.~~

~~— (f) Has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~— 3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:~~

~~— (a) The fee for an application for a license, including a license by endorsement, of not more than \$600;~~

~~— (b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and~~

~~— (c) All other information required by the Board to complete an application for a license.~~

~~— The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.~~

~~— 4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.~~

~~— 5. The Board may require such further documentation or proof of qualification as it may deem proper.~~

~~— 6. The provisions of this section do not apply to a person who applies for:~~

~~— (a) A limited license to practice podiatry pursuant to NRS 635.075; or~~

~~— (b) A provisional license to practice podiatry pursuant to NRS 635.082.]~~

(Deleted by amendment.)

Sec. 43. [NRS 635.066 is hereby amended to read as follows:

~~— 635.066 1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.~~

~~— 2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~— (a) Proof satisfactory to the Board that the applicant:~~

~~— (1) Satisfies the requirements of subsection 1;~~

~~— (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice podiatry; and~~

~~— (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~— (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~— (c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and~~

~~— (d) Any other information required by the Board.~~

~~— 3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than:~~

~~— (a) Forty five days after receiving the application; or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,~~

~~— whichever occurs later.~~

~~— 4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~

~~— 5. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 44. ~~[NRS 635.0665 is hereby amended to read as follows:~~

~~— 635.0665 — 1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.~~

~~— 2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~— (a) Proof satisfactory to the Board that the applicant:~~

~~— (1) Satisfies the requirements of subsection 1;~~

~~— (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and~~

~~— (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~— (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 635.067;~~

~~— (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (d) Any other information required by the Board.~~

~~— 3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than:~~

~~— (a) Forty five days after receiving all the additional information required by the Board to complete the application; or~~

~~— (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints;~~

~~— whichever occurs later.~~

~~— 4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~

~~— 5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice podiatry in accordance with regulations adopted by the Board.~~

~~— 6. If an applicant submits an application for a license by endorsement pursuant to this section and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one half of the fee established pursuant to NRS 635.050 for the initial issuance of the license. As used in this subsection, "veteran" has the meaning ascribed to it in NRS 417.005.~~

~~— 7. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 44.5. NRS 635.115 is hereby amended to read as follows:

635.115 1. Every even-numbered year each podiatric physician must, at the time of paying the annual renewal fee, present to the Secretary of the Board satisfactory evidence that during the preceding 2 years the podiatric physician attended at least 50 hours of instruction in courses approved by the Board for purposes of continuing professional education and is currently certified in the techniques of administering cardiopulmonary resuscitation. The Board may waive all or part of the requirement of continuing education in a particular year if the podiatric physician was prevented from that attendance by circumstances beyond his or her control.

2. **The Board shall require each podiatric physician to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure as part of the continuing education required by subsection 1.**

3. If a podiatric physician fails to provide proof of his or her continuing education and does not obtain a waiver from the Board, the license must not be renewed.

Sec. 45. NRS 635.116 is hereby amended to read as follows:

635.116 The Board shall, by regulation, require each holder of a license to practice podiatry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. ***Such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder.*** Any such holder of a license may use ~~such~~ training ***required by the regulations adopted pursuant to this section*** to satisfy 2 hours of any continuing education requirement established by the Board.

Sec. 46. ~~NRS 635.130 is hereby amended to read as follows:~~

~~635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:~~

- ~~(a) Deny an application for a license or refuse to renew a license.~~
- ~~(b) Suspend or revoke a license.~~
- ~~(c) Place a licensee on probation.~~
- ~~(d) Impose a fine not to exceed \$5,000.~~

~~2. The Board may take disciplinary action against a licensee for any of the following causes:~~

- ~~(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.~~
- ~~(b) Lending the use of the holder's name to an unlicensed person.~~
- ~~(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.~~
- ~~(d) Having an alcohol or other substance use disorder which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.~~
- ~~(e) Conviction of a crime involving moral turpitude.~~
- ~~(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.~~
- ~~(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.~~
- ~~(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.~~
- ~~(i) Gross incompetency.~~
- ~~(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.~~

~~—(k) False representation by or on behalf of the licensee regarding his or her practice.~~

~~—(l) Unethical or unprofessional conduct.~~

~~—(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.~~

~~—(n) Willful or repeated violations of this chapter or regulations adopted by the Board.~~

~~—(o) Willful violation of the regulations adopted by the State Board of Pharmacy.~~

~~—(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~—(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~—(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or~~

~~—(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS.~~

~~—(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~—(1) The license of the facility is suspended or revoked; or~~

~~—(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~—* This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~—(r) Failure to obtain any training required by the Board pursuant to NRS 635.116 [.] or, where applicable, the training required by NRS 635.066 or 635.0665.~~

~~—(s) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~—(t) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~—(u) Failure to comply with the provisions of NRS 454.217 or 629.086.]~~
(Deleted by amendment.)

Sec. 47. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

“Screening, brief intervention and referral to treatment approach” means an evidence-based method of delivering early intervention and treatment to persons who have or are at risk of developing a substance use disorder that consists of:

1. *Screening to assess the severity of substance use and identify the appropriate level of treatment;*

2. *Brief intervention to increase awareness of the person's substance use and motivation to change his or her behavior; and*

3. *Referral to treatment for persons who need more extensive treatment and specialty care for substance use disorder.*

Sec. 48. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, **and section 47 of this act** have the meanings ascribed to them in those sections.

Sec. 49. ~~NRS 636.155 is hereby amended to read as follows:~~

~~636.155 Except as otherwise provided in NRS 636.206 and 636.207, an applicant must file with the Executive Director satisfactory proof that the applicant:~~

~~1. Is at least 21 years of age;~~

~~2. Has graduated from a school of optometry accredited or approved by the Board pursuant to NRS 636.135;~~

~~3. Has passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor;~~

~~4. Has passed each examination identified, administered or approved by the Nevada State Board of Optometry pursuant to NRS 636.150; [and]~~

~~5. **Has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder;**~~

~~6. Has not been disciplined for harming a patient as a licensed optometrist in another state.~~ **(Deleted by amendment.)**

Sec. 50. ~~NRS 636.206 is hereby amended to read as follows:~~

~~636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;~~

~~(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;~~

~~(4) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state~~

~~or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and~~

~~— (5) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~— (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (c) Any other information required by the Board.~~

~~— 3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.~~

~~— 4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~

~~— 5. *Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.*~~
(Deleted by amendment.)

Sec. 51. [NRS 636.207 is hereby amended to read as follows:

~~— 636.207 — 1. The Board may issue a license by endorsement to practice optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~— (a) Holds a corresponding valid and unrestricted license to practice optometry in the District of Columbia or any state or territory of the United States; and~~

~~— (b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

~~— 2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~— (a) Proof satisfactory to the Board that the applicant:~~

~~— (1) Satisfies the requirements of subsection 1;~~

~~— (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice optometry; and~~

~~— (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~— (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (c) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice optometry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.~~

~~4. A license by endorsement to practice optometry may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.~~

~~6. Not later than 6 months after the issuance of a license by endorsement pursuant to this section, the licensee must submit to the Board proof that the he or she has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~7. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~ **(Deleted by amendment.)**

Sec. 51.5. NRS 636.260 is hereby amended to read as follows:

636.260 1. Before March 1 of each even-numbered year, each licensee shall pay a renewal fee to the Executive Director in the amount established pursuant to NRS 636.143. For the purposes of this subsection, the date of the postmark on any payment received by mail shall be deemed to be the date of receipt by the Executive Director.

2. The renewal fee must be accompanied by satisfactory evidence that the licensee has, within the immediately preceding 24-month period, completed the required number of hours in a course or courses of continuing education that have been approved by the Board. This evidence must be indicated on the form for proof of completion of continuing education that is furnished by the Board. The Board shall not require a licensee to complete more than 40 hours of continuing education during each period of renewal. The Board may waive the requirement that a licensee complete all or part of the required number of hours of continuing education upon good cause shown by the licensee.

3. **The Board shall require each licensee to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure as part of the continuing education required by subsection 2.**

4. A licensee who is certified to administer and prescribe pharmaceutical agents pursuant to NRS 636.288 must, at the time of paying the renewal fee, present evidence satisfactory to the Executive Director that, during the 24 months immediately preceding the payment of the renewal fee, the licensee

completed an educational or postgraduate program approved by the Board. The Board shall establish the number of hours for completion of the program which must be not less than 50 hours nor more than 100 hours.

Sec. 52. NRS 636.2881 is hereby amended to read as follows:

636.2881 The Board shall, by regulation, require each optometrist who is certified to administer and prescribe pharmaceutical agents pursuant to NRS 636.288 and who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. ***Such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder.*** Any licensee may use ~~such~~ training ***required by the regulations adopted pursuant to this section*** to satisfy 2 hours of any continuing education requirement established by the Board.

Sec. 53. 1. Except as otherwise provided in subsection 5, the first application that an osteopathic physician, ~~other than an osteopathic physician licensed pursuant to NRS 633.416,~~ physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, podiatric physician or optometrist who is licensed on January 1, 2024, submits to renew his or her license on or after that date must include, without limitation, proof that the applicant has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.

2. Except as otherwise provided in subsection 5, the information that a physician who is licensed pursuant to chapter 630 of NRS on January 1, 2024, ~~other than a physician licensed pursuant to NRS 630.258 or 630.261,~~ submits to complete the first biennial registration to be issued on or after that date or renew the license, as applicable, must include, without limitation, proof that the physician has completed at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder.

3. A physician licensed pursuant to chapter 630 or 633 of NRS who completes training in the screening, brief intervention and referral to treatment approach to substance use disorder to satisfy the requirements of subsection 1 or 2 may use such training to satisfy 2 hours of:

(a) The applicable requirement to complete continuing education relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids established pursuant to NRS 630.2535 or 633.473, as amended by sections 8 and 39, respectively, of this act; or

(b) Any applicable requirement to complete continuing education in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder established pursuant to NRS 630.253 or 633.471, as amended by sections 7 and 38, respectively, of this act.

4. A physician assistant licensed pursuant to 630 or 633 of NRS or a dentist, advanced practice registered nurse, podiatric physician or optometrist

who completes training in the screening, brief intervention and referral to treatment approach to substance use disorder to satisfy the requirements of subsection 1 may use such training to satisfy 2 hours of the applicable requirement to complete continuing education relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids established pursuant to NRS 630.2535, 631.344, 632.2375, 633.473, 635.116 or 636.2881, as amended by sections 8, 19, 24, 39, 45 and 52, respectively, of this act.

5. A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse who holds a registration to treat opioid dependency with narcotic medications pursuant to the Drug Addiction Treatment Act of 2000, 21 U.S.C. §§ 823 et seq., on the date he or she submits the first application to renew his or her license after January 1, 2024, is exempt from the requirements of this section.

6. As used in this section, “screening, brief intervention and referral to treatment approach” has the meaning ascribed to it in section 1 of this act.

Sec. 54. ~~1-1~~ This ~~section and sections 1, 2, 7, 8, 16, 17, 19, 21, 22, 24, 26, 27, 38, 39, 41, 45, 47, 48 and 52 of this~~ act ~~become~~ **becomes** effective upon passage and approval.

~~1-2. Sections 3 to 6, inclusive, 9 to 15, inclusive, 18, 20, 23, 25, 28 to 37, inclusive, 40, 42, 43, 44, 46, 49, 50, 51 and 53 of this act become effective on January 1, 2024.~~

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 382.

AN ACT relating to limousines; authorizing a transportation network company to contract with a limousine motor carrier to provide limousine services through the use of the digital network or software application service of the transportation network company; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a transportation network company to enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company. (NRS 706A.160) **Section 5** of this bill authorizes a transportation network company to enter into a contract with certain limousine motor carriers who hold a certificate of public convenience and necessity to operate a limousine to allow drivers employed by the limousine motor carrier to receive connections to potential passengers from the transportation network

company in exchange for the payment of a fee by the limousine motor carrier. **Section 5** authorizes a transportation network company to charge a fare on behalf of a limousine motor carrier for limousine services provided pursuant to such a contract and requires the method of calculating the fare and, if a passenger elects to receive it, an estimate of the fare to be disclosed by the transportation network company before the passenger enters the limousine of the limousine driver. **Section 5** applies certain excise taxes imposed on common motor carriers of passengers to limousine services provided pursuant to a contract with a transportation network company. **Sections 2-4** of this bill define terms relating to limousines.

Section 7 of this bill amends the term “driver” as used in the provisions of NRS governing transportation network companies to exclude a limousine driver providing limousine services pursuant to a contract between a transportation network company and a limousine motor carrier.

Sections 8-10 of this bill make conforming changes to reflect that a limousine driver and limousine motor carrier remain subject to the provisions of NRS governing motor carriers.

Existing law requires a transportation network company to obtain certain information concerning a driver before allowing the driver to be connected to potential passengers. **Section 11** of this bill exempts a limousine driver who is providing limousine services pursuant to an agreement with a limousine motor carrier from these requirements.

Section 12 of this bill requires a transportation network company to transmit to a passenger a photo of the limousine driver who will be providing limousine services and the license plate of the limousine before the passenger enters the limousine.

Section 13 of this bill requires a transportation network company to transmit an electronic receipt to a passenger who receives limousine services through the transportation network company.

Section 14 of this bill authorizes a transportation network company to transmit the name and telephone number of a passenger to a limousine driver for the purposes of correctly identifying and communicating with the passenger.

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

Section 1. Chapter 706A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Limousine driver” means a person who has been issued a driver’s permit by the Authority pursuant to NRS 706.462 and is employed or under a contract to operate a limousine for a limousine motor carrier.*

Sec. 3. *“Limousine motor carrier” means a motor carrier who has obtained a certificate of public convenience and necessity to operate a limousine which does not limit the number of limousines that the motor carrier is authorized to operate.*

Sec. 4. *“Limousine services” means the transportation in a limousine by a limousine driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a limousine driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the limousine operated by the limousine driver.*

Sec. 5. 1. *A transportation network company may enter into a contract with a limousine motor carrier whereby limousine drivers employed by the limousine motor carrier may receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee by the limousine motor carrier to the transportation network company.*

2. *Notwithstanding any contract entered into pursuant to subsection 1, a limousine motor carrier shall not provide limousine services through a transportation network company unless the transportation network company holds a valid permit issued by the Authority pursuant to this chapter.*

3. *A transportation network company shall terminate a contract entered into pursuant to subsection 1 with a limousine motor carrier that ceases to hold a certificate of public convenience and necessity to operate a limousine which does not restrict the number of limousines that the limousine motor carrier is authorized to operate. A transportation network company shall not provide connections to potential passengers and related services pursuant to a contract entered into pursuant to subsection 1 to the limousine drivers of a limousine motor carrier during any period of time in which the certificate of public convenience and necessity of the limousine motor carrier has been suspended.*

4. *A limousine motor carrier which enters into a contract pursuant to subsection 1 remains subject to the provisions of chapter 706 of NRS, including with respect to limousine services provided pursuant to a contract entered into pursuant to subsection 1.*

5. *In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to*

this chapter may, on behalf of a limousine motor carrier with which the transportation network company has entered into a contract pursuant to subsection 1, charge a fare for limousine services provided to a passenger by a limousine driver employed by the limousine motor carrier.

6. *If a fare is charged, the transportation network company must disclose the rates charged by the transportation network company and the method by which the amount of a fare is calculated:*

(a) On an Internet website maintained by the transportation network company; or

(b) Within the digital network or software application service of the transportation network company.

7. If a fare is charged, the transportation network company must offer to each passenger the option to receive, before the passenger enters the limousine of a limousine driver, an estimate of the amount of the fare that will be charged to the passenger.

8. A transportation network company may accept payment of a fare only electronically. A transportation network company or a limousine driver shall not solicit or accept cash as payment of a fare for limousine services provided pursuant to a contract entered into pursuant to subsection 1.

9. The fare charged for the transportation of a passenger by a limousine driver pursuant to a contract entered into pursuant to subsection 1 is subject to the excise tax imposed pursuant to NRS 372B.150 and exempt from the excise tax imposed pursuant to NRS 372B.140. For each occasion where limousine services are provided by a limousine driver pursuant to a contract entered into pursuant to subsection 1, the transportation network company shall report to the limousine motor carrier any information necessary to calculate the amount of the excise tax due pursuant to NRS 372B.150.

Sec. 6. NRS 706A.020 is hereby amended to read as follows:

706A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 706A.030 to 706A.060, inclusive, *and sections 2, 3 and 4 of this act*, have the meanings ascribed to them in those sections.

Sec. 7. NRS 706A.040 is hereby amended to read as follows:

706A.040 “Driver” ~~means~~

1. Means a natural person who:

~~1-1~~ *(a)* Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

~~1-2~~ *(b)* Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

2. Does not include a limousine driver who provides limousine services under a contract entered into pursuant to section 5 of this act.

Sec. 8. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) Except as otherwise provided in NRS 706.88396 ~~1-1~~ *and section 5 of this act*, the provisions of chapter 706 of NRS,

↪ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 9. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. Except as otherwise provided in NRS 706.88396 ~~††~~ **and section 5 of this act**, the Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 10. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Except as otherwise provided in NRS 706.88396 ~~††~~ **and section 5 of this act**, does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 11. NRS 706A.160 is hereby amended to read as follows:

706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, *except for a contract entered into pursuant to section 5 of this act*, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

- (1) The name, age and address of the applicant.
- (2) A copy of the driver's license of the applicant.
- (3) A record of the driving history of the applicant.
- (4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the

motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A driver shall, not later than 6 months after a transportation network company allows the driver to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company and annually thereafter, on or before the anniversary date of that agreement, provide to the company verification that the driver holds a valid state business license pursuant to chapter 76 of NRS. Such verification may consist of the business identification number assigned by the Secretary of State to the driver upon compliance with the provisions of chapter 76 of NRS.

5. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

(e) Fails to comply with the provisions of subsection 4.

Sec. 12. NRS 706A.200 is hereby amended to read as follows:

706A.200 For each instance in which a driver *or limousine driver* provides transportation services *or limousine services* to a passenger, the transportation network company which connected the passenger to the driver *or limousine driver* shall provide to the passenger, before the passenger enters the motor vehicle of a driver ~~††~~ *or limousine of a limousine driver*, a photograph of the driver *or limousine driver* who will provide the transportation services *or limousine services* and the license plate number of

the motor vehicle operated by the driver ~~or~~ ***or limousine operated by the limousine driver***. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or
2. Within the digital network or software application service of the company.

Sec. 13. NRS 706A.210 is hereby amended to read as follows:

706A.210 A transportation network company which connected a passenger to a driver ***or limousine driver*** shall, within a reasonable period following the provision of transportation services ***or limousine services*** by the driver ***or limousine driver*** to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services ~~or~~ ***or limousine services***;
2. The total time for which transportation services ***or limousine services*** were provided;
3. The total distance traveled; and
4. An itemization of the fare, if any, charged for the transportation services ~~or~~ ***or limousine services***.

Sec. 14. NRS 706A.250 is hereby amended to read as follows:

706A.250 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

- (a) The disclosure is otherwise required by law;
- (b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or
- (c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver ***or limousine driver*** the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver ***or limousine driver*** and the passenger.

Sec. 14.5. NRS 706A.310 is hereby amended to read as follows:

706A.310 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

- (a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver **or limousine driver** who has entered into an agreement with such a company or a vehicle operated by such a driver **or limousine driver** or for transportation services provided by such a driver ~~or~~ **or limousine driver**.

- (b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver **or limousine driver** who has entered into an

agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company or a driver or limousine driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company, ~~for~~ driver or limousine driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company, ~~for~~ a driver or a limousine driver to:

- (1) Obtain a permit or certification to operate at the airport;
- (2) Pay a fee to operate at the airport; or
- (3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver or limousine driver from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver and limousine driver of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 15. 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.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read second time.

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

Amendment No. 359.

AN ACT relating to financial administration; transferring the Office of Grant Procurement, Coordination and Management in the Department of Administration to the Office of the Governor; renaming the Office as the Office of Federal Assistance; requiring the Governor to appoint a Director of the Office; requiring the Director to develop a State Plan for Maximizing

Federal Assistance; revising the duties of the Office relating to the procurement, coordination and management of federal assistance; creating the Nevada Grant Matching Program to provide funds to certain public agencies, tribal governments and nonprofit organizations as matching funds for federal grants; requiring that certain money from the Abandoned Property Trust Account be transferred to a trust fund established as part of the Program; revising the membership and duties of the Nevada Advisory Council on Federal Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Grant Procurement, Coordination and Management of the Department of Administration to assist state agencies with identifying, obtaining and managing federal grants. (NRS 232.213, 232.222-232.227) **Sections 2-25, 27.5, 29 and 34** of this bill transfer the Office of Grant Procurement, Coordination and Management into the Office of the Governor. ~~Section 8 of this bill renames the~~ **on July 1, 2022, and rename** the Office as the Office of Federal Assistance. ~~Sections 17, 19, 23, 25 and 29 of this bill make conforming changes relating to the transfer and renaming of this Office.~~ **Section 8** ~~also~~ **of this bill** requires: (1) the Governor to propose a budget for the Office; and (2) the Office to maintain an office in northern Nevada and southern Nevada. **Section 20** of this bill requires the Governor to appoint a Director of the Office, who serves in the nonclassified service of the State. Subject to the limits of available funding, **section 21** of this bill: (1) authorizes the Director to employ such persons as are necessary to carry out the duties of the Office; and (2) provides that such persons serve in the nonclassified service of the State. **Section 16** of this bill makes a conforming change relating to the employment by the Director of certain persons in the nonclassified service of the State.

Section 9 of this bill requires the Director to develop a State Plan for Maximizing Federal Assistance and post the plan on the Internet website maintained by the Office. **Section 22** of this bill requires the Director to: (1) carry out the State Plan developed pursuant to **section 9**; (2) administer a grant management system; (3) develop a manual of policies and procedures relating to federal assistance and post the manual on the Internet website maintained by the Office; (4) serve as the designated entity to perform certain duties for purposes of an Executive Order; and (5) perform certain duties previously performed by the Administrator of the Office of Grant Procurement, Coordination and Management.

Existing law **: (1)** directs the Administrator of the Office of Grant Procurement, Coordination and Management to create a pilot program to provide funds **as grants** to state agencies, local governments, tribal governments and nonprofit organizations for the purpose of satisfying the matching requirement for a federal or nongovernmental organization grant. ~~It~~ **; and (2) creates the Grant Matching Fund to hold money for the pilot program to provide such grants to satisfy grant matching requirements.** ~~(Section 2)~~ **(Sections 1.5-5** of chapter 575, Statutes of Nevada 2019, at page

3709) ~~{Section}~~ **The pilot program expires on June 30, 2021. (Section 8 of chapter 575, Statutes of Nevada 2019, at page 3710) Sections 29.3, 29.5 and 34 of this bill extend the pilot program until June 30, 2022, and revise it to: (1) prohibit money deposited in the Grant Matching Fund from being used for the purpose of providing grants to satisfy matching requirements for nongovernmental organization grants; (2) authorize the Office to use not more than 10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs; and (3) provide that the balance remaining at the end of the fiscal year, except any money received from a gift, grant or donation, reverts to the State General Fund. Sections 11 and 34 of this bill ~~{creates}~~ create the Nevada Grant Matching Program within the Office of Federal Assistance. ~~{Section 11 requires}~~ effective July 1, 2022, and require the Program to serve the same purpose the pilot program served. ~~{, except that the Program will not provide funds for the purpose of satisfying any matching requirement for any nongovernmental organization grant.}~~ Section 12 of this bill creates the Grant Matching Fund as part of the Program, and requires the Fund to be administered by the Office of Federal Assistance. ~~{Section 12 also: (1) prohibits the Office from using more than 10 percent of the amount deposited in the same manner as the Grant Matching Fund to pay administrative and personnel costs; and (2) provides that any balance remaining at the end of an odd-numbered fiscal year reverts to the State General Fund.}~~ **created for the pilot program.****

Existing law provides for the creation of the Abandoned Property Trust Account into which proceeds from the sale of abandoned property are deposited. Under existing law, the first \$7,600,000 of the balance in the Account is required to be transferred to the Millennium Scholarship Trust Fund at the end of each fiscal year. (NRS 120A.620) ~~{Section}~~ **Sections 26 and 29.7 of this bill ~~{requires}~~ provide for the transfer of the next \$1,000,000 of the balance in the Account ~~{to be transferred}~~ to the Grant Matching Fund ~~{Account created by section 12}~~ at the end of each fiscal year. ~~{,}~~ commencing with a transfer from the balance in the Account at the end of the Fiscal Year 2020-2021.**

Section 13 of this bill requires the Director to: (1) consult with the Nevada Advisory Council on Federal Assistance and certain other persons to develop certain processes relating to the Program; and (2) administer all applicable aspects of those processes. **Section 14** of this bill adopts the same criteria for eligibility for a grant from the Grant Matching Fund as were adopted for eligibility for a grant under the pilot program. **Section 15** of this bill requires the Director to prepare and submit a biennial report to the Legislature that includes certain information relating to grant requests received and approved by the Director.

Existing law creates the Nevada Advisory Council on Federal Assistance for the purposes of advising and assisting state and local agencies with respect to obtaining and maximizing federal assistance that may be available from any

agency or authority of the Federal Government. (NRS 358.020, 358.040) **Section 27** of this bill expands the membership of the Nevada Advisory Council on Federal Assistance **effective July 1, 2021**, to include: (1) two voting members who represent a nonprofit organization, ~~that provides grants in this State,~~ a local agency or a tribal government and are appointed by the Majority Leader of the Senate and the Speaker of the Assembly, respectively; (2) the State Treasurer, who serves as a voting member; and (3) the State Controller, who serves as a voting member. ~~[Section]~~ **Sections 28 and 34** of this bill ~~[revises]~~ **revise** the duties of the Council to require the Council, **beginning on July 1, 2022**, to: (1) advise and assist the Director with developing and carrying out the State Plan for Maximizing Federal Assistance and carrying out certain other responsibilities; and (2) develop legislative and executive recommendations relating to obtaining and maximizing federal assistance in this State. **Sections 3-7 and 10** of this bill define certain terms relating to the Office and Program.

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, inclusive, of this act, and NRS 232.222 to 232.227, inclusive, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Director” means the Director of the Office.*

Sec. 4. *“Federal assistance” means money, equipment, material or services that may be available to a state agency, local agency, tribal government or nonprofit organization from any agency or authority of the Federal Government pursuant to a federal program.*

Sec. 5. *“Local agency” means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.*

Sec. 6. *“Office” means the Office of Federal Assistance created by section 8 of this act.*

Sec. 7. *“State agency” means an agency, bureau, board, commission, department, division or any other unit of government of the State Government.*

Sec. 8. 1. *There is hereby created within the Office of the Governor the Office of Federal Assistance for the purpose of obtaining and maximizing federal assistance.*

2. *The Governor shall propose a budget for the Office.*

3. *The Office shall maintain an office located in an urban area in northern Nevada and an office located in an urban area in southern Nevada.*

Sec. 9. 1. *The Director shall, in consultation with the Nevada Advisory Council on Federal Assistance created by NRS 358.020, develop*

and may periodically revise a State Plan for Maximizing Federal Assistance, which must identify:

(a) Methods for expanding opportunities for obtaining federal assistance, including, without limitation, expanding opportunities for obtaining matching funds for federal assistance through the Nevada Grant Matching Program created by section 11 of this act;

(b) Methods for streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that exist at each level of federal, state or local government;

(c) Methods for the effective administration of grants, including, without limitation, best practices relating to indirect cost allocation;

(d) Opportunities for:

(1) Reducing administrative costs associated with obtaining federal assistance; and

(2) Coordination between state agencies, local agencies, tribal governments and nonprofit organizations to avoid duplication and achieve common goals;

~~[(d)]~~ (e) Specific tasks which must be performed to improve the administration of grants and maximize the amount of federal assistance received by this State and a schedule for implementing any such tasks; and

~~— (e) Standards for: —~~

~~— (1) The use of performance —~~

(f) Performance metrics ~~by recipients of~~ and targets relating to obtaining and maximizing federal assistance; and

~~— (2) Balancing the costs to a state agency, local agency, tribal government or nonprofit organization of maximizing eligibility for federal assistance relative to the ability of the agency, government or organization to effectively utilize such federal assistance; —~~ and improving the administration of grants; and

(g) Best practices for considering whether to respond to a grant opportunity, including, without limitation, the monetary and programmatic cost of implementing a grant.

2. The Director shall post the State Plan for Maximizing Federal Assistance on the Internet website maintained by the Office.

Sec. 10. As used in sections 10 to 15, inclusive, of this act, unless the context otherwise requires, “Program” means the Nevada Grant Matching Program created by section 11 of this act.

Sec. 11. 1. The Nevada Grant Matching Program is hereby created within the Office. The Program must:

(a) Allow state agencies, local agencies, tribal governments and nonprofit organizations to request grants from the Grant Matching Fund created by section 12 of this act for the purpose of satisfying the matching funds requirement for a federal grant;

(b) Provide a clear, streamlined and timely process for state agencies, local agencies, tribal governments and nonprofit organizations to apply for

matching funds for a specific federal grant and receive a prompt decision from the Director; and

(c) Prioritize grants that:

- (1) Add services to constituents;*
- (2) Align with the documented priorities of the state agency, local agency, tribal government or nonprofit organization;*
- (3) Address the needs of underserved or frontier communities;*
- (4) Help state agencies, local agencies, tribal governments and nonprofit organizations build capacity for future grant opportunities; and*
- (5) Enable a state agency, local agency, tribal government or nonprofit organization to sustain the grant in its next budget.*

Sec. 12. 1. The Grant Matching Fund is hereby created as a trust fund in the State Treasury. The Office shall administer the Grant Matching Fund.

2. Money received from:

- (a) A direct legislative appropriation to the Grant Matching Fund;*
- (b) A transfer from the Abandoned Property Trust Account pursuant to NRS 120A.620; and*

(c) A grant, gift or donation to the Grant Matching Fund, must be deposited in the Grant Matching Fund. The interest and income earned on the money in the Grant Matching Fund must be credited to the Grant Matching Fund.

3. The Office may use not more than 10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs.

4. ~~The~~ Except as otherwise provided in subsection 5, the balance remaining in the Grant Matching Fund that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year reverts to the State General Fund.

5. All money received from a grant, gift or donation to the Grant Matching Fund:

- (a) Must be accounted for separately in the Fund;*
- (b) Must be expended in accordance with the terms of the gift, grant or donation; and*
- (c) Does not revert to the State General Fund and must be carried over into the next fiscal year.*

Sec. 13. 1. The Director shall consult with the Nevada Advisory Council on Federal Assistance created by NRS 358.020, grant professionals employed by the State and other grant experts to develop:

(a) A process for:

- (1) State agencies, local agencies, tribal governments and nonprofit organizations to make a request for a grant for matching funds;*
- (2) The payment or transfer of grant money; and*
- (3) Reporting on the use and implementation of grant awards; and*
- (b) Criteria for the review, award and notification of grant requests.*

2. The Director shall administer all applicable aspects of the process set forth in subsection 1.

Sec. 14. *To be eligible for a grant from the Grant Matching Fund created by section 12 of this act, a state agency, local agency, tribal government or nonprofit organization must:*

1. *Demonstrate that:*
 - (a) *It is pursuing a bona fide federal grant for which it is eligible;*
 - (b) *It attempted but was unable to secure adequate matching funding through its own budget or in-kind resources;*
 - (c) *The grant is within its scope;*
 - (d) *The grant is a competitive grant; and*
 - (e) *The grant will provide not less than \$2 for each \$1 received from the Grant Matching Fund.*
2. *Apply for a grant in the form and process prescribed by the Director.*
3. *Adhere to other requirements deemed appropriate for the Program.*

Sec. 15. *On or before January 1 of each odd-numbered year, the Director of the Office shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a summary report for the Program detailing:*

1. *The number and purpose of grant requests received from state agencies, local agencies, tribal governments and nonprofit organizations;*
2. *The number and purpose of grant requests approved and the amount of money awarded from the Grant Matching Fund created by section 12 of this act to each approved grant request applicant; and*
3. *The amount of federal grant funding received by each grant applicant as a result of receiving money from the Grant Matching Fund.*

Sec. 16. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, ***the Office of Federal Assistance***, the Office of Science, Innovation and Technology, the Office of the Western Regional Education Compact, the Office of Workforce Innovation and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

2. Except as otherwise provided by specific statute, the Governor shall:

- (a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and
- (b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

- (a) Appoint a Chief Information Officer of the State; or
- (b) Designate the Administrator as the Chief Information Officer of the State.

➡ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, “Administrator” means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

Sec. 17. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following:

(a) Risk Management Division.
(b) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

(c) State Public Works Division.

(d) Purchasing Division.

(e) Administrative Services Division.

(f) Division of Human Resource Management.

(g) Division of Enterprise Information Technology Services.

(h) Division of State Library, Archives and Public Records.

~~(i) Office of Grant Procurement, Coordination and Management.~~

~~(j)~~ Fleet Services Division.

~~(k)~~ **(j)** Public Employees’ Deferred Compensation Program.

Sec. 18. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint an Administrator of the:

(a) Risk Management Division;

(b) State Public Works Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) Division of Human Resource Management;

(f) Division of Enterprise Information Technology Services;

(g) Division of State Library, Archives and Public Records;

~~(h) Office of Grant Procurement, Coordination and Management;~~ and

~~(i)~~ **(h)** Fleet Services Division.

2. Shall, with the concurrence of the Governor and the Committee to Administer the Public Employees’ Deferred Compensation Program, appoint the Executive Officer of the Public Employees’ Deferred Compensation Program.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 233F, 242 and 284 of NRS, NRS 287.250 to 287.370, inclusive, and chapters 331, 333, 336, 338, 341 and 378 of NRS and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

Sec. 19. NRS 232.2165 is hereby amended to read as follows:

232.2165 1. The Administrator of:

- (a) The State Public Works Division;
- (b) The Purchasing Division;
- (c) The Administrative Services Division;
- (d) The Division of Human Resource Management;
- (e) The Division of Enterprise Information Technology Services;
- (f) The Division of State Library, Archives and Public Records;
- ~~[(g) The Office of Grant Procurement, Coordination and Management;]~~ and
- ~~[(h)]~~ (g) The Fleet Services Division,

↪ of the Department serves at the pleasure of the Director and is in the unclassified service of the State.

2. The Executive Officer of the Public Employees' Deferred Compensation Program appointed pursuant to NRS 232.215 is in the unclassified service of the State and serves at the pleasure of the Director, except that he or she may be removed by a majority vote of the Committee to Administer the Public Employees' Deferred Compensation Program.

Sec. 20. NRS 232.222 is hereby amended to read as follows:

232.222 1. The ~~person appointed to serve as the Administrator~~ **Governor shall appoint a Director** of the Office ~~of Grant Procurement, Coordination and Management~~ **who must have:** possess:

- (a) Extensive expertise and experience in applying for and receiving ~~grants;~~ **federal assistance;**
- (b) Specialized knowledge of the process of grant writing and approval in the public and private ~~sector;~~ **sectors;** and
- (c) Proven experience in designing and managing programs which rely solely or partially upon ~~money received from grants;~~ **federal assistance.**

2. The ~~Administrator~~ **Director** shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.

3. The Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

Sec. 21. NRS 232.223 is hereby amended to read as follows:

232.223 1. The ~~Administrator of the Office of Grant Procurement, Coordination and Management~~ **Director** shall, within the limits of money appropriated or authorized to be expended for this purpose, employ such persons as he or she deems necessary to ~~serve~~ **carry out the provisions of sections 2 to 15, inclusive, of this act.**

2. **A person employed pursuant to subsection 1 is not** in the classified or unclassified service of the State ~~for the purposes set forth in this section.~~

~~2. A person employed pursuant to this section shall, under the direction of the Administrator of the Office of Grant Procurement, Coordination and Management, assist the Administrator in carrying out the provisions of NRS 232.222 to 232.227, inclusive.~~ **and serves at the pleasure of the Director.**

Sec. 22. NRS 232.224 is hereby amended to read as follows:

232.224 1. The ~~Administrator~~ **Director** of the Office of ~~Grant Procurement, Coordination and Management~~ **Federal Assistance** shall:

(a) ~~Research and identify federal grants which may be available to state agencies.~~ **Coordinate and collaborate with state agencies, local agencies, tribal governments and nonprofit organizations to implement the State Plan for Maximizing Federal Assistance developed pursuant to section 9 of this act;**

(b) ~~Write grants for federal funds for state agencies.~~

~~(c) Coordinate.~~ **To the extent money is available, administer a grant management system;**

(c) Develop a manual of policies and procedures relating to federal assistance and post the manual on the Internet website maintained by the Office;

(d) Serve as the entity designated by the State to review and coordinate proposed federal financial assistance and direct federal development for purposes of 47 Fed. Reg. 30,959 (July 14, 1982);

(e) To the greatest extent practicable, coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal ~~grants and related programs.~~

~~(d) assistance;~~

(f) If requested by a state agency, research the availability of ~~grants and write grant proposals and applications~~ **federal assistance** for the state agency.

~~(e)~~ **(g) To the greatest extent practicable, ensure that state agencies are aware of any** ~~grant~~ **opportunities to obtain federal assistance** for which they are or may be eligible.

~~(f)~~ **(h) If requested by the** ~~director~~ **executive head** of a state agency, advise the ~~director and the~~ state agency concerning the requirements for receiving and managing ~~grants.~~

~~(g) federal assistance;~~

(i) To the greatest extent practicable, coordinate with state agencies and local agencies that have received ~~grants~~ **federal assistance** for similar projects to ensure that the efforts and services of those ~~state and local~~ agencies are not duplicated.

~~(h)~~ **(j) Serve as a clearinghouse for disseminating information relating to unexpended grant money of state agencies by** ~~compiling~~ **:**

(1) Compiling and updating periodically a list of the grants and unexpended amounts thereof for which the Office received notification from state agencies pursuant to subsection 3 of NRS 232.225 ; and ~~making~~

(2) Making the list available on the Internet website maintained by the ~~Department.~~

~~—(i) Office; **and**~~

(k) To the greatest extent practicable, develop and provide to state agencies, local agencies, tribal governments and nonprofit organizations, training opportunities relating to the acquisition and administration of grants, including, without limitation, compliance with requirements during the term of the grant; and

(l) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding all activity relating to the application for, receipt of and use of grants in this State.

2. The ~~{Administrator}~~ **Director** may:

(a) Adopt regulations to carry out the provisions of this section and NRS 232.225 and 232.226.

~~(b) {Provide training on grant procurement, coordination and management to state agencies.}~~ ***If requested by a state agency, local agency, tribal government or nonprofit organization, write grant proposals and applications and otherwise assist such an entity in obtaining federal resources.***

~~(c) {Provide training and technical assistance regarding grant procurement, coordination and management **procuring, coordinating and managing federal assistance to state agencies,** local governments, **agencies,** tribal governments and nonprofit organizations.~~

~~—(d) Provide administrative support to the Nevada Advisory Council on Federal Assistance created by NRS 358.020.~~

Sec. 23. NRS 232.225 is hereby amended to read as follows:

232.225 In addition to any other requirement concerning applying for or receiving a grant, a state agency shall notify the Office , ~~{of Grant Procurement, Coordination and Management,}~~ on a form prescribed by the Office, of:

1. Any grant for which the state agency applies.
2. Any grant which the state agency receives.
3. The amount of any portion of a grant received by the state agency that the state agency determines will be unexpended by the end of the period for which the grant was made.

Sec. 24. NRS 232.226 is hereby amended to read as follows:

232.226 The Office ~~{of Grant Procurement, Coordination and Management}~~ may apply for and receive any gift, grant, contribution or other money from any source to carry out the provisions of NRS 232.222 to 232.227, inclusive.

Sec. 25. NRS 232.227 is hereby amended to read as follows:

232.227 1. The Account for the Office of ~~{Grant Procurement, Coordination and Management}~~ ***Federal Assistance*** is hereby created in the State General Fund. The Account must be administered by the ~~{Administrator of the Office.}~~ **Director.**

2. Any money accepted pursuant to NRS 232.226 must be deposited in the Account.

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

4. The money in the Account which is donated for a purpose specified by the donor, within the scope of the duties of the ~~Administrator of the Office of Grant Procurement, Coordination and Management,~~ **Director**, must only be used for that purpose. If no purpose is specified, the money in the Account must only be used to carry out the duties of the ~~Administrator,~~ **Director**.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 26. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) ***The next \$1,000,000 each year must be transferred to the Grant Matching Fund created by section 12 of this act.***

(c) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund ~~or~~ **or the Grant Matching Fund.**

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4 or NRS 120A.525, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 27. NRS 358.020 is hereby amended to read as follows:

358.020 1. The Nevada Advisory Council on Federal Assistance is hereby created. The Council consists of the following ~~seven~~ **11** members:

(a) One member of the Senate appointed by the Majority Leader of the Senate.

(b) One member of the Assembly appointed by the Speaker of the Assembly.

(c) *One member appointed by the Majority Leader of the Senate who represents a nonprofit organization, ~~that provides grants in this State,~~ a local agency or a tribal government.*

(d) *One member appointed by the Speaker of the Assembly who represents a nonprofit organization, ~~that provides grants in this State,~~ a local agency or a tribal government.*

(e) One member appointed by the Governor who represents a nonprofit organization that provides grants in this State.

~~[(d)]~~ (f) One member appointed by the Governor who represents a local government.

~~[(e)]~~ (g) One member appointed by the Governor who represents private businesses.

~~[(f)]~~ (h) *The State Treasurer, who may name a designee to serve on the Council on his or her behalf.*

(i) *The State Controller, who may name a designee to serve on the Council on his or her behalf.*

(j) The Chief of the Budget Division of the Office of Finance.

~~[(g)]~~ (k) The Administrator ~~(Director)~~ of the Office of Grant Procurement, Coordination and Management of the Department of Administration. ~~(Federal Assistance.)~~

2. The members described in:

(a) Paragraphs (a) to ~~[(e)]~~ (i), inclusive, of subsection 1 are voting members.

(b) Paragraphs ~~[(f)]~~ (j) and ~~[(g)]~~ (k) of subsection 1 are nonvoting members.

3. The Governor shall, to the extent practicable, collaborate to ensure that the persons appointed pursuant to paragraphs ~~[(e), (d) and]~~ (e), (f) and (g) of subsection 1 are representative of the urban and rural areas of this State.

4. Each appointed member of the Council serves a term of 2 years.

5. An appointed member of the Council:

(a) May be reappointed.

(b) Shall not serve more than three terms.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Council for the remainder of the original term of appointment.

7. Each member of the Council:

- (a) Serves without compensation; and
- (b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The ~~{Department of Administration}~~ **Office of {Federal Assistance} Grant Procurement, Coordination and Management of the Department of Administration** shall provide the Council with administrative support.

Sec. 27.5. NRS 358.020 is hereby amended to read as follows:

358.020 1. The Nevada Advisory Council on Federal Assistance is hereby created. The Council consists of the following 11 members:

(a) One member of the Senate appointed by the Majority Leader of the Senate.

(b) One member of the Assembly appointed by the Speaker of the Assembly.

(c) One member appointed by the Majority Leader of the Senate who represents a nonprofit organization, a local agency or a tribal government.

(d) One member appointed by the Speaker of the Assembly who represents a nonprofit organization, a local agency or a tribal government.

(e) One member appointed by the Governor who represents a nonprofit organization that provides grants in this State.

(f) One member appointed by the Governor who represents a local government.

(g) One member appointed by the Governor who represents private businesses.

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

(i) The State Controller, who may name a designee to serve on the Council on his or her behalf.

(j) The Chief of the Budget Division of the Office of Finance.

(k) The ~~{Administrator}~~ **Director** of the Office of ~~{Grant Procurement, Coordination and Management of the Department of Administration.}~~ **Federal Assistance.**

2. The members described in:

(a) Paragraphs (a) to (i), inclusive, of subsection 1 are voting members.

(b) Paragraphs (j) and (k) of subsection 1 are nonvoting members.

3. The Governor shall, to the extent practicable, collaborate to ensure that the persons appointed pursuant to paragraphs (e), (f) and (g) of subsection 1 are representative of the urban and rural areas of this State.

4. Each appointed member of the Council serves a term of 2 years.

5. An appointed member of the Council:

- (a) May be reappointed.
- (b) Shall not serve more than three terms.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Council for the remainder of the original term of appointment.

7. Each member of the Council:

- (a) Serves without compensation; and
- (b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The Office of ~~Grant Procurement, Coordination and Management in the Department of Administration~~ **Federal Assistance** shall provide the Council with administrative support.

Sec. 28. NRS 358.040 is hereby amended to read as follows:

358.040 1. The Council shall ~~within the scope of its authority, advise~~ :

~~(a) Advise and assist state and local agencies with respect~~ ***the Director with:***

(1) Developing and carrying out the State Plan For Maximizing Federal Assistance required by section 9 of this act; and

(2) Carrying out the provisions of sections 2 to 15, inclusive, of this act, including, without limitation, any training provided by the Director pursuant to subsection 2 of section NRS 223.224; and

(b) Develop legislative and executive recommendations relating to obtaining and maximizing federal assistance in this State.

2. The Council may request information from state and local agencies , ***tribal governments and nonprofit organizations*** for the purposes of ***advising and assisting the Director with*** evaluating and monitoring the success of such agencies , ***governments or organizations*** in accordance with the stated purpose of the ~~Council~~ ***Office*** pursuant to ~~subsection 1~~ ***section 8 of this act***. A state ~~or~~ ***agency***, local agency , ***tribal government or nonprofit organization*** may provide any information, collaborate with the Council or utilize any assistance offered by the Council for the purpose of obtaining and maximizing any federal assistance that may be available to the ~~state or local~~ ***agency or government or organization.***

3. ~~The Council shall:~~

~~(a) Address methods and models for identifying, procuring, utilizing and maintaining federal assistance, including, without limitation:~~

~~(1) Streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that may exist at each level of federal, state or local government.~~

~~— (2) Developing and expanding opportunities for obtaining matching funds for federal assistance.~~

~~— (3) Ensuring sufficient personnel and technical expertise in state and local governments and nonprofit organizations.~~

~~— (4) Developing and expanding opportunities to work with nonprofit organizations to achieve common goals.~~

~~— (5) Standards for balancing the costs to a state or local agency of maximizing eligibility for federal assistance relative to the ability of the agency to utilize effectively such federal assistance.~~

~~— (b) Develop legislative and executive recommendations on matters described in paragraph (a).~~

~~— 4.} As used in this section {, “federal” :~~

~~(a) “Director” means the Director of the Office.~~

~~(b) “Federal assistance” {means money, equipment, material or services that may be available to a state or local agency from any agency or authority of the Federal Government pursuant to a federal program.} has the meaning ascribed to it in section 4 of this act.~~

~~(c) “Office” means the Office of Federal Assistance created by section 8 of this act.~~

Sec. 29. NRS 439.263 is hereby amended to read as follows:

439.263 1. It is the policy of this State to:

(a) Improve the completeness and quality of data concerning diverse demographic groups that is collected, reported and analyzed for the purposes of clinical trials of drugs and medical devices;

(b) Identify barriers to participation in clinical trials by persons who are members of demographic groups that are underrepresented in such trials and employ strategies recognized by the United States Food and Drug Administration to encourage greater participation in clinical trials by such persons; and

(c) Make data concerning demographic groups that is collected, reported and analyzed for the purposes of clinical trials more available and transparent.

2. To assist in carrying out this policy:

(a) The Division shall review the most recent version of “Collection of Race and Ethnicity Data in Clinical Trials—Guidance for Industry and Food and Drug Administration Staff,” published by the United States Food and Drug Administration, and establish, using existing infrastructure and tools, a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such clinical trials. The program must include, without limitation:

(1) Collaboration with medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices to assist such investigators and institutions in identifying and

recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(2) The establishment and maintenance of an Internet website that:

(I) Provides information concerning methods recognized by the United States Food and Drug Administration for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(II) Contains links to Internet websites maintained by medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices in this State.

(b) With the assistance of the Office of ~~Grant Procurement, Coordination and Management of the Department of Administration.~~ *Federal Assistance*, the Division shall apply for grants from any source, including, without limitation, the Federal Government, to fund the program established pursuant to paragraph (a).

(c) Not later than May 1 of each even-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the status and results of the program established pursuant to paragraph (a).

(d) Each state or local governmental entity that conducts clinical trials of drugs or medical devices, including, without limitation, the Board of Regents of the University of Nevada, shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in those clinical trials. Such a policy must include, without limitation, requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States Food and Drug Administration to identify and recruit such persons to participate in those clinical trials.

3. For the purposes of this section, demographic groups that are underrepresented in clinical trials may include, without limitation, persons who are underrepresented by race, sex, sexual orientation, socioeconomic status and age.

4. The Division may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

5. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 29.3. Section 1.5 of chapter 575, Statutes of Nevada 2019, as amended by chapter 5, Statutes of Nevada 2020, 31st Special Session, at page 38, is hereby amended to read as follows:

Sec. 1.5. **1.** There is hereby created in the State Treasury a special fund which shall be designated as the Grant Matching Fund.

~~{1. The}~~

2. Money received from:

(a) A direct legislative appropriation to the Grant Matching Fund;

(b) A transfer from the Abandoned Property Trust Account created by NRS 120A.620; and

(c) A gift, grant or donation to the Grant Matching Fund,
↪ must be deposited in the Grant Matching Fund.

3. Except as otherwise provided in subsection 4, money in the Grant Matching Fund ~~(shall hold appropriated money in trust for the exclusive purpose of providing)~~ may be used only to provide grants to state agencies, local governments, tribal governments and nonprofit organizations to satisfy federal ~~(and nongovernmental organization)~~ grant matching requirements and for any other purpose authorized by the Legislature.

~~2.~~ 4. The Office of Grant Procurement, Coordination and Management of the Department of Administration may use not more than 10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs.

5. The Interim Finance Committee must authorize the transfer of money from the Grant Matching Fund before the acceptance of a federal grant award greater than \$150,000. ~~for a nongovernmental organization grant award greater than \$20,000.~~

6. Except as otherwise provided in subsection 7, the balance remaining in the Grant Matching Fund that has not been committed for expenditure on or before the end of the fiscal year reverts to the State General Fund.

7. All money received from a grant, gift or donation to the Grant Matching Fund:

(a) Must be accounted for separately in the Grant Matching Fund;

(b) Must be expended in accordance with the terms of the gift, grant or donation; and

(c) Does not revert to the State General Fund.

Sec. 29.5. Section 8 of chapter 575, Statutes of Nevada 2019, at page 3710, is hereby amended to read as follows:

Sec. 8. 1. This act becomes effective on July 1, 2019.

2. Sections 1.5 to 5, inclusive, of this act expire by limitation on June 30, ~~2021~~ 2022.

Sec. 29.7. 1. As soon as practicable after the close of the Fiscal Year 2020-2021, the State Controller shall transfer \$1,000,000 from the balance of the Abandoned Property Trust Account created by NRS 120A.620 at the end of Fiscal Year 2020-2021 to the Grant Matching Fund created by section 1.5 of chapter 575, Statutes of Nevada 2019, at page 3708, as amended by section 29.3 of this act.

2. As soon as practicable on or after July 1, 2022, the State Controller shall transfer the balance of the Grant Matching Fund created by section 1.5 of chapter 575, Statutes of Nevada 2019, at page 3708, as amended by section 29.3 of this act, to the Grant Matching Fund created by section 12 of this act.

Sec. 30. The State Controller shall change the designation of the name of the Account for the Office of Grant Procurement, Coordination and Management created pursuant to NRS 223.227, as amended by section 25 of this act, to the Account for the Office of Federal Assistance without making any transfer of the money in the Account. The assets and liabilities of the Account are unaffected by the change of the name.

Sec. 31. ~~In the codification of the Nevada Revised Statutes after the 81st Legislative Session, the Legislative Counsel shall move the provisions of NRS 232.222 to 232.227, inclusive, to chapter 223 of the Nevada Revised Statutes.~~
(Deleted by amendment.)

Sec. 32. 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. 33. 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. 34. 1. This section ~~becomes~~ **and sections 29.5, 31, 32 and 33 of this act become** effective upon passage and approval.

2. Sections ~~1 to 33, inclusive,~~ **27, 29.3 and 29.7** 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 ~~October~~ **July** 1, 2021, for all other purposes.

3. Sections 1 to 26, inclusive, 27.5, 28, 29 and 30 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2022, for all other purposes.

4. Section 29.3 of this act expires by limitation on June 30, 2022.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 299.

SUMMARY—~~[Requires instruction]~~ **Revises provisions governing education** on the Holocaust and ~~[genocide for pupils enrolled in high school.]~~ **other genocides.** (BDR 34-426)

~~{CONTAINS UNFUNDED MANDATE (§ 2)
(Not Requested by Affected Local Government)}~~

~~AN ACT relating to education; establishing the Account for Instruction on the Holocaust and Genocide in the State General Fund; requiring the board of trustees of a school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to ensure instruction on the Holocaust and genocide is provided to pupils enrolled in high school;}~~ **requiring the State Board of Education to create a subcommittee to conduct an interim study of the manner in which to provide certain information to pupils concerning the Holocaust and other genocides; requiring the subcommittee to review the manner in which certain standards support comprehensive education on the Holocaust; requiring the subcommittee to report its findings to the Board; requiring the Board to submit a report to the Legislative Committee on Education; requiring the Legislative Committee on Education to submit a report to the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for various subjects. (NRS 389.520) ~~{Section 2 of this bill requires the board of trustees of a school district, the governing body of a charter school that operates as a high school and the governing body of a university school for profoundly gifted pupils to ensure that instruction on the Holocaust and genocide is provided to pupils enrolled in high school. Section 2 requires such instruction to include, without limitation, the: (1) history of genocides; (2) history of the atrocities committed during the Holocaust; (3) study of the social and political forces leading up to the Holocaust and other genocides; and (4) study of contemporary social, political, governmental and international organizations committed to preventing genocide. Section 2 also requires that standards of content and performance for instruction on the Holocaust and genocide be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools. Section 2 further requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to encourage: (1) persons to donate money to the Account for Instruction on the Holocaust and Genocide; (2) persons to volunteer time, expertise and resources to assist with the provision of instruction on the Holocaust and genocide; and (3) partnerships between a school district or charter school and relevant persons, nonprofit organizations or entities to assist with the provision of instruction on the Holocaust and genocide.~~

~~—Section 1 of this bill establishes the Account for Instruction on the Holocaust and Genocide in the State General Fund and requires that the money in the Account be expended only for the purpose of providing instruction on the Holocaust and genocide.~~ **Section 3.5 of this bill requires the State Board of Education to create a subcommittee to study the manner in which to**

provide certain information relating to the Holocaust and other genocides, such as the Armenian genocide, in certain courses of study. Section 3.5 requires the study conducted by the subcommittee to include, without limitation: (1) the manner in which to modify the curriculum of certain coursework to include certain instruction on the Holocaust and other genocides, such as the Armenian genocide; (2) an inventory of available classroom resources for educators; (3) any professional development that may be necessary for a teacher who provides certain instruction on the Holocaust and other genocides, such as the Armenian genocide; and (4) consideration of any similar instruction provided in another state or school district.

Section 3.5 requires the subcommittee to review the manner in which current standards support comprehensive education on the Holocaust. Section 3.5 requires the subcommittee to be composed of the following members: (1) the Superintendent of Public Instruction, or his or her designee; (2) three members representing the Governor's Advisory Council on Education Relating to the Holocaust; (3) three members representing nonprofit educational organizations that have developed curricula for use in public schools regarding the Holocaust; (4) at least one member representing a school district with 60,000 or more pupils; (5) at least one member representing a school district with fewer than 60,000 pupils; (6) at least one member representing a charter school located in this State; (7) at least one member representing nonprofit educational organizations that have developed curricula for use in public schools regarding other genocides; and (8) at least one member representing nonprofit educational organizations that have developed curricula for use in public schools regarding the Armenian genocide.

Section 3.5 requires the subcommittee to report its findings to the State Board of Education on or before October 1, 2022. Section 3.5 requires the State Board of Education to, on or before December 1, 2022, submit a report to the Legislative Committee on Education. Section 3.5 requires the Legislative Committee on Education to consider such a report and, on or before December 31, 2022, prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

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

Section 1. ~~[Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Account for Instruction on the Holocaust and Genocide is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms~~

~~and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the sum of the money in the Account and any unexpended appropriations made to the Account from the State General Fund must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.~~

~~2. Except as otherwise provided in subsection 1, the money in the Account must be used only for providing instruction on the Holocaust and genocide as required by section 2 of this act. The State Board shall adopt regulations governing the distribution of money in the Account for this purpose.~~ (Deleted by amendment.)

Sec. 2. [Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. The board of trustees of each school district, the governing body of each charter school that operates as a high school and the governing body of each university school for profoundly gifted pupils shall ensure that instruction on the Holocaust and genocide is provided to pupils enrolled in high school in each public high school within the school district or in the charter school or university school for profoundly gifted pupils, as applicable. The instruction must include, without limitation, the:~~

~~(a) History of genocides, including, without limitation, the Holocaust and the Armenian genocide;~~

~~(b) History of the atrocities committed during the Holocaust, including, without limitation, the systematic, state sponsored, bureaucratic persecution of millions of people based on religion, disability or identity;~~

~~(c) Study of the social and political forces leading up to the Holocaust, the Armenian genocide or other genocides, including, without limitation, national, ethnic, racial or religious forces; and~~

~~(d) Study of contemporary social, political, governmental and international organizations committed to preventing genocide.~~

~~2. The standards of content and performance for the instruction on the Holocaust and genocide required by subsection 1 must be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520. The instruction required by subsection 1 must be:~~

~~(a) Age appropriate; and~~

~~(b) Included within a course of study for which the Council has established the relevant standards of content and performance, including, without limitation, a course of study in social studies.~~

~~3. The board of trustees of each school district, the governing body of each charter school that operates as a high school and the governing body of each university school for profoundly gifted pupils shall:~~

~~(a) Make information about the Account for Instruction on the Holocaust and Genocide created pursuant to section 1 of this act broadly available to the public, including, without limitation, the purposes for which money in~~

~~the Account must be used and the authority of the Superintendent of Public Instruction to accept gifts and grants for deposit in the Account;~~

~~(b) Encourage persons to volunteer time, expertise and resources to assist a school district, governing body of a charter school or university school for profoundly gifted pupils, public school or teacher in the provision of instruction on the Holocaust and genocide; and~~

~~(c) Encourage partnerships between a school district, charter school or university school for profoundly gifted pupils and relevant persons, including, without limitation, nonprofit organizations, or entities that could provide instruction on the Holocaust and genocide.~~ (Deleted by amendment.)

Sec. 3. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 3.5. 1. The State Board of Education shall create a subcommittee to study the manner in which to provide age-appropriate and historically accurate instruction about the Holocaust and other genocides, such as the Armenian genocide, in social studies and language arts courses of study.

2. The study conducted by the subcommittee pursuant to this section must include, without limitation:

(a) The manner in which to modify the curriculum of a relevant course in social studies to include the instruction described in this section;

(b) An inventory of available classroom resources for educators to meet the requirements of this section;

(c) The professional development that may be necessary or appropriate for a teacher who provides the instruction described in this section; and

(d) Consideration of any similar instruction provided in another state or school district.

3. The subcommittee shall link current standards with community resources that may assist in the implementation of the instruction described in subsection 1. The subcommittee shall review the manner in which the current standards support comprehensive education regarding the Holocaust and other genocides, such as the Armenian genocide, including by, without limitation:

(a) Preparing pupils to confront the immorality of the Holocaust, other genocides, such as the Armenian genocide, and other acts of mass violence and to reflect on the causes of related historical events;

(b) Addressing the breadth of the history of the Holocaust, including, without limitation, the dictatorship of the Third Reich, the system of concentration camps, the persecution of both Jewish and non-Jewish people, the resistance to the Third Reich and the Holocaust by both Jewish and non-Jewish people and the trials that occurred after the end World War II;

(c) Developing the respect of pupils for cultural diversity and helping pupils gain insight into the importance of international human rights for all people;

(d) Promoting the understanding of pupils of how the Holocaust contributed to the need for the term “genocide” and led to international legislation that recognized genocide as a crime;

(e) Communicating the impact of personal responsibility, civic engagement and societal responsiveness;

(f) Stimulating the reflection of pupils on the role and responsibility of citizens in democratic societies to combat misinformation, indifference and discrimination through the development of critical thinking skills and through tools of resistance such as protest, reform and celebration;

(g) Providing pupils with opportunities to contextualize and analyze patterns of human behavior by persons and groups who belong in one or more categories, including, without limitation, perpetrator, collaborator, bystander, victim and rescuer;

(h) Enabling pupils to understand the ramifications of prejudice, racism and stereotyping;

(i) Preserving the memories of survivors of genocide and providing opportunities for pupils to discuss and honor the cultural legacies of survivors;

(j) Providing pupils with a foundation for examining the history of discrimination in this State;

(k) Including in curricula the use of personal narratives and multimedia primary source materials, which may include, without limitation, video testimony, photographs, artwork, diary entries, letters, government documents, maps and poems; and

(l) Exploring the various mechanisms of transitional and restorative justice that help humanity move forward in the aftermath of genocide.

4. The subcommittee must be composed of the Superintendent of Public Instruction, or his or her designee, and the following members appointed by the Superintendent;

(a) Three members representing the Governor’s Advisory Council on Education Relating to the Holocaust created by NRS 233G.020;

(b) Three members representing nonprofit organizations that have developed curricula regarding the Holocaust for use in public schools;

(c) At least one member representing a school district with 60,000 or more pupils;

(d) At least one member representing a school district with fewer than 60,000 pupils;

(e) At least one member representing a charter school located in this State;

(f) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding other genocides; and

(g) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding the Armenian genocide.

5. The subcommittee created pursuant to subsection 1 shall report its findings to the State Board of Education on or before October 1, 2022. The State Board of Education shall, on or before December 1, 2022, submit a report to the Legislative Committee on Education which includes its recommendations for adopting the instruction described in this section, as well as any actions the State Board has taken or intends to take to include the instruction in the relevant courses.

6. The Legislative Committee on Education shall consider the report submitted by the State Board of Education and, on or before December 31, 2022, prepare and submit a written report to the Director of the Legislative Counsel Bureau, for transmittal to the 82nd Session of the Nevada Legislature, concerning the Committee's consideration of the matters described in this section and any recommendations for legislation to ensure the instruction described in this section is included in the curricula of the relevant courses.

7. As used in this section:

(a) "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group:

(1) Killing members of the group;

(2) Causing serious bodily harm or mental harm to members of the group;

(3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(4) Imposing measures intended to prevent births within the group;

or

(5) Forcibly transferring children of the group to another group.

(b) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jews and 5,000,000 other persons by the Nazi regime and its collaborators.

Sec. 3.7. 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. 4. ~~11.~~ This ~~section and section 1 of this~~ act ~~become~~ becomes effective ~~upon passage and approval~~ on July 1, 2021.

~~2. Sections 2 and 3 of this act become effective on July 1, 2022.~~

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 86.

Bill read third time.

The following amendment was proposed by Assemblywoman Peters:

Amendment No. 120.

SUMMARY—Makes various changes relating to the recovery of certain expenses and costs incurred in extinguishing ~~wildfires,~~ **certain fires and emergencies.** (BDR 42-111)

AN ACT relating to ~~wildfires,~~ **emergencies;** revising provisions relating to the recovery of expenses incurred by certain governmental entities in extinguishing a fire or meeting an emergency; authorizing **, with certain exceptions,** counties, cities and certain general improvement districts to bring an action to recover certain expenses related to wildfires; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person, firm, association or agency who willfully or negligently causes a fire or other emergency which threatens human life may, in certain circumstances, be liable for the expenses incurred in extinguishing the fire or meeting the emergency to the federal, state, county or municipal agency which incurred those expenses. (NRS 472.540, 474.550) **Sections 1 and 2** of this bill: (1) revise the circumstances under which a person, firm, association or agency may be liable for such expenses to remove the requirement that the fire or other emergency must have threatened human life for expenses to be recovered; and (2) provide that **, with certain exceptions,** a person, firm, association or agency may also be liable for the expenses incurred in extinguishing a fire or meeting an emergency by a city agency or general improvement district created to furnish fire protection.

Sections 3-5 of this bill authorize **, with certain exceptions,** the governing body of a county, city or general improvement district created to furnish fire protection to bring an action against a person, firm, association or agency that is responsible for willfully or negligently causing a wildfire to recover any expenses incurred in extinguishing the wildfire and reasonable attorney's fees and litigation expenses.

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

Section 1. NRS 472.540 is hereby amended to read as follows:

472.540 1. Except as otherwise provided in this section or by specific statute, if the State Forester Firewarden determines that a person, firm, association or agency is responsible for willfully or negligently causing any fire or other emergency ~~, which threatens human life,~~ the person, firm, association or agency may be charged with the expenses incurred in extinguishing the fire or meeting the emergency, together with the cost of

necessary patrol. This charge constitutes a debt of the person, firm, association or agency charged and is collectible by the federal, state, county , *city* or municipal agency , *or general improvement district created pursuant to NRS 318.1181 for the purpose of furnishing fire protection*, incurring such expenses in the same manner as in the case of an obligation under a contract, express or implied.

2. *In determining whether a person, firm, association or agency is responsible for willfully or negligently causing a fire pursuant to subsection 1, the State Forester Firewarden shall consider, without limitation, whether the person, firm, association or agency failed to exercise reasonable care given:*

(a) The forecasted and existing weather conditions;

(b) The conditions of fuel moisture; and

(c) The topography of the area of the fire.

3. *Notwithstanding the provisions of subsections 1 and 2, a person, firm, association or agency is immune from liability for the payment of expenses and costs described in subsection 1 if the person, firm, association or agency immediately notified the nearest fire-fighting agency of the fire, was forthright and truthful in responding to questions from the State Forester Firewarden, any fire-fighting agency and any other state or local agency investigating the fire, and at least one of the following circumstances apply:*

(a) The person, firm, association or agency had a written permit issued by the State Forester Firewarden pursuant to NRS 472.520 and was in compliance with the terms of the permit;

(b) The person, firm, association or agency started a warming fire to protect human life due to dangerous weather conditions; or

(c) The person, firm, association or agency is in the business of raising livestock and started a controlled campfire for the purpose of branding livestock.

4. If the State Forester Firewarden determines that the fire or other emergency ~~which threatens human life~~ was the result of an unavoidable accident, the State Forester Firewarden shall not charge the person, firm, association or agency that caused the fire or emergency the expenses incurred in extinguishing the fire or meeting the emergency.

5. *As used in this section:*

(a) "Fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 2. NRS 474.550 is hereby amended to read as follows:

474.550 1. Except as otherwise provided in this section and NRS 527.126, within the boundaries of any fire protection district created pursuant to this chapter, any person, firm, association or agency which willfully or negligently causes a fire or other emergency ~~which threatens human life~~ may

be charged with the expenses incurred in extinguishing the fire or meeting the emergency and the cost of necessary patrol. Such a charge constitutes a debt which is collectible by the federal, state, county, *city* or district agency, *or general improvement district created pursuant to NRS 318.1181 to furnish fire protection*, incurring the expenses in the same manner as an obligation under a contract, express or implied.

2. *In determining whether a person, firm, association or agency is responsible for willfully or negligently causing a fire, it must be considered, without limitation, whether the person, firm, association or agency failed to exercise reasonable care given:*

(a) The forecasted and existing weather conditions;

(b) The conditions of fuel moisture; and

(c) The topography of the area of the fire.

3. *Notwithstanding the provisions of subsections 1 and 2, a person, firm, association or agency is immune from liability for the payment of expenses and costs described in subsection 1 if the person, firm, association or agency immediately notified the nearest fire-fighting agency of the fire, was forthright and truthful in responding to questions from the State Forester Firewarden, any fire-fighting agency and any other state or local agency investigating the fire, and at least one of the following circumstances apply:*

(a) The person, firm, association or agency had a written permit issued by the State Forester Firewarden pursuant to NRS 472.520 and was in compliance with the terms of the permit;

(b) The person, firm, association or agency started a warming fire to protect human life due to dangerous weather conditions; or

(c) The person, firm, association or agency is in the business of raising livestock and started a controlled campfire for the purpose of branding livestock.

4. *If it is determined that the fire or other emergency [which threatens human life] was the result of an unavoidable accident, the person, firm, association or agency that caused the fire or emergency may not be charged the expenses incurred in extinguishing the fire or meeting the emergency.*

5. *As used in this section:*

(a) "Fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A board of county commissioners may bring an action in a court of competent jurisdiction against any person, firm, association or agency that is responsible for willfully or negligently causing a wildfire to recover any expenses incurred by the county in extinguishing the wildfire and reasonable attorney's fees and litigation expenses.*

2. In determining whether a person, firm, association or agency is responsible for willfully or negligently causing a wildfire, it must be considered, without limitation, whether the person, firm, association or agency failed to exercise reasonable care given:

(a) The forecasted and existing weather conditions;

(b) The conditions of fuel moisture; and

(c) The topography of the area of the wildfire.

3. Notwithstanding the provisions of subsections 1 and 2, a person, firm, association or agency is immune from liability for the payment of any expenses incurred by the county in extinguishing a wildfire and attorney's fees and litigation expenses if the person, firm, association or agency immediately notified the nearest fire-fighting agency of the wildfire, was forthright and truthful in responding to questions from the State Forester Firewarden, any fire-fighting agency and any other state or local agency investigating the wildfire, and at least one of the following circumstances apply:

(a) The person, firm, association or agency had a written permit issued by the State Forester Firewarden pursuant to NRS 472.520 and was in compliance with the terms of the permit;

(b) The person, firm, association or agency started a warming fire to protect human life due to dangerous weather conditions; or

(c) The person, firm, association or agency is in the business of raising livestock and started a controlled campfire for the purpose of branding livestock.

4. As used in this section:

(a) "Fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 4. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A city council or other governing body of a city may bring an action in a court of competent jurisdiction against any person, firm, association or agency that is responsible for willfully or negligently causing a wildfire to recover any expenses incurred by the city in extinguishing the wildfire and reasonable attorney's fees and litigation expenses.

2. In determining whether a person, firm, association or agency is responsible for willfully or negligently causing a wildfire, it must be considered, without limitation, whether the person, firm, association or agency failed to exercise reasonable care given:

(a) The forecasted and existing weather conditions;

(b) The conditions of fuel moisture; and

(c) The topography of the area of the wildfire.

3. Notwithstanding the provisions of subsections 1 and 2, a person, firm, association or agency is immune from liability for the payment of any expenses incurred by the city in extinguishing a wildfire and attorney's fees and litigation expenses if the person, firm, association or agency immediately notified the nearest fire-fighting agency of the wildfire, was forthright and truthful in responding to questions from the State Forester Firewarden, any fire-fighting agency and any other state or local agency investigating the wildfire, and at least one of the following circumstances apply:

(a) The person, firm, association or agency had a written permit issued by the State Forester Firewarden pursuant to NRS 472.520 and was in compliance with the terms of the permit;

(b) The person, firm, association or agency started a warming fire to protect human life due to dangerous weather conditions; or

(c) The person, firm, association or agency is in the business of raising livestock and started a controlled campfire for the purpose of branding livestock.

4. As used in this section:

(a) "Fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 5. NRS 318.1181 is hereby amended to read as follows:

318.1181 1. In the case of a district created wholly or in part for the purpose of furnishing fire protection, the board may:

~~1-1~~ (a) Acquire fire protection equipment and acquire, construct or improve fire protection facilities and make improvements necessary and incidental thereto;

~~2-1~~ (b) Eliminate fire hazards existing within the district in the manner prescribed in NRS 474.580 for districts created pursuant to chapter 474 of NRS;

~~3-1~~ (c) Clear public highways and private lands of dry grass, stubble, bushes, rubbish and other inflammable material which in its judgment constitute a fire hazard;

~~4-1~~ (d) Coordinate fire protection activities with the State Forester Firewarden; ~~and~~

~~5-1~~ (e) Cooperate with the State Forester Firewarden in formulating a statewide plan for the prevention and control of fires ~~1-1~~; and

~~6-1~~ (f) Bring an action in any court of competent jurisdiction against any person, firm, association or agency that is responsible for willfully or negligently causing a wildfire to recover any expenses incurred by the district in extinguishing the wildfire and reasonable attorney's fees and litigation expenses.

2. In determining whether a person, firm, association or agency is responsible for willfully or negligently causing a wildfire, it must be considered, without limitation, whether the person, firm, association or agency failed to exercise reasonable care given:

(a) The forecasted and existing weather conditions;

(b) The conditions of fuel moisture; and

(c) The topography of the area of the wildfire.

3. Notwithstanding the provisions of paragraph (f) of subsection 1 and subsection 2, a person, firm, association or agency is immune from liability for the payment of any expenses incurred by the district in extinguishing a wildfire and attorney's fees and litigation expenses if the person, firm, association or agency immediately notified the nearest fire-fighting agency of the wildfire, was forthright and truthful in responding to questions from the State Forester Firewarden, any fire-fighting agency and any other state or local agency investigating the wildfire, and at least one of the following circumstances apply:

(a) The person, firm, association or agency had a written permit issued by the State Forester Firewarden pursuant to NRS 472.520 and was in compliance with the terms of the permit;

(b) The person, firm, association or agency started a warming fire to protect human life due to dangerous weather conditions; or

(c) The person, firm, association or agency is in the business of raising livestock and started a controlled campfire for the purpose of branding livestock.

4. As used in this section:

(a) "Fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 118.

Bill read third time.

The following amendment was proposed by Assemblywoman Bilbray-Axelrod:

Amendment No. 462.

AN ACT relating to motor vehicles; revising provisions relating to the transportation of children in motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires a person transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle to secure the child in a child restraint system that meets certain requirements. (NRS 484B.157) Existing law also generally requires any other person in a motor vehicle to wear a safety belt while the motor vehicle is being driven. (NRS 484D.495) **Section 2** of this bill: (1) ~~increases the age requirement at which a child is required to be secured in a child restraint system from less than 6 years of age to less than 8 years of age;~~ (2) ~~removes the weight requirement~~; ~~(3)~~ **for a child who is less than 6 years of age;** (2) adds the requirement that the child be less than 57 inches tall; and ~~(4)~~ (3) adds the requirement that a child less than 2 years of age generally be secured in a rear-facing child restraint system in the back seat of the motor vehicle. ~~Additionally, section 2 provides that if the child is at least 8 years of age but less than 13 years of age, then the child must be secured in a safety belt in the back seat unless the air bag on the passenger's side of the front seat, if any, is deactivated and: (1) special health care needs of the child require the child to ride in the front seat and a written statement signed by a physician certifying the requirement is carried in the motor vehicle; (2) all back seats are in use by other children who are less than 13 years of age; or (3) the motor vehicle is not equipped with back seats.]~~ **Section 2 also authorizes the Department of Public Safety to accept gifts, grants and donations from any source for the purpose of purchase or donation of child restraint systems for persons who are in financial need.**

Existing law requires a citation to be issued to: (1) any driver or adult passenger who fails to wear a safety belt; or (2) any driver who fails to require a child to wear a safety belt if the child is not required to be secured in a child restraint system. ~~However, under existing law, such violations are not primary offenses, which means that a citation for such violations may only be issued if the violations are discovered when the vehicle is halted or the driver arrested for another alleged violation or offense.]~~ (NRS 484D.495) **Section 3** of this bill ~~provides that: (1) it remains a secondary offense, not a primary offense, for a driver or an adult passenger to fail to wear a safety belt himself or herself, but it is a primary offense for a driver to fail to require a child to wear a safety belt if the child is required by law to wear a safety belt; and (2) if the driver of the motor vehicle is not the parent or guardian of the child who is not wearing a safety belt, then the parent or guardian of the child must also be cited if the parent or guardian is a passenger in the motor vehicle.]~~ **makes conforming changes to the requirements relating to the use of safety belts and child restraint systems to reflect the changes made in section 2.**

Existing law requires a short-term lessor who offers or provides a waiver of damages to disclose certain information, including the existing law of this State relating to the use of safety belts. (NRS 482.3156) **Section 1** of this bill makes conforming changes to that disclosure to reflect the changes made in this bill.

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

Section 1. NRS 482.3156 is hereby amended to read as follows:

482.3156 A short-term lessor who offers or provides a waiver of damages for any consideration in addition to the rate for lease of a passenger car shall clearly and conspicuously disclose the following information in the lease or a holder in which the lease is placed and on a sign posted at the place where the lessee signs the lease:

1. The nature and extent of the short-term lessee's liability.
2. A statement that the short-term lessee's personal insurance policy may provide coverage for all or a portion of the lessee's potential liability.
3. A statement that the short-term lessee should consult with his or her insurer to determine the scope of insurance coverage.
4. A statement that the short-term lessee may purchase an optional waiver of damages to cover all liability subject to any exception that the short-term lessor includes and that is permitted by NRS 482.31555.

5. The charge for the waiver of damages.

6. A statement that Nevada law requires ~~any~~, *with certain exceptions:*

(a) *Any* driver of a passenger car and any passenger ~~15-13~~ 6 years of age or older who rides in the front or back seat of a passenger car to wear a safety belt if one is available for that seating position ~~1~~; *and*

~~(b) Any passenger who is 8 years of age or older but less than 13 years of age to be secured by a safety belt in the manner set forth in subsection 2 of NRS 484B.157;~~

~~(c) Any passenger who is less than 8 years of age and less than 57 inches tall to be secured in a child restraint system described in paragraph (a) of subsection 1 of NRS 484B.157; and~~

~~(d) Any passenger who is less than 2 years of age to be secured in a rear-facing child restraint system in the back seat of the motor vehicle pursuant to paragraph (b) of subsection 1 of NRS 484B.157.~~

Sec. 2. NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection 7, ~~18~~ any person who is transporting ~~1~~ :

(a) A child who is less than 6 ~~18~~ years of age and ~~who weighs 60 pounds or less~~ *less than 57 inches tall* in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

~~(a)~~ (1) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

~~(b)~~ (2) Is appropriate for the size and weight of the child; and

~~(c)~~ (3) Is installed within and attached safely and securely to the motor vehicle:

~~{(1)}~~ (I) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

~~{(2)}~~ (II) In another manner that is approved by the National Highway Traffic Safety Administration.

(b) A child who is less than 2 years of age in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a rear-facing child restraint system in the back seat of the motor vehicle in accordance with subparagraphs (1), (2) and (3) of paragraph (a) unless the child is secured in a rear-facing child restraint system on the passenger side of the front seat in accordance with subparagraphs (1), (2) and (3) of paragraph (a), the air bag on the passenger's side of the front seat, if any, is deactivated and:

(1) Special health care needs of the child require the child to ride in the front seat of the motor vehicle and a written statement signed by a physician certifying the requirement is carried in the motor vehicle;

(2) All back seats in the motor vehicle are in use by other children who are less than 2 years of age; or

(3) The motor vehicle is not equipped with back seats.

~~2. Except as otherwise provided in subsection 8, any person who is transporting a child who is not required to be secured in a child restraint system pursuant to subsection 1 and who is less than 13 years of age in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a safety belt in the back seat of the motor vehicle unless the air bag on the passenger's side of the front seat, if any, is deactivated and:~~

~~—(a) Special health care needs of the child require the child to ride in the front seat of the motor vehicle and a written statement signed by a physician certifying the requirement is carried in the motor vehicle;~~

~~—(b) All back seats in the motor vehicle are in use by other children who are less than 13 years of age; or~~

~~—(c) The motor vehicle is not equipped with back seats.~~

~~—3.~~ If a defendant pleads or is found guilty of violating the provisions of subsection 1 ~~for 2.~~ the court shall:

(a) For a first offense, order the defendant to pay a fine of not less than \$100 or more than \$500 or order the defendant to perform not less than 10 hours or more than 50 hours of community service;

(b) For a second offense, order the defendant to pay a fine of not less than \$500 or more than \$1,000 or order the defendant to perform not less than 50 hours or more than 100 hours of community service; and

(c) For a third or subsequent offense, suspend the driver's license of the defendant for not less than 30 days or more than 180 days.

~~3. {4}~~ At the time of sentencing, the court shall provide the defendant with a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if

any, established by the person or agency pursuant to subsection 4. ~~15.1~~ If, within 60 days after sentencing, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:

(a) If the defendant was sentenced pursuant to paragraph (a) of subsection 2. ~~13.1~~ waive the fine or community service previously imposed; or

(b) If the defendant was sentenced pursuant to paragraph (b) of subsection 2. ~~13.1~~ reduce by one-half the fine or community service previously imposed.

↪ A defendant is only eligible for a reduction of a fine or community service pursuant to paragraph (b) if the defendant has not had a fine or community service waived pursuant to paragraph (a).

4. ~~15.1~~ A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department, establish a fee to be paid by defendants who are ordered to complete a program of training. The amount of the fee, if any:

(a) Must be reasonable; and

(b) May, if a defendant desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.

↪ A program of training may not be operated for profit.

5. ~~16.1~~ For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. ~~17.1~~ A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484B.653.

7. ~~18.1~~ This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician or an advanced practice registered nurse determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician or advanced practice registered nurse to that effect.

8. The Department of Public Safety may accept gifts, grants and donations from any source for the purpose of the purchase or donation of child restraint systems for persons who are in financial need.

~~18.1~~ 9. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.

Sec. 3. NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 ~~18~~ years of age or older; or

(b) ~~[Weighs more than 60 pounds,]~~ **Is 57 inches tall or more**, regardless of age,

↪ who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. ~~[A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.]~~

~~4.]~~ If the passenger ~~[who fails to wear a safety belt as required by subsection 2]~~ is a child who:

(a) Is 6 ~~18~~ years of age or older but less than 18 years of age, regardless of ~~[weight,]~~ **height**; or

(b) Is less than 6 ~~18~~ years of age but ~~[who weighs more than 60 pounds,]~~ **is 57 inches tall or more**,

↪ a citation must be issued to the driver for failing to require that child to wear the safety belt , but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. [and, if the driver is not the parent or guardian of the child, to the parent or guardian of the child if the parent or guardian is a passenger.]

~~5.]~~ Any person who violates the provisions of subsection 2 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. ~~16.1~~ A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

5. ~~17.1~~ The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. ~~18.1~~ The provisions of subsections 2 and 3 ~~to 5, inclusive,~~ do not apply:

(a) To a driver or passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

7. ~~19.1~~ It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

Sec. 4. This act becomes effective on January 1, 2022.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 29, 56, 61, 90, 133, 161, 170, 194, 196, 213, 220, 224, 262, 270, 280, 299, 315, 321, 340, 347, 348, 349, 356, 371, 379, 383, 408, 416, 418, 425, 427, 429, and 445 be rereferred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Today, we mourn the loss of our own, Marsheilah Lyons. I struggled to think of what to say after that because sometimes the loss is just too great, the hurt is just too deep, the pain is just too intense. But Marsheilah experienced all of these things far more than any one person should have had to endure. So if she could be strong through it all, if she could help this institution for all those

years that she had, if she could do that while also tending to her family tragedies over the past several years, if she could work for all of you until her final weeks out of love and dedication for this state and this institution, then we can be strong in her honor.

Marsheilah was not just our Deputy Research Director. She was my friend, and whether you knew it or not, she was your friend. She prayed for me, and whether you knew it or not, she prayed for you too. She was not just someone who worked here and helped us get our work done. She was a wife and a mother, a woman of faith and principle. There is not much more one can say about someone who was simply an angel in our midst.

I would urge everyone to hug your loved ones just a little tighter, engage with your colleagues a little more kindly, and treat this institution with a little more reverence, remembering that the people who work for us here have no agenda other than making sure that, even through their last days, Nevada is able to endure. We love you Marsheilah, we will miss you terribly but we know that you are now at peace and in no more pain.

Assemblywoman Benitez-Thompson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN C.H. MILLER:

I would like to ask the members of the body to join me in a prayer for Marsheilah.

Father God, we come to you this evening with heavy hearts as we mourn the loss of our very own Marsheilah Lyons. We thank you for the gift that she was to her family, friends, her colleagues, this body, and our state. We know that, according to her faith, You know the precise time to call us home and deliver us from the sufferings of this world. We know that according to her faith, to be absent from the body is to be present with You Lord. And we know that, according to her faith, we have hope that we will see our loved ones again.

So through this difficult time, please help us to find the joy needed to celebrate the gift and blessing she was to the rest of us as we look forward to seeing her again. We ask You to comfort her family and friends like only You can. Please heal the broken hearts of her loved ones and provide wise counsel to help the minds of those of us that have a hard time understanding Your ways in times like these. Father God, I ask you to release Your peace that passes all understanding to the family of Marsheilah Lyons and everyone that know and love her.

In Jesus' name. Amen.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:05 a.m.

ASSEMBLY IN SESSION

At 12:05 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved to dispense with reprinting Assembly Bills Nos. 38, 47, 55, 66, 86, 96, 97, 102, 118, 139, 146, 169, 180, 184, 195, 211, 222, 225, 235, 245, 249, 251, 253, 254, 257, 266, 268, 277, 281, 287, 296, 298, 301, 307, 313, 316, 318, 327, 330, 333, 335, 336, 339, 343, 345, 359, 360, 368, 374, 376, 378, 385, 391, 397, 400, 405, 410, 413, 417, 419, 420, 424, 436, 440, 442, and 444.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 86 and 118 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 20, 2021, at 11:30 a.m., and that it do so in the appreciation of the more than 20 years of service that Marsheilah Lyons gave to the state; that we adjourn in memory of her kind, intelligent, and beautiful soul, her soul that has peace.

Motion carried.

Assembly adjourned at 12:07 a.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly