THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 13, 2021

Assembly called to order at 1:31 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Karen Foster.

Ground of our being, mystery of all that is, may all of our work always be for the greater good. May we take the opportunity to care for the most vulnerable among us. In caring for our fellow human beings, may we listen and really hear. May we look and really see. May we go the extra mile to care. May our hearts be moved to compassion. May we take this responsibility that we have and do what is just and humane.

May we gather our strength and courage and accomplish together that which we could never do alone. May it be so. Blessed be.

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 Senate Bills Nos. 112, 145, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 12, 14, 15, 16, 28, 37, 38, 47, 72, 127, 138, 253, 311, 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 61, 305, 379, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROCHELLE T. NGUYEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 459, 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 Ways and Means, to which was referred Assembly Bill No. 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

COMMUNICATIONS

UNITED STATES SENATE

May 12, 2021

THE HONORABLE NICOLE CANNIZZARO, *Majority Leader of the Nevada State Senate* and
THE HONORABLE JASON FRIERSON, *Speaker of the Nevada Assembly*
401 South Carson Street,
Carson City, Nevada 89701

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER FRIERSON:

I am writing to request the opportunity to speak before the distinguished members of the Nevada State Legislature on Tuesday, May 18, 2021 at 5:00 PM. I look forward to speaking about the pressing issues before the United States Congress in the upcoming months and how they will affect the great state of Nevada.

I thank you in advance for your kind consideration.

Sincerely,
CATHERINE CORTEZ MASTO
United States Senator

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 482—AN ACT relating to businesses; prohibiting the Secretary of State from renewing the state business license of a person who owes a debt to a state agency under certain circumstances; revising provisions governing notifications of certain debts collected by the State Controller; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Titus, Leavitt, Tolles, Roberts, Hafen, Dickman, Ellison, Hansen, Hardy, Kasama, Krasner, Matthews, McArthur, O'Neill and Wheeler:

Assembly Bill No. 483—AN ACT relating to Internet privacy; revising the definitions of the terms "consumer" and "operator" for the purposes of requiring certain operators of Internet websites or online services which are owned or operated for the purposes of a public awareness campaign conducted by or on behalf of a governmental entity to comply with certain requirements and restrictions concerning the collection and sale of certain personally identifiable information about a consumer; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 461.

Bill read second time and ordered to third reading.

Assembly Bill No. 462.

Bill read second time and ordered to third reading.

Senate Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 501.

SUMMARY— ~~[Creates an exemption from licensing requirements for investment advisers to certain private funds.]~~ **Makes certain changes relating to securities.** (BDR 7-423)

AN ACT relating to securities; creating an exemption from licensing requirements for investment advisers to certain private funds; **requiring the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, to submit a biennial report relating to securities to the Legislative Commission and publish the report by certain other means; revising provisions relating to the adoption of regulations by the Administrator;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Dodd-Frank Wall Street Reform and Consumer Protection Act created an exemption from the requirement that investment advisers to certain private funds register with the Securities and Exchange Commission. This exemption applies to investment advisers who: (1) manage less than $150 million in assets; and (2) advise qualifying private funds. (15 U.S.C. § 80b-3(m); 17 C.F.R. 275.203(m)-1)

Existing state law makes it unlawful for a person to transact business in this State as an investment adviser unless the person is: (1) licensed; or (2) exempt from the licensing requirements of this State. (NRS 90.330) **Section 2-4** of this bill create a state-level exemption from the requirement for licensure for investment advisers to certain qualifying private funds.

Section 4 provides that the exemption applies to an investment adviser if: (1) the investment adviser solely advises one or more qualifying private funds; (2) the investment adviser is not required to register with the Securities and Exchange Commission; (3) neither the investment adviser nor any of its advisory affiliates have engaged in certain bad acts; (4) the investment adviser files certain reports with the Administrator, who is the Deputy of Securities appointed by the Secretary of State; and (5) the investment adviser pays a fee prescribed by the Administrator.

Section 4 also provides that if the investment adviser advises one or more eligible funds, in addition to the other requirements for the exemption, the investment adviser must: (1) advise only those eligible funds whose outstanding securities are beneficially owned entirely by qualified clients; (2) make certain disclosures to the beneficial owners of the eligible fund; and (3) annually obtain an audited financial statement of each eligible fund and deliver the statement to each beneficial owner of the respective eligible fund. **Section**

4 provides a grandfather provision for an investment adviser to an eligible fund whose beneficial ownership does not consist entirely of qualified clients if: (1) the eligible fund existed before July 1, 2022; and (2) the investment adviser complies with certain minimum requirements on or after July 1, 2022.

Section 4 also provides that if an investment adviser becomes ineligible for the exemption, the investment adviser has 90 days after the date of ineligibility to become compliant with any applicable laws for licensing.

Existing law also exempts from the licensing requirements investment advisers who are registered or not required to be registered under the Investment Advisers Act of 1940 if: (1) the only clients of the investment adviser are other investment advisers, broker-dealers or financial or institutional investors; (2) the investment adviser has no place of business in this State and directs business communications in this State to a person who is an existing client of the investment adviser and whose principal place of residence is not in this State; or (3) the investment adviser has no place of business in this State and during any 12 consecutive months it does not direct business communications in this State to more than five present or prospective clients under certain circumstances, whether or not the person or client to whom the communication is directed is present in this State. (NRS 90.340) **Section 6** of this bill provides that regardless of whether an investment adviser qualifies for an exemption from the licensing requirements under existing law, if the investment adviser advises a qualifying private fund, the investment adviser must also satisfy the requirements of **section 4** in order to qualify for an exemption.

Existing law also requires a representative of an investment adviser to be licensed or exempt from the licensing requirements before transacting business in this State. (NRS 90.330) **Section 6** provides that if a representative of an investment adviser is employed by an investment adviser who is exempt from the licensing requirements pursuant to **section 4**, then the representative of the investment adviser is also exempt from his or her respective licensing requirements.

Section 4.5 of this bill requires the Administrator to submit a written report biennially to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission and to publish the report on an Internet website of the Secretary of State or by similar means. Section 4.5 requires the report to include, without limitation: (1) a summary of the states that adopted a model rule, regulation, exemption or like provision of the North American Securities Administrators Association within the 5 years immediately preceding the publication of the report; (2) a summary of the states that did not adopt any such model rule, regulation, exemption or like provision within the 5 years immediately preceding the publication of the report and a description of why each state did not adopt any such rule, regulation, exemption or like provision; (3) a determination of whether the Securities Division of the Office of the Secretary of State has the resources necessary to achieve its objectives; and (4) any

recommendations for legislation relating to the protection of investors in this State.

Existing law authorizes the Administrator to adopt certain regulations and requires the Administrator to take into consideration: (1) the regulations adopted by the Securities and Exchange Commission; and (2) the regulations of securities agencies and administrators in other states. (NRS 90.750) Section 8.5 of this bill additionally requires the Administrator to consider any model rule, regulation, exemption or like provision adopted by the North American Securities Administrators Association.

~~[Sections]~~ **Section 5** ~~[and 7–11]~~ of this bill ~~[make]~~ **makes a** conforming ~~[changes]~~ **change** to indicate the appropriate placement of **sections** ~~[2–4]~~ **2 and 3 of this bill** in the Nevada Revised Statutes. **Sections 7, 8 and 9-11 of this bill make conforming changes relating to the exemption from the licensing requirements for investment advisers pursuant to section 4.**

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 4.5, inclusive,** of this act.

Sec. 2. ***"Investment Adviser Registration Depository" means the Investment Adviser Registration Depository of the Financial Industry Regulatory Authority, or its successor, and the North American Securities Administrators Association or its successor.***

Sec. 3. ***"Qualifying private fund" has the meaning ascribed to it in 17 C.F.R. 275.203(m)-1.***

Sec. 4. ***1. An investment adviser is exempt from the licensing requirements under NRS 90.330 if:***

(a) The investment adviser provides advice solely to one or more qualifying private funds;

(b) The investment adviser is not required to register with the Securities and Exchange Commission;

(c) Neither the investment adviser nor any of the advisory affiliates of the investment adviser are subject to an event that would disqualify an issuer pursuant to 17 C.F.R. § 230.506(d)(1);

(d) The investment adviser files with the Administrator any report and amendment thereto required to be filed with the Securities and Exchange Commission pursuant to 17 C.F.R. § 275.204-4;

(e) The investment adviser pays a fee prescribed by the Administrator; and

(f) Except as otherwise provided in subsection 2, if the investment adviser advises at least one eligible fund, the investment adviser must:

(1) Advise only those eligible funds whose outstanding securities are beneficially owned entirely by persons who, after deducting the value of the

primary residence from the net worth of the person, would each be a qualified client at the time the securities are purchased from the issuer;

(2) Disclose in writing, at the time of purchase, the following information to each beneficial owner of the eligible fund:

(I) All services, if any, to be provided to the beneficial owner;

(II) Any duty owed by the investment adviser to the beneficial owner; and

(III) Any other material information affecting the rights and responsibilities of the beneficial owner; and

(3) Annually obtain an audited financial statement of each eligible fund and deliver the statement to each beneficial owner of the corresponding eligible fund.

2. If an investment adviser advises an eligible fund that has one or more beneficial owners who are not qualified clients and the eligible fund existed before July 1, 2022, then on or after July 1, 2022:

(a) The eligible fund is prohibited from accepting additional beneficial owners who are not qualified clients;

(b) The investment adviser must:

(1) Make the disclosure described in subparagraph (2) of paragraph (f) of subsection 1 to all beneficial owners of the eligible fund, regardless of whether the beneficial owner is a qualified client;

(2) Deliver the financial statement described in subparagraph (3) of paragraph (f) of subsection 1 to each beneficial owner of the eligible fund, regardless of whether the beneficial owner is a qualified client; and

(3) Otherwise satisfy the requirements for exemption set forth in subsection 1.

3. The filings described in paragraph (d) of subsection 1:

(a) Must be filed electronically through the Investment Adviser Registration Depository; and

(b) Shall be deemed to be filed on the date that the filing and fee described in paragraph (e) of subsection 1 are filed and accepted on behalf of the State by the Investment Adviser Registration Depository.

4. If an investment adviser becomes ineligible for the exemption described in this section, the investment adviser must comply with any applicable laws for licensure within 90 days after the date of ineligibility.

5. As used in this section:

(a) "Eligible fund" means a qualifying private fund that:

(1) Is eligible for the exclusion from the definition of an investment company under 15 U.S.C. 80a-3(c)(1); and

(2) Is not a venture capital fund, as defined in 17 C.F.R. § 275.203 (l)-1.

(b) "Qualified client" has the meaning ascribed to it in 17 C.F.R. § 275.205-3.

(c) "Value of the primary residence" means the fair market value of the primary residence of a person, subtracted by the amount of debt secured by the property up to its fair market value.

Sec. 4.5. 1. On or before August 15 of each even-numbered year, the Administrator shall:

(a) Submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission; and

(b) Publish the report described in paragraph (a) on an Internet website of the Secretary of State or by similar means.

2. The report must include, without limitation:

(a) A summary of the states that adopted a model rule, regulation, exemption or like provision of the North American Securities Administrators Association within the 5 years immediately preceding the publication of the report described in subsection 1;

(b) A summary of the states that did not adopt a model rule, regulation, exemption or like provision of the North American Securities Administrators Association within the 5 years immediately preceding the publication of the report described in subsection 1, and the reasoning why each state did not adopt any such model rule, regulation, exemption or like provision;

(c) A determination of whether the Division has the resources necessary to achieve its objectives; and

(d) Any recommendations for legislation relating to the protection of investors in this State.

Sec. 5. NRS 90.211 is hereby amended to read as follows:

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.309, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 90.340 is hereby amended to read as follows:

90.340 1. The following persons are exempt from licensing under NRS 90.330:

(a) ~~[An]~~ ***Except as otherwise provided in subsection 2, an*** investment adviser who is registered or is not required to be registered as an investment adviser under the Investment Advisers Act of 1940 if:

(1) Its only clients in this State are other investment advisers, broker-dealers or financial or institutional investors;

(2) The investment adviser has no place of business in this State and directs business communications in this State to a person who is an existing client of the investment adviser and whose principal place of residence is not in this State; or

(3) The investment adviser has no place of business in this State and during any 12 consecutive months it does not direct business communications in this State to more than five present or prospective clients other than those specified in subparagraph (1), whether or not the person or client to whom the communication is directed is present in this State;

(b) A representative of an investment adviser who is employed by an investment adviser who is exempt from licensing pursuant to paragraph (a) ~~[.]~~ ***or section 4 of this act;***

(c) A sales representative licensed pursuant to NRS 90.310 who:

(1) Has passed the following examinations administered by the Financial Industry Regulatory Authority:

(I) The Uniform Investment Adviser Law Examination, designated as the Series 65 examination; or

(II) The Uniform Combined State Law Examination designated as the Series 66 examination and the General Securities Registered Representative Examination, designated as the Series 7 examination; or

(2) On January 1, 1996, has been continuously licensed in this State as a sales representative for 5 years or more; and

(d) Other investment advisers and representatives of investment advisers the Administrator by regulation or order exempts.

2. ***Regardless of whether an investment adviser qualifies for an exemption pursuant to paragraph (a) of subsection 1, if the investment adviser advises one or more qualifying private funds, the investment adviser must additionally satisfy all of the requirements set forth in section 4 of this act in order to qualify for an exemption from licensing under NRS 90.330.***

3. The Administrator may, by order or rule, waive the examinations required by subparagraph (1) of paragraph (c) of subsection 1 for an applicant or a class of applicants if the Administrator determines that the examination is not necessary for the protection of investors because of the training and experience of the applicant or class of applicants.

Sec. 7. NRS 90.350 is hereby amended to read as follows:

90.350 1. Except as otherwise provided in subsection 3, an applicant for licensing as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent must file with the Administrator an application for licensing and a consent to service of process pursuant to NRS 90.770 and pay the fee required by NRS 90.360. The application for licensing must contain the social security number of the applicant and any other information the Administrator determines by regulation to be necessary and appropriate to facilitate the administration of this chapter.

2. The requirements of subsection 1 are satisfied by an applicant who has filed and maintains a completed and current registration with the Securities and Exchange Commission or a self-regulatory organization if the information contained in that registration is readily available to the Administrator through the Investment Adviser Registration Depository, the Central Registration Depository or another depository for registrations that has been approved by the Administrator by regulation or order. Except as otherwise provided in subsection 3, such an applicant must also file a notice with the Administrator in the form and content determined by the Administrator by regulation and a consent to service of process pursuant to NRS 90.770 and the fee required by

NRS 90.360. The Administrator, by order, may require the submission of additional information by an applicant.

3. An applicant for licensing as a transfer agent is not required to pay the fee required by NRS 90.360.

4. As used in this section **,** ~~[~~**:**

~~(a)]~~ "Central Registration Depository" means the Central Registration Depository of the Financial Industry Regulatory Authority, or its successor, and the North American Securities Administrators Association or its successor.

~~[(b) "Investment Adviser Registration Depository" means the Investment Adviser Registration Depository of the Financial Industry Regulatory Authority, or its successor, and the North American Securities Administrators Association or its successor.]~~

Sec. 8. NRS 90.560 is hereby amended to read as follows:

90.560 The Administrator by regulation or order may require the filing of any prospectus, pamphlet, circular, form letter, advertisement or other sales literature or advertising communication addressed or intended for distribution to prospective investors, including clients or prospective clients of an investment adviser unless the security or transaction is exempt under NRS 90.520 or 90.530 or the investment adviser is exempt under NRS 90.340 ~~[.]~~ ***or section 4 of this act.***

Sec. 8.5. **NRS 90.750 is hereby amended to read as follows:**

90.750 1. The Administrator may adopt regulations further defining such words and terms as are necessary for an understanding of the provisions of this chapter and any regulations adopted pursuant thereto.

2. To keep regulations adopted by the Administrator in harmony with the regulations adopted by the Securities and Exchange Commission under the federal securities laws and to encourage uniformity with the regulations of securities agencies and administrators in other states, the Administrator, so far as is consistent with this chapter, shall take into consideration ~~[the]~~ **:**

(a) The regulations adopted by the Securities and Exchange Commission ~~[and the]~~ **:**

(b) The regulations of securities agencies and administrators in other states that enact a law comparable to this chapter ~~[.]~~ ***; and***

(c) Any model rule, regulation, exemption or like provision adopted by the North American Securities Administrators Association.

3. Unless other criteria are specifically provided in this chapter or special provision is made for an emergency, a regulation or order may not be adopted or entered unless the Administrator determines from evidence adduced at a public hearing and entered in the record, showing specifically how the applicable criteria are satisfied, that the action is:

(a) In the public interest and appropriate for the protection of investors; and

(b) Consistent with the purposes fairly intended by the provisions of this chapter.

4. The Administrator may use his or her own experience, technical competence, specialized knowledge, and judgment in the adoption of a regulation.

5. The Administrator by regulation or order may prescribe:

(a) The form and content of financial statements required under this chapter;

(b) The circumstances under which consolidated financial statements must be filed; and

(c) Whether a required financial statement must be certified and by whom.

➥ Unless the Administrator by regulation or order provides otherwise, a financial statement required under this chapter must be prepared in accordance with generally accepted accounting principles or other accounting principles as are prescribed for the issuer of the financial statement by the Securities and Exchange Commission.

Sec. 9. NRS 628A.040 is hereby amended to read as follows:

628A.040 1. Except as otherwise provided in subsection 2, a financial planner shall maintain insurance covering liability for errors or omissions, or a surety bond to compensate clients for losses actionable pursuant to this chapter, in an amount of $1,000,000 or more.

2. The provisions of subsection 1 do not apply to:

(a) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320; or

(b) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340 ~~[.]~~ ***or section 4 of this act.***

Sec. 10. NRS 645B.093 is hereby amended to read as follows:

645B.093 1. A mortgage company who is a broker-dealer or a sales representative licensed pursuant to NRS 90.310 or who is exempt from licensure pursuant to NRS 90.320:

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

2. A mortgage company who is an investment adviser or a representative of an investment adviser licensed pursuant to NRS 90.330 or exempt from licensure pursuant to NRS 90.340 ~~[.]~~ ***or section 4 of this act:***

(a) Shall not commingle money received for mortgage transactions and money received for securities transactions; and

(b) Shall ensure that all money received for mortgage transactions is accounted for separately from all money received for securities transactions.

Sec. 11. NRS 688C.212 is hereby amended to read as follows:

688C.212 1. A financial planner who, on behalf of a viator and for a fee, commission or other valuable consideration not paid by a provider or purchaser of viatical settlements, offers or attempts to negotiate a viatical settlement between the viator and one or more providers or brokers of viatical

settlements must be licensed as an insurance consultant pursuant to NRS 683C.020.

2. As used in this section, "financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself or herself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the Supreme Court of this State;

(b) A certified public accountant or a public accountant pursuant to NRS 628.190 to 628.310, inclusive;

(c) A broker-dealer or sales representative licensed pursuant to NRS 90.310 or exempt under NRS 90.320;

(d) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340 ~~[,]~~ ***or section 4 of this act;*** or

(e) A producer of insurance licensed pursuant to chapter 683A of NRS or an insurance consultant licensed pursuant to chapter 683C of NRS,

➥ whose advice upon investment or provision of future income is incidental to the practice of his or her profession or business.

Sec. 11.5. **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. 12. This act becomes effective on July 1, 2022.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 41.

Bill read second time and ordered to third reading.

Senate Bill No. 62.

Bill read second time and ordered to third reading.

Senate Bill No. 122.

Bill read second time and ordered to third reading.

Senate Bill No. 168.

Bill read second time and ordered to third reading.

Senate Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 502.

AN ACT relating to education; authorizing the board of trustees of a school district and the State Public Charter School Authority to submit to the Superintendent of Public Instruction plans to address loss of learning that

occurred as a result of the COVID-19 pandemic; requiring the submission to certain entities of certain reports relating to such plans to address loss of learning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the board of trustees of each school district and the State Public Charter School Authority to submit to the Superintendent of Public Instruction a plan to address loss of learning that occurred as a result of the COVID-19 pandemic. **Section 1** sets forth certain requirements for the plan to address loss of learning, including, without limitation, the option for pupils to attend summer school either in-person or through a program of virtual learning. **Section 1** further requires the board of trustees of a school district or the governing body of a charter school, as applicable, to provide transportation and certain meals to pupils who attend summer school. **Section 1** sets forth requirements relating to the hiring and payment of teachers and other personnel for summer school. **Section 1** also authorizes the board of trustees of each school district or the State Public Charter School Authority to request to use federal money to administer summer school.

Section 2 of this bill requires the board of trustees of each school district and the State Public Charter School Authority to submit a report containing certain information relating to summer school to the Superintendent of Public Instruction on or before ~~[October 31,]~~ **November 30,** 2021. **Section 2** also requires the Superintendent of Public Instruction to submit a compilation of such reports to various governmental entities.

Section 2 requires the board of trustees of a school district and the State Public Charter School Authority to identify separately for pupils who attended summer school in-person and through a program of virtual learning one or more measures of pupil achievement, including measures that compare the results of any standardized assessment or examination administered in the spring of the 2020-2021 school year with the results of any assessment or examination administered in the fall of the 2021-2022 school year.

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

Section 1. 1. Not later than 30 days after the effective date of this act, the board of trustees of each school district and the State Public Charter School Authority may submit to the Superintendent of Public Instruction a plan to address any loss of learning that occurred as a result of the public health crisis caused by the COVID-19 pandemic. The plan must include, without limitation:

(a) The option for pupils to attend summer school either in-person or through a program of virtual learning; and

(b) The manner in which the school district, schools within the school district, the State Public Charter School Authority or charter schools sponsored by the State Public Charter School Authority will target pupils who are most

at risk of loss of learning to receive services under the plan, including, without limitation:

(1) Pupils who are members of a household that lacks the financial resources necessary to access services to address loss of learning;

(2) Pupils in grade 11 or 12 who are credit deficient;

(3) Pupils in prekindergarten or kindergarten;

(4) Pupils in grade 1, 2 or 3 who are deficient in the subject areas of mathematics or reading;

(5) Pupils in middle school or high school who are deficient in the subject areas of science, technology, engineering, the arts or mathematics;

(6) Pupils with disabilities; ~~[and]~~

(7) **Pupils who are English learners; and**

(8) Pupils who are chronically absent.

2. The board of trustees of a school district or the governing body of a charter school, as applicable, shall provide transportation services and school breakfast and school lunch to pupils who attend summer school pursuant to subsection 1.

3. All persons hired to work in summer school pursuant to subsection 1, including, without limitation, teachers, other licensed personnel and support personnel:

(a) Except as otherwise provided in subsection 4, must already have a contract to work at a school within the school district or the charter school; and

(b) Shall receive compensation for working in summer school based upon the rate in the contract between the employee and the school, in addition to the regular compensation of the employee, subject to any collective bargaining agreement.

4. If a school district or charter school is unable to hire a sufficient number of persons to work in summer school pursuant to paragraph (a) of subsection 3, the school district or charter school may hire retired public employees pursuant to NRS 286.523. **If a school district or charter school hires a retired public employee pursuant to this subsection, the public employee must have submitted his or her fingerprints to the school district, governing body of a charter school or Superintendent of Public Instruction, as applicable, for a report on the criminal history of the public employee recently enough that a report on the criminal history of the public employee does not have to be completed again.**

5. The compensation that is paid to an employee pursuant to subsection 3 must not be included for the purposes of calculating the future retirement benefits of the employee.

6. The board of trustees of each school district and the State Public Charter School Authority may request to use federal money, including, without limitation, money received by this State to address the effects of the public health crisis caused by the COVID-19 pandemic, to administer summer school pursuant to subsection 1 from the Department of Education. Any money remaining from the receipt of federal money pursuant to this subsection must

not be committed for expenditure after December 31, 2021, and must be reverted to the appropriate fund or account on or before that date.

Sec. 2. 1. On or before ~~[October 31,]~~ **November 30,** 2021, the board of trustees of each school district and the State Public Charter School Authority shall submit to the Superintendent of Public Instruction a report on any plan to address any loss of learning developed pursuant to section 1 of this act. On or before ~~[November 30,]~~ **December 31,** 2021, the Superintendent of Public Instruction shall submit a compilation of the reports it receives pursuant to this subsection to:

(a) The Fiscal Analysis Division of the Legislative Counsel Bureau;

(b) The Governor;

(c) The Interim Finance Committee; and

(d) The Legislative Committee on Education.

2. The report submitted pursuant to subsection 1 must, without limitation:

(a) Identify the results of summer school provided to pupils pursuant to section 1 of this act;

(b) Outline the amount of federal money received and how federal, state and local money was used to administer summer school;

(c) State the number of pupils who attended summer school in-person;

(d) State the number of pupils who attended summer school through a program of virtual learning;

(e) State the number of pupils who used transportation services;

(f) State the number of pupils who received school breakfast or school lunch; and

(g) Identify separately for pupils who attended summer school in-person and pupils who attended summer school through a program of virtual learning:

(1) One or more measures of pupil achievement, ~~[as determined by the Department of Education;]~~ **including, without limitation, measures that compare the results of any standardized assessment or examination administered by the school district or charter school during the spring of the 2020-2021 school year with the results of any standardized assessment or examination administered during the fall of the 2021-2022 school year;** and

(2) The attendance of the pupils.

Sec. 3. This act becomes effective upon passage and approval and expires by limitation on January 1, 2022.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 510.

AN ACT relating to structured settlements; requiring structured settlement purchase companies to register with the Consumer Affairs Division of the Department of Business and Industry; prohibiting certain activities by structured settlement purchase companies and their employees and representatives; setting forth procedures and requirements concerning the transfer of structured settlement payment rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Structured settlements are arrangements in which periodic payments are made to a person who, because of a settlement or a judgment of a court, is entitled to receive payments for damages from a tort claim or workers' compensation claim. Such a person, known as a payee, may transfer the right to receive some or all of those periodic payments to another person, known as a structured settlement purchase company, in exchange for consideration such as a lump-sum payment. Existing law requires such transfers to be approved by a court and sets forth certain requirements relating to such transfers. (NRS 42.030) This bill replaces the existing requirements concerning such transfers with new requirements.

Sections 4-28 of this bill define necessary terms for the regulation of structured settlement purchase companies and their activities, including, without limitation, "payee," "structured settlement purchase company" and "transfer."

Section 29 of this bill: (1) requires structured settlement purchase companies to register with the Consumer Affairs Division of the Department of Business and Industry; and (2) sets forth requirements concerning registration, such as obtaining a surety bond, letter of credit or cash bond in the amount of $50,000. **Sections 30 and 31** of this bill set forth further requirements concerning registration, **section 33** of this bill sets forth further requirements concerning surety bonds obtained for registration and **section 34** of this bill provides that certain persons are not required to register.

Section 35 of this bill: (1) prohibits structured settlement purchase companies and their employees and representatives from engaging in various specified actions; and (2) provides a private right of action to payees and other structured settlement purchase companies to pursue and obtain damages and other remedies from a person who engages in prohibited activities. **Section 32** of this bill requires a structured settlement purchase company to notify the Division and, if applicable, the surety which issued the applicable surety bond, if a judgment is obtained against the structured settlement purchase company.

Section 37 of this bill requires a structured settlement purchase company to provide to a payee an extensive disclosure statement before a transfer may occur.

Sections 36, 38 and 40 of this bill set forth requirements concerning: (1) the filings a structured settlement purchase company must make with a court before a transfer may occur; (2) the findings a court must make before a

transfer may occur; and (3) procedures to be followed in obtaining court approval of a transfer, including, without limitation, notice requirements.

Section 39 of this bill describes the rights of various interested parties after the transfer of structured settlement payment rights, **section 41** of this bill sets forth various protections for payees and **sections 41 and 43** of this bill provide that the provisions of this bill apply only to transfer agreements entered into on or after October 1, 2021.

Section 44 of this bill repeals the existing statute which is being replaced by the provisions of this bill, and **section 42** of this bill makes a conforming change to delete a reference to the repealed statute and add a new reference to the appropriate section in this bill.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. ***Sections 2 to 41, inclusive, of this act, may be known and cited as the Structured Settlement Protection Act.***

Sec. 3. ***As used in sections 2 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 28, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.***

Sec. 5. ***"Assignee" means a person acquiring or proposing to acquire structured settlement payments from a structured settlement purchase company or transferee after, or concurrently with, the transfer of the structured settlement payment rights by the payee to the structured settlement purchase company or transferee.***

Sec. 6. ***"Dependents" include a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including, without limitation, alimony.***

Sec. 7. ***"Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the Internal Revenue Service.***

Sec. 7.5. ***"Division" means the Consumer Affairs Division of the Department of Business and Industry.***

Sec. 8. ***"Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights, before any reductions for transfer expenses or other deductions to be made from such consideration.***

Sec. 9. ***"Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser.***

Sec. 10. ***"Interested party" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the***

annuity contract to receive payments following the payee's death, the annuity issuer, the structured settlement obligor and any other party to the structured settlement that
has continuing rights or obligations to receive or make payments under the structured settlement.

Sec. 11. *"Net advance amount" means the gross advance amount, less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under section 37 of this act.*

Sec. 12. *"Payee" means a natural person who:*

1. Is receiving tax-free payments under a structured settlement which resolved a settled claim; and

2. Proposes to make a transfer of the structured settlement payment rights.

Sec. 13. *"Periodic payments" includes both recurring payments and scheduled future lump-sum payments.*

Sec. 14. *"Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the Internal Revenue Code, 26 U.S.C. § 130.*

Sec. 15. *"Renewal date" means the date on which a registered structured settlement purchase company is required to renew its registration pursuant to section 29 of this act, which date is 1 year after the initial registration or any subsequent renewal.*

Sec. 16. *"Settled claim" means the tort claim ~~[or workers' compensation claim]~~ resolved by a structured settlement.*

Sec. 17. *"Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim . ~~[or workers' compensation claim.]~~*

Sec. 18. *"Structured settlement agreement" means the agreement, judgment, stipulation or release embodying the terms of a structured settlement.*

Sec. 19. *"Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or qualified assignment agreement.*

Sec. 20. *"Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where the payee is domiciled in this State or the structured settlement agreement was approved by a court in this State.*

Sec. 21. *"Structured settlement purchase company" means a person that acts as a transferee in this State and who is registered with the Division pursuant to section 29 of this act.*

Sec. 22. *"Structured settlement transfer proceeding" means a court proceeding filed by a structured settlement purchase company seeking court approval of a transfer in accordance with section 38 of this act.*

Sec. 23. *"Terms of the structured settlement," with respect to any structured settlement, includes, without limitation, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement and any order or other approval of any court.*

Sec. 24. *"Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration. The term does not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to the insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce a blanket security interest against the structured settlement payment rights.*

Sec. 25. *"Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.*

Sec. 26. *"Transfer expense" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorney's fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions and other payments to a broker or other intermediary. The term does not include preexisting obligations of the payee payable for the payee's account from the proceeds of the transfer.*

Sec. 27. *"Transfer order" means an order approving a transfer in accordance with section 38 of this act.*

Sec. 28. *"Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.*

Sec. 29. *1. A person shall not act as a transferee, attempt to acquire structured settlement payment rights through a transfer from a payee who resides in this State or file a structured settlement transfer proceeding in this State unless the person is registered with the Division to do business in this State as a structured settlement purchase company.*

2. A person may apply pursuant to this section with the Division for a registration to do business in this State as a structured settlement purchase company. An application for an initial or renewed registration must be submitted on a form prescribed by the Division. An initial or renewed registration expires 1 year after it is issued and may be renewed by the registrant on or before the renewal date for additional 1-year periods.

3. The application must contain a sworn certification by an owner, officer, director or manager of the applicant, if the applicant is not a natural person, or by the applicant if the applicant is a natural person, certifying that:

(a) The applicant has secured a surety bond, has been issued a letter of credit or has posted a cash bond in the amount of $50,000 which relates to its business as a structured settlement purchase company in this State;

(b) The surety bond, letter of credit or cash bond:

(1) Is intended to protect payees who do business with the applicant when the applicant is acting as a structured settlement purchase company; and

(2) Complies with all applicable provisions of sections 2 to 41, inclusive, of this act; and

(c) The applicant will comply with all of the provisions of sections 2 to 41, inclusive, of this act when acting as a structured settlement purchase company and filing structured settlement transfer proceedings in this State.

4. The applicant must submit to the Division with each initial and renewal application a copy of the surety bond, letter of credit or cash bond obtained by the applicant for the purposes of subsection 3.

5. A surety bond obtained for the purposes of subsection 3 must be payable to the State of Nevada.

6. A surety bond, letter of credit or cash bond obtained for the purposes of subsection 3 must be effective concurrently with the registration of the applicant and must remain in effect for not less than 3 years after the expiration or termination of the registration. The surety bond, letter of credit or cash bond must be renewed each year as needed to keep it continuously in effect when the registration of the applicant is renewed unless the applicant obtains alternative security described in paragraph (a) of subsection 3 which complies with all applicable provisions of sections 2 to 41, inclusive, of this act.

7. A surety bond, letter of credit or cash bond obtained for the purposes of subsection 3 must:

(a) Ensure that the structured settlement purchase company:

(1) Complies with the provisions of sections 2 to 41, inclusive, of this act which relate to a payee; and

(2) Performs its obligations to a payee pursuant sections 2 to 41, inclusive, of this act; and

(b) Provide a source for recovery for a payee if the payee obtains a judgment against the structured settlement purchase company for a violation of sections 2 to 41, inclusive, of this act.

Sec. 30. *1. In addition to any other requirements set forth in sections 2 to 41, inclusive, of this act, a natural person who applies for the issuance or renewal of a registration as a structured settlement purchase company shall:*

(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human

Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Division.

3. A registration may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 31. ***1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is registered as a structured settlement purchase company, the Division shall deem the registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Division shall reinstate a registration that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued to the holder of the registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 32. ***Not later than 10 days after a judgment is obtained against a structured settlement purchase company by a payee, the structured settlement purchase company shall file a notice with the Division and, if applicable, the surety which issued the surety bond used by the structured settlement purchase company to satisfy the requirements of section 29 of this act. The notice must contain:***

1. A copy of the judgment;

2. The name and address of the judgment creditor; and

3. The status of the matter, including, without limitation, whether the judgment will be appealed or has been paid or satisfied.

Sec. 33. *1. The liability of the surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act must not be affected by any:*

(a) Breach of contract, breach of warranty, failure to pay a premium or other act or omission of the structured settlement purchase company; or

(b) Insolvency or bankruptcy of the structured settlement purchase company.

2. A surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act and the structured settlement purchase company which obtained the surety bond shall not cancel or modify the surety bond during the term for which it is issued unless the surety or the structured settlement purchase company provides written notice to the Division at least 20 days before the effective date of the cancellation or modification.

3. If a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act is modified so as to make the surety bond not comply with any provision of sections 2 to 41, inclusive, of this act, or the surety bond is cancelled, the registration of the structured settlement purchase company automatically expires on the effective date of the modification or cancellation unless a new surety bond, letter of credit or cash bond which complies with sections 2 to 41, inclusive, of this act is filed with the Division on or before the effective date of the modification or cancellation.

4. A modification or cancellation of a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act does not affect any liability of the bonded surety company incurred before the modification or cancellation of the surety bond.

Sec. 34. *1. An assignee is not required to register as a structured settlement purchase company to acquire structured settlement payment rights or to take a security interest in structured settlement payment rights that were transferred by the payee to a structured settlement purchase company.*

2. An employee of a structured settlement purchase company, if acting on behalf of the structured settlement purchase company in connection with a transfer, is not required to be registered.

Sec. 35. *1. A transferee, a structured settlement purchase company and an employee or other representative of a transferee or structured settlement purchase company shall not engage in any of the following actions:*

(a) Pursue or complete a transfer with a payee without complying with all applicable provisions of sections 2 to 41, inclusive, of this act.

(b) Refuse or fail to fund a transfer after court approval of the transfer.

(c) Acquire structured settlement payment rights from a payee without complying with all applicable provisions of sections 2 to 41, inclusive, of this act, including, without limitation, obtaining court approval of the transfer in accordance with sections 2 to 41, inclusive, of this act.

(d) Intentionally file a structured settlement transfer proceeding in any court other than the court specified in section 40 of this act, unless the transferee is required to file in a different court by applicable law.

(e) Except as otherwise provided in this paragraph, pay a commission or finder's fee to any person for facilitating or arranging a structured settlement transfer with a payee. The provisions of this paragraph do not prevent a structured settlement purchase company from paying:

(1) A commission or finder's fee to a person who is a structured settlement purchase company or is an employee of a structured settlement purchase company;

(2) To third parties any routine transfer expenses, including, without limitation, court filing fees, escrow fees, lien recordation fees, judgment and lien search fees, attorney's fees and other similar types of fees relating to a transfer; and

(3) A reasonable referral fee to an attorney, certified public accountant, actuary, licensed insurance agent or other licensed professional adviser in connection with a transfer.

(f) Intentionally advertise materially false or misleading information regarding the products or services of the transferee or structured settlement purchase company.

(g) Attempt to coerce, bribe or intimidate a payee seeking to transfer structured settlement payment rights.

(h) Attempt to defraud a payee or any party to a structured settlement transfer or any interested party in a structured settlement transfer proceeding by means of forgery or false identification.

(i) Except as otherwise provided in this paragraph, intervene in a pending structured settlement transfer proceeding if the transferee or structured settlement purchase company is not a party to the proceeding or an interested party relative to the proposed transfer which is the subject of the pending structured settlement transfer proceeding. The provisions of this paragraph do not prevent a structured settlement purchase company from intervening in a pending structured settlement transfer proceeding if the payee has signed a transfer agreement with the structured settlement purchase company within 60 days before the filing of the pending structured settlement transfer proceeding and the structured settlement purchase company which filed the pending structured settlement transfer proceeding violated any provision of sections 2 to 41, inclusive, of this act in connection with the proposed transfer that is the subject of the pending structured settlement transfer proceeding.

(j) Except as otherwise provided in this paragraph, knowingly contact a payee who has signed a transfer agreement and is pursuing a proposed transfer with another structured settlement purchase company for the purpose of inducing the payee into cancelling the proposed transfer or transfer agreement with the other structured settlement purchase company if a structured settlement transfer proceeding has been filed by the other structured settlement purchase company and is pending. The provisions of this paragraph do not apply if no hearing has been held in the pending structured settlement transfer proceeding within 90 days after the filing of the pending structured settlement transfer proceeding.

(k) Fail to dismiss a pending structured settlement transfer proceeding at the request of the payee. A dismissal of a structured settlement proceeding after a structured settlement purchase company has violated the provisions of this paragraph does not exempt the structured settlement purchase company from any liability under this paragraph.

2. A payee may pursue a private action as a result of a violation of subsection 1 and may recover all damages and pursue all rights and remedies to which the payee may be entitled pursuant to sections 2 to 41, inclusive, of this act or any other applicable law.

3. A structured settlement purchase company may pursue a private action to enforce paragraphs (d), (g), (i), (j) and (k) of subsection 1 and may recover all damages and pursue all remedies to which the structured settlement purchase company may be entitled pursuant to sections 2 to 41, inclusive, of this act or any other applicable law.

4. If a court determines that a structured settlement purchase company or transferee is in violation of subsection 1, the court may:

(a) Revoke the registration of the structured settlement purchase company;

(b) Suspend the registration of the structured settlement purchase company for a period to be determined at the discretion of the court; and

(c) Enjoin the structured settlement purchase company or transferee from filing new structured settlement transfer proceedings in this State or otherwise pursuing transfers in this State.

Sec. 36. *1. At the time an application is made under sections 2 to 41, inclusive, of this act for the approval of a transfer of structured settlement payment rights, the application of the transferee must include evidence that the transferee is registered to do business in this State as a structured settlement purchase company.*

2. Except as otherwise provided in this subsection, a transfer order signed by a district court of competent jurisdiction pursuant to sections 2 to 41, inclusive, of this act constitutes a qualified order under 26 U.S.C. § 5891. If a transferee to which the transfer order applies is not registered as a structured settlement purchase company pursuant to sections 2 to 41, inclusive, of this act at the time the transfer order is signed, the transfer order does not constitute a qualified order under 26 U.S.C. § 5891.

Sec. 37. *Not less than 3 days before the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than 14-point font, setting forth the following:*

1. The amounts and due dates of the structured settlement payments to be transferred.

2. The aggregate amount of such payments.

3. The discounted present value of the payments to be transferred, which must be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the Applicable Federal Rate used in calculating such discounted present value.

4. The gross advance amount.

5. An itemized listing of all applicable transfer expenses, other than attorney's fees and related disbursements, payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such attorney's fees and related disbursements.

6. The effective annual interest rate, which must be disclosed in a statement in the following form:

> *On the basis of the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are transferring to us, you will, in effect be paying interest to us at a rate of ___ percent per year.*

7. The net advance amount.

8. The amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee.

9. That the payee has the right to cancel the transfer agreement, without penalty or further obligation, until the transfer is approved by the court.

10. That the payee has the right to seek and receive independent professional advice regarding the proposed transfer and should consider doing so before agreeing to transfer any structured settlement payment rights.

11. That the payee has the right to seek out and consider additional offers for transferring the structured settlement payment rights and should do so.

Sec. 38. *A direct or indirect transfer of structured settlement payment rights is not effective, and a structured settlement obligor or annuity issuer is not required to make any payment directly or indirectly to any transferee or assignee of structured settlement payment rights, unless the transfer has been approved in advance in a final court order based on express findings by the court that all of the following apply:*

1. The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, if any;

2. The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived in writing the opportunity to seek and receive such advice; and

3. The transfer does not contravene any applicable statute or any applicable order of any court or other governmental authority.

Sec. 39. ~~*[1.]*~~ *Following a transfer of structured settlement payment rights* ~~*[, the]*~~ *:*

1. The structured settlement obligor and the annuity issuer may rely on the transfer order in redirecting periodic payments to an assignee or transferee in accordance with the transfer order and is, as to all parties except the transferee or an assignee designated by the transferee, discharged and released from any and all liability for the redirected payments. The discharge and release is not affected by the failure of any party to the transfer to comply with sections 2 to 41, inclusive, of this act or with the transfer order.

2. The transferee is liable to the structured settlement obligor and the annuity issuer:

(a) If the transfer contravenes the terms of the structured settlement, for any taxes incurred by the structured settlement obligor or annuity issuer as a consequence of the transfer; and

(b) For any other liabilities or costs, including reasonable costs and attorney's fees, arising from:

(1) Compliance by the structured settlement obligor or annuity issuer with the transfer order; ~~*[and]*~~ *or*

(2) The failure of any party to the transfer to comply with sections 2 to 41, inclusive, of this act.

3. The structured settlement obligor and the annuity issuer are not required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees.

4. Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of sections 2 to 41, inclusive, of this act.

Sec. 40. *1. An application under sections 2 to 41, inclusive, of this act for approval of a transfer of structured settlement payment rights must be made by the transferee. The application must be brought in the district court of the county in which the payee is domiciled, except that if the payee is not domiciled in this State, the application must be brought in the court in this State that approved the structured settlement agreement.*

2. A timely hearing must be held on an application for approval of a transfer of structured settlement payment rights. The payee must appear in person at the hearing, unless the court determines that good cause exists to excuse the payee from appearing in person.

3. Not less than 20 days before the scheduled hearing on any application for approval of a transfer of structured settlement payment rights pursuant

to sections 2 to 41, inclusive, of this act, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and the application for authorization. The notice and application must include all of the following:

(a) A copy of the transferee's application.

(b) A copy of the transfer agreement.

(c) A copy of the disclosure statement required by section 37 of this act.

(d) The payee's name, age and county of domicile, and the age of each of the payee's dependents, if any.

(e) A summary of:

(1) All prior transfers by the payee to the transferee or an affiliate of the transferee, or through the transferee or an affiliate of the transferee to an assignee, within the 4 years immediately preceding the date of the transfer agreement;

(2) All proposed transfers by the payee to the transferee or an affiliate of the transferee, or through the transferee or an affiliate of the transferee, the applications for approval of which were denied within the 2 years immediately preceding the date of the transfer agreement;

(3) All prior transfers by the payee to any person or entity other than the transferee or an affiliate of the transferee or an assignee of the transferee or an affiliate of the transferee within the 3 years immediately preceding the date of the transfer agreement, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known to the transferee; and

(4) All prior proposed transfers by the payee to any person or entity other than the transferee or an affiliate of the transferee or an assignee of a transferee or affiliate of the transferee, the applications for approval of which were denied within the 1 year immediately preceding the date of the current transfer agreement, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known to the transferee.

(f) Notification that any interested party is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or by participating in the hearing.

(g) Notification of the time and place of the hearing and notification of the manner in which and the date by which written responses to the application must be filed to be considered by the court, which date must not be less than 5 days before the hearing.

(h) Evidence of the transferee's registration to do business in this State as a structured settlement purchase company.

Sec. 41. *1. The provisions of sections 2 to 41, inclusive, of this act may not be waived by a payee.*

2. Any transfer agreement entered into by a payee who is domiciled in this State must provide that disputes under the transfer agreement,

including, without limitation, any claims that the payee has breached the agreement, must be determined in and under the laws of this State. A transfer agreement must not authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

3. A transfer of structured settlement payment rights must not extend to any payments that are life-contingent unless, before the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the structured settlement obligor and the annuity issuer for periodically confirming the payee's survival and giving the structured settlement obligor and the annuity issuer prompt written notice in the event of the payee's death.

4. If the payee cancels a transfer agreement, or if the transfer agreement otherwise terminates, after an application for approval of a transfer of structured settlement payment rights has been filed and before it has been granted or denied, the transferee must promptly request the dismissal of the application.

5. A payee who proposes to make a transfer of structured settlement payment rights does not incur any penalty, forfeit any application fee or other payment or otherwise incur any liability to the proposed transferee or any assignee based on any failure of the transfer to satisfy the conditions of sections 2 to 41, inclusive, of this act.

6. Nothing contained in sections 2 to 41, inclusive, of this act shall:

(a) Be construed to authorize any transfer of structured settlement payment rights in contravention of any applicable law or to imply that any transfer under a transfer agreement entered into before October 1, 2021, is valid or invalid.

(b) Affect the validity of any transfer of structured settlement payment rights, whether under a transfer agreement entered into before or after October 1, 2021, in which the structured settlement obligor and annuity issuer waived, or have not asserted their rights under, terms of the structured settlement prohibiting or restricting the sale, assignment or encumbrance of the structured settlement payment rights.

7. Compliance with the requirements set forth in sections 2 to 41, inclusive, of this act and fulfillment of the conditions set forth in sections 2 to 41, inclusive, of this act are solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer, if any, has any responsibility for, or any liability arising from, noncompliance with such requirements or failure to fulfill such conditions.

8. Sections 2 to 41, inclusive, of this act apply to any transfer of structured settlement payment rights under a transfer agreement entered into on or after October 1, 2021.

Sec. 42. NRS 104.9406 is hereby amended to read as follows:

104.9406 1. Subject to subsections 2 to 8, inclusive, an account debtor on an account, chattel paper or a payment intangible may discharge its

obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. Subject to subsection 8, notification is ineffective under subsection 1:

(a) If it does not reasonably identify the rights assigned;

(b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(1) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;

(2) A portion has been assigned to another assignee; or

(3) The account debtor knows that the assignment to that assignee is limited.

3. Subject to subsection 8, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

4. Except as otherwise provided in subsection 5 and NRS 104.9407 and 104A.2303, and subject to subsection 8, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible or promissory note.

5. Subsection 4 does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.

6. Subject to subsections 7 and 8, a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation

of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

(a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

7. Subject to subsection 8, an account debtor may not waive or vary its option under paragraph (c) of subsection 2.

8. This section is subject to law other than this article which establishes a different rule for an account debtor who is a natural person and who incurred the obligation primarily for personal, family or household purposes.

9. This section does not apply to an assignment of a health-care-insurance receivable or to a transfer of a right to receive payments pursuant to ~~[~~NRS 42.030.~~*section 36]*~~ ***sections 2 to 41, inclusive, of this act.***

Sec. 43. 1. The provisions of this act do not apply to a transfer agreement entered into before October 1, 2021.

2. As used in this section, "transfer agreement" has the meaning ascribed to it in section 25 of this act.

Sec. 44. NRS 42.030 is hereby repealed.

Sec. 45. 1. This act becomes effective on October 1, 2021.

2. Sections 30 and 31 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666, the federal law requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

42.030 Court approval of agreement to transfer structured settlement required.

1. An agreement to transfer the right to receive payments pursuant to a structured settlement to a transferee is valid and enforceable only if the transfer is approved by a district court. The transferee must petition the district court for such approval and the court shall approve the transfer if it determines that:

(a) The transfer is in the best interest of the payee, considering the totality of the circumstances, including, without limitation, the welfare and support of the dependents of the payee;

(b) The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has received such independent professional advice or has knowingly waived such advice in writing; and

(c) The transfer does not violate any applicable law or the order of any court.

2. An action pursuant to subsection 1 must be commenced in the district court:

(a) Located where the original claim which gave rise to the structured settlement was filed; or

(b) Within the county in which the payee resides.

3. Not later than 7 days before a hearing on a petition pursuant to subsection 1, the transferee must file with the district court and serve on all interested parties and any attorney who represented the payee in the action which resulted in the settled claim a notice of the proposed agreement and the petition for authorization of the proposed agreement. The notice must include, without limitation:

(a) A copy of the petition of the transferee;

(b) A copy of the proposed agreement;

(c) A copy of the disclosure required pursuant to subsection 4;

(d) A list which includes the name and age of each dependent of the payee;

(e) A statement that any interested party may support, oppose or otherwise respond to the petition of the transferee by appearing in person or by counsel during the hearing on the petition or by submitting written comments to the court; and

(f) Notice of the time and place of the hearing, the manner in which a written response to the application must be filed and the date by which a written response to the petition must be filed for consideration by the court.

4. A transferee who commences an action pursuant to subsection 1 must provide to the court with the proposed agreement a disclosure setting forth:

(a) The amounts and due dates of the payments under the structured settlement proposed to be transferred;

(b) The aggregate amount of the proposed payments to be transferred;

(c) The amount to be paid to the payee for the transfer before deducting any expenses;

(d) An itemized list of all expenses that the payee will be required to pay other than attorney's fees and which will be deducted from the amount paid to the payee for the transfer, including, without limitation, any commission owed to a broker, service charges, application or processing fees, costs of closing on the agreement, filing or administrative charges and fees paid to a notary public;

(e) The amount to be paid to the payee for the transfer after deducting the expenses;

(f) The amount of any liquidated damages which the payee is required to pay if the payee breaches the transfer agreement;

(g) The discounted present value of the payments under the structured settlement that are proposed to be transferred and the discount rate used to determine that value; and

(h) If adverse tax consequences exist, a statement which informs the payee that such a transfer may subject the payee to adverse tax consequences with regard to the payment of federal income tax.

5. Compliance with the requirements set forth in this section may not be waived.

6. As used in this section:

(a) "Annuity issuer" means an insurer who has issued a contract to fund periodic payments under a structured settlement;

(b) "Dependents" include, without limitation, the spouse of a payee, any minor child of a payee and any other person for whom the payee is legally obligated to provide support, including, without limitation, alimony;

(c) "Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser;

(d) "Interested parties" means the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the death of the payee, the annuity issuer, any person who is obligated to make payments pursuant to the structured settlement and any other party who has continuing rights or obligations under the structured settlement;

(e) "Payee" means a person who is receiving tax-free payments under a structured settlement and proposes to make a transfer of the right to receive payments under that structured settlement;

(f) "Periodic payments" includes, without limitation, both recurring payments and scheduled future lump-sum payments;

(g) "Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement;

(h) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim or for periodic payments in settlement of a workers' compensation claim;

(i) "Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance by a payee for consideration of the right to receive payments pursuant to a structured settlement; and

(j) "Transferee" means a party acquiring or proposing to acquire the right to payments pursuant to a structured settlement through a transfer.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 357.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 37 and 349 be taken from their positions on the General File and moved to the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 61.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 492.

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 the imposition of additional civil penalties for certain deceptive trade practices in certain actions and proceedings under certain circumstances; revising provisions relating to 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 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, 6.5, 7 and 19** 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 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 E felony. 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. **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) **Section 19** of this bill makes it a deceptive trade practice to violate any of these 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 such a civil penalty 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 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 requires, in general, a civil action against a person alleged to have committed a deceptive trade practice to be commenced within 4 years. (NRS 11.190) **Sections 25 and 26** of this bill 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 a civil action 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, 22 and 27 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 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, 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, 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 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 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 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. (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 money or financial support received from any source;

(3) The loss of property that had been set aside for education or for personal or family care and maintenance;

(4) The loss of assets which are essential to the health and welfare of the minor person; or

(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, 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 section 3 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; ~~[or]~~

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 ~~[.]~~ ***; 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:

~~[1.]~~ ***(a)*** Conducts the business or occupation without all required state, county or city licenses.

~~[2.]~~ ***(b)*** Fails to disclose a material fact in connection with the sale or lease of goods or services.

~~[3.]~~ ***(c)*** Violates a state or federal statute or regulation relating to the sale or lease of goods or services.

~~[4.]~~ ***(d)*** Uses coercion, duress or intimidation in a transaction.

~~[5.]~~ ***(e) Uses an unconscionable practice in a transaction.***

(f) As the seller in a land sale installment contract, fails to:

~~[(a)]~~ ***(1)*** Disclose in writing to the buyer:

~~[(1)]~~ ***(I)*** Any encumbrance or other legal interest in the real property subject to such contract; or

~~[(2)]~~ ***(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.

~~[2.]~~

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:

(1) Takes advantage of the lack of knowledge, ability, experience or capacity of the consumer to a grossly unfair degree;

(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 section 3 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, 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 ***,*** ~~[or]~~ by certified or registered mail, return receipt requested ~~[.]~~ ***, 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, 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 ~~[;]~~ ***, and sections 3, 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 ~~[:~~

~~(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 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 ~~[~~598.099,~~]~~ ***598.0999,*** inclusive, ***and sections 3, 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, 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, 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, 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, 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 ~~[.]~~ ***, and sections 3, 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, 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 ~~[,]~~ ***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 ~~[,]~~ ***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.]*~~ **(Deleted by amendment.)**

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.]~~ **(Deleted by amendment.)**

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.~~] **(Deleted by amendment.)**

Sec. 18. (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, 3.5 and 5 of this act.

Sec. 20. (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.

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. (Deleted by amendment.)

Sec. 24. (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, 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) ~~[An]~~ ***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 section 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. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (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.]~~ ***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 ~~[5]~~ ***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 ~~[5]~~ ***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 ~~[5]~~ ***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 ~~[5]~~ ***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 ~~[5]~~ ***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 ~~[5]~~ ***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.~~] **(Deleted by amendment.)**

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.~~] **(Deleted by amendment.)**

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 191.
Bill read third time.

Roll call on Assembly Bill No. 191:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 505.

AN ACT relating to public health; revising provisions relating to the reporting of cases of syphilis; requiring, with certain exceptions, the testing of pregnant women for certain sexually transmitted infections; revising provisions concerning the testing and treatment of pregnant women for syphilis; restricting the amount that certain persons and facilities may require a third party insurer to pay for certain testing; revising penalties for failure to comply with provisions concerning testing of pregnant women for sexually transmitted infections; providing a civil penalty; requiring certain third party insurers to cover the testing of pregnant women for certain sexually transmitted infections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the State Board of Health to prescribe by regulation the diseases that are known to be communicable; and (2) requires a provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease to report that fact to the local health authority. (NRS 441A.120, 441A.150) **Section 1** of this bill requires the Board to designate syphilis as a communicable disease. **Section 1.2** of this bill requires a report of a pregnant woman who has syphilis to include certain information relating to the treatment, if any, provided to the pregnant woman.

Existing law: (1) generally requires physicians and other persons who attend to a pregnant woman for conditions relating to her pregnancy to conduct a test for syphilis on the pregnant woman during the first and third trimesters of pregnancy; (2) requires a pregnant woman who tests positive for syphilis to receive treatment; and (3) provides that a violation of those requirements is a misdemeanor. (NRS 442.010, 442.020) **Section 1.6** of this bill requires physicians and other persons who attend to pregnant women to make or ensure the performance of an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B and hepatitis C, unless the pregnant woman opts out of such examination and testing. **Section 2** of this bill expands the requirement to test a pregnant woman for syphilis by requiring certain medical facilities, other than a hospital, and an emergency department or labor and delivery unit in a hospital evaluating or treating a pregnant woman

to test the pregnant woman for syphilis if the pregnant woman indicates she has not had certain prenatal screenings and tests. **Section 2** additionally removes: (1) a requirement that a pregnant woman infected with syphilis commence treatment and instead requires the person or facility performing the testing to provide or refer for treatment if the woman consents; and (2) a restriction that a pregnant woman is only authorized to refuse testing for syphilis for religious reasons, thereby authorizing a pregnant woman to refuse such testing for any reason. **Section 2** also revises the times at which a pregnant woman must be tested for syphilis. **Section 1.8** of this bill restricts the amount that a physician or other person who attends a pregnant woman, a hospital or other medical facility or a medical laboratory is authorized to require a third party insurer to pay for the testing and treatment required by **sections 1.6 and 2**. **Section 3** of this bill: (1) replaces the misdemeanor violation for violating syphilis testing requirements with a civil penalty ~~[;]~~ **for persons who willfully violate those requirements; and** (2) authorizes the imposition of a civil penalty against a person who **willfully** violates the requirements of **section 1.6** concerning testing for other sexually transmitted infections or the provisions of **section 1.8** restricting the amount that a third party may be billed.

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2712-422.27421, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194, 689C.1945, 689C.195, 695A.184-695A.1875, 695B.1901-695B.1948, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 5-9, 11, 12, 14-17 and 19** of this bill require certain public and private health plans, including Medicaid, to provide coverage without prior authorization for an examination and testing of a pregnant woman for: (1) *Chlamydia trachomatis*, gonorrhea, hepatitis B and hepatitis C in accordance with **section 1.6**; and (2) syphilis in accordance with **section 2**. **Sections 4, 10 and 13** of this bill make conforming changes to indicate the proper placement of **sections 7, 9 and 12** of this bill in the Nevada Revised Statutes. **Section 18** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirement of **section 16** of this bill to provide coverage for the examination and testing described in **sections 1.6 and 2**. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of **sections 9, 11, 12, 14, 15 and 19** of this bill. (NRS 680A.200)

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

Section 1. NRS 441A.120 is hereby amended to read as follows:

441A.120 1. The Board shall adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating

to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

(a) The diseases which are known to be communicable ~~[.]~~ ***, which must include, without limitation, syphilis.***

(b) The communicable diseases which are known to be sexually transmitted.

(c) The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.

(d) For each communicable disease, the procedures for testing, treating, isolating and quarantining a person or group of persons who have been exposed to or have or are suspected of having the disease.

(e) A method for ensuring that any testing, treatment, isolation or quarantine of a person or a group of persons pursuant to this chapter is carried out in the least restrictive manner or environment that is appropriate and acceptable under current medical and public health practices.

2. The Board shall adopt regulations governing the procedures for reporting cases or suspected cases of drug overdose to the Chief Medical Officer or his or her designee, including the time within which such reports must be made and the information that such reports must include.

3. The duties set forth in the regulations adopted by the Board pursuant to subsection 1 must be performed by:

(a) In a district in which there is a district health officer, the district health officer or the district health officer's designee; or

(b) In any other area of the State, the Chief Medical Officer or the Chief Medical Officer's designee.

Sec. 1.2. NRS 441A.150 is hereby amended to read as follows:

441A.150 1. A provider of health care who knows of, or provides services to, a person who has or is suspected of having a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board. If no provider of health care is providing services, each person having knowledge that another person has a communicable disease shall report that fact to the health authority in the manner prescribed by the regulations of the Board. ***A report of a pregnant woman who has or is suspected of having syphilis must include, without limitation, the fact that the case occurred in a pregnant woman and:***

(a) If treatment was provided, the type of treatment that was provided; or

(b) If the pregnant woman refused treatment, the fact that the pregnant woman refused treatment.

2. A provider of health care who knows of, or provides services to, a person who has suffered or is suspected of having suffered a drug overdose shall report that fact and the information required by the Board pursuant to NRS 441A.120 to the Chief Medical Officer or his or her designee in the manner prescribed by the regulations of the Board. The Chief Medical Officer or his or her designee shall upload that information to the database of the

program established pursuant to NRS 453.162 if the program allows for the upload of such information.

3. A medical facility in which more than one provider of health care may know of, or provide services to, a person who has or is suspected of having a communicable disease or who has suffered or is suspected of having suffered a drug overdose shall establish administrative procedures to ensure that the health authority or Chief Medical Officer or his or her designee, as applicable, is notified.

4. A laboratory director shall, in the manner prescribed by the Board, notify the health authority of the identification by his or her medical laboratory of the presence of any communicable disease in the jurisdiction of that health authority. The health authority shall not presume a diagnosis of a communicable disease on the basis of the notification received from the laboratory director.

5. If more than one medical laboratory is involved in testing a specimen, the laboratory that is responsible for reporting the results of the testing directly to the provider of health care for the patient shall also be responsible for reporting to the health authority.

Sec. 1.4. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.6 and 1.8 of this act.

Sec. 1.6. ***1. Except as otherwise provided in subsection 2, a physician or other person permitted by law to attend upon a pregnant woman during gestation for conditions relating to her pregnancy shall make or ensure the performance of an examination of each pregnant woman to whom he or she attends, including any standard laboratory tests recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, for the discovery of Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C. The physician or other person shall ensure that any necessary samples are taken from the pregnant woman and submitted to a laboratory licensed pursuant to chapter 652 of NRS for the testing required by this subsection.***

2. A pregnant woman may opt out of any testing required by subsection 1.

Sec. 1.8. ***1. A physician or other person permitted by law to attend upon a pregnant woman during gestation for conditions relating to her pregnancy shall not require a third party to pay more for any examination or test required by NRS 442.010 or section 1.6 of this act than the lowest rate prescribed in a contract between the third party and a provider of the same type as the physician or other person for the same test or treatment.***

2. A laboratory shall not require a third party to pay more for any test required by NRS 442.010 or section 1.6 of this act than the lowest rate prescribed in a contract between the third party and a laboratory for the same test.

3. A hospital or other facility at which a sample is taken for the purpose of performing a test required by NRS 442.010 or section 1.6 of this act shall

not require a third party to pay more for the test than the cost incurred by the hospital or other facility to process the sample, including, without limitation, the cost of sending the sample to a laboratory.

4. As used in this section, "third party" means:

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(d) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

Sec. 2. NRS 442.010 is hereby amended to read as follows:

442.010 1. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** every:

(a) Physician attending a pregnant woman during gestation for conditions relating to her pregnancy shall make an examination, including a standard serological test, for the discovery of syphilis. The physician shall take or cause to be taken a sample of blood of the woman ~~[during the first and third trimesters]~~ ***at the times prescribed by subsection 2, if applicable,*** and shall submit the sample to a ~~[qualified]~~ laboratory ***licensed pursuant to chapter 652 of NRS*** for a standard serological test for syphilis.

(b) Person permitted by law to attend upon pregnant women, but not permitted by law to make blood tests in Nevada, shall cause a sample of the blood of the pregnant woman to be taken ~~[during the first and third trimesters]~~ ***at the times prescribed by subsection 2, if applicable,*** by a duly licensed physician and submitted to a ~~[qualified]~~ laboratory ***licensed pursuant to chapter 652 of NRS*** for a standard serological test for syphilis.

(c) Non-hospital medical facility or emergency department or labor and delivery unit in a hospital that evaluates or treats a woman of childbearing age shall ensure that:

(1) The woman is asked if she is pregnant and, if she responds in the affirmative, whether she has had the prenatal screenings and tests recommended by the American College of Obstetricians and Gynecologists or its successor organization; and

(2) An examination is made, including a standard serological test, for the discovery of syphilis, if the woman indicates that she is pregnant and has not had the prenatal screenings and tests recommended by the American College of Obstetricians and Gynecologists or its successor organization. The non-hospital medical facility, emergency department or labor and delivery unit shall ensure that a sample of blood of the woman is taken at the times prescribed by subsection 2, if applicable, and shall ensure the submission of the sample to a laboratory licensed pursuant to chapter 652 of NRS for a standard serological test for syphilis.

2. ~~[A qualified laboratory is one approved by the State Board of Health.]~~ ***An examination for the discovery of syphilis pursuant to subsection 1 must be performed:***

(a) During the first trimester of pregnancy at the first visit to a physician or other person permitted by law to attend upon pregnant women, a non-hospital medical facility or an emergency department or labor and delivery unit of a hospital or as soon thereafter as practicable;

(b) During the third trimester of pregnancy between the 27th and 36th week of gestation or as soon thereafter as practicable; and

(c) At delivery for a pregnant woman who:

(1) Should be routinely tested for infection with syphilis, as recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

(2) Lives in an area designated by the Division as having high syphilis morbidity;

(3) Did not receive prenatal care; or

(4) Delivers a stillborn infant after 20 weeks of gestation.

3. A qualified serological test for syphilis is one recognized as such by the State Board of Health.

~~[3.]~~ ***4.*** If the test is made in a state laboratory, it must be made without charge.

~~[4.]~~ ***5.*** If ~~[the]~~ ***a*** serological or physical examination test ***performed pursuant to subsection 1*** shows ~~[the]~~ ***that a*** pregnant woman is infected with syphilis, ~~[she immediately shall commence treatment for syphilis and shall continue treatment until discharged by a licensed physician.]~~ ***the physician, other person, non-hospital medical facility, emergency department or labor and delivery unit shall:***

(a) If the physician, other person, non-hospital medical facility, emergency department or labor and delivery unit is capable of providing treatment for syphilis, seek the consent of the pregnant woman to begin such treatment and, if such consent is obtained, commence treatment; or

(b) If the physician, other person, non-hospital medical facility, emergency department or labor and delivery unit is not capable of providing treatment for syphilis, seek the consent of the pregnant woman to refer her for such treatment and, if such consent is obtained, issue the referral.

~~[5.]~~ ***6.*** If the pregnant woman objects to the taking of the sample of blood or the serological test ***,*** ~~[because the test is contrary to the tenets or practices of her religion,]~~ the sample must not be taken and the test must not be performed.

7. As used in this section, "non-hospital medical facility" means:

(a) An obstetric center;

(b) An independent center for emergency medical care, as defined in NRS 449.013;

(c) A psychiatric hospital, as defined in NRS 449.0165;

(d) A rural clinic, as defined in NRS 449.0175;

(e) A facility for modified medical detoxification, as defined in NRS 449.00385;

(f) A mobile unit, as defined in NRS 449.01515; and

(g) A community triage center, as defined in NRS 449.0031.

Sec. 3. NRS 442.020 is hereby amended to read as follows:

442.020 ~~[~~Any~~]~~ ***1. Any*** person ***or entity willfully*** violating any of the provisions of NRS 442.010 ~~[~~shall be guilty of a misdemeanor.~~]~~ ***or sections 1.6 or 1.8 of this act may be assessed a civil penalty of not more than $500.***

2. An action for the enforcement of a civil penalty assessed pursuant to this section may be brought in any court of competent jurisdiction by the district attorney of the appropriate county or the Attorney General.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 7 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national

bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 11 of this act,*** 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 6. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 19 of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for the examination of a pregnant woman for the discovery of:

1. Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

2. Syphilis in accordance with NRS 442.010.

Sec. 8. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695G.170, 695G.171 and 695G.177 ~~[.]~~ ***and sections 9, 11, 12, 14, 15, 16 and 19 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 9. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the insurer; and

(b) Without prior authorization.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 9 of this act.***

Sec. 11. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the insurer; and

(b) Without prior authorization.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the carrier; and

(b) Without prior authorization.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 12 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 14. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the society; and

(b) Without prior authorization.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that issues a policy of health insurance shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the hospital or medical services corporation; and

(b) Without prior authorization.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the enrollee by a provider of health care, facility or medical laboratory that participates in the network plan of the health maintenance organization; and

(b) Without prior authorization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance

organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 ***and section 16 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 18. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 16 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 19. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan shall provide coverage for the examination of a pregnant woman for the discovery of:

(a) <u>Chlamydia trachomatis</u>, gonorrhea, hepatitis B and hepatitis C in accordance with section 1.6 of this act.

(b) Syphilis in accordance with NRS 442.010.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the managed care organization; and

(b) Without prior authorization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. This act becomes effective on July 1, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 216.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 216 requires Medicaid to cover certain services for persons with cognitive impairment.

Roll call on Assembly Bill No. 216:

YEAS—40.

NAYS—McArthur.

EXCUSED—González.

Assembly Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 256.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 256, as amended, requires a doula who desires to receive reimbursement through the Medicaid program for providing doula services to a Medicaid recipient to enroll with the Division of Health Care Financing and Policy of the Department of Health and Human Services.

Roll call on Assembly Bill No. 256:

YEAS—33.

NAYS—Black, Dickman, Ellison, Hafen, Krasner, Matthews, McArthur, O'Neill, Wheeler—9.

Assembly Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 504.

AN ACT relating to domestic violence; establishing provisions relating to the proper venue for filing an application for an order for protection against domestic violence; revising provisions relating to the information included in an application for an order for protection against domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to file an application for a temporary or extended order for protection against domestic violence but does not specify which county is the proper venue for filing such an application. (NRS 33.020) **Section 1** of this bill authorizes an applicant to file an application in the county in which: (1) the applicant resides; (2) the applicant is temporarily located, away from the county in which he or she resides, to avoid the threat of domestic violence from the adverse party; (3) the adverse party resides; or (4) the act of domestic violence against the applicant by the adverse party occurred or there exists a threat of domestic violence against the applicant from the adverse party. **Section 2** of this bill makes a conforming change to indicate the placement of **section 1** within the Nevada Revised Statutes.

Section 3 of this bill authorizes an applicant for a temporary or extended order for protection against domestic violence to decline to disclose his or her address and contact information in an application under certain circumstances. **Section 3** provides that if the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose such information. If the applicant declines to disclose such information, then such information: (1) must be disclosed to the court and **, for criminal justice purposes,** to any ~~[appropriate law enforcement]~~ **other authorized** agency ~~[,]~~ **of criminal justice;** (2) must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and (3) must not be released, disclosed or made accessible to the public, except as authorized by the court.

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

An application for a temporary or extended order may be filed in the county in which:

1. The applicant resides;

2. The applicant is temporarily located, away from the county in which he or she resides, to avoid the threat of domestic violence from the adverse party;

3. The adverse party resides; or

4. The act of domestic violence committed against the applicant by the adverse party occurred or there exists a threat of domestic violence against the applicant from the adverse party.

Sec. 2. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 3. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. ***If the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:***

(a) Must be disclosed to the court and , for criminal justice purposes, to any ~~[appropriate law enforcement]~~ other authorized agency of criminal justice to allow the ~~[law enforcement]~~ agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive, and section 1 of this act;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and

fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, "agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

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

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblywomen Jauregui, Black, and Carlton.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 451 appropriates $2,530,292 from the State General Fund to the Office of the Secretary of State for the replacement of computer hardware and software.

ASSEMBLYWOMAN BLACK:

In March 2020, the Governor overreacted to the COVID pandemic and shut down the state without consulting with, let alone getting approval from the Nevada Legislature. Because of the hole the Governor's shutdown orders created in our budget, this body convened in a special session last July, drained our Rainy Day Fund, and approved various spending cuts. Since that time, legislators have found some extra money in sofa cushions and it is burning a hole in our pocket.

So instead of first replenishing the Rainy Day Fund, there is a rush to spend the money on restoring cuts that were deemed nonessential last July. When you add up all these items, a penny here and a penny there, we are talking some real money. By my calculation, over $155 million in total spending. This is fiscally reckless, especially in light of today's ruling by the Nevada Supreme Court that the 2019 Legislature unlawfully imposed around $100 million in tax hikes that now must be returned to taxpayers.

Most of these appropriations are included in next year's budget. Instead of spending the money this year, we should do the fiscally responsible thing and use this money to replenish the Rainy Day Fund that was drained last summer or use the money to cover the loss because of the Nevada Supreme Court's decision. As such, I will be voting against all appropriation requests and encourage my colleagues to do the same.

ASSEMBLYWOMAN CARLTON:

This is an appropriation for computer hardware. It is perfectly acceptable to process this at this time. Typically, the process is to get all the Assembly bills out of the Assembly and into the Senate so that when we get closer to the end of session, everything is staged in the right place so that we can move it all appropriately. This is fiscally sound; I would never insinuate that our staff or the Committee would do something that was not fiscally sound.

There are ongoing conversations, in an open forum, about how the CARES [Coronavirus Aid, Relief, and Economic Security Act] money, the HEERF [Higher Education Emergency Relief Fund] money, the GEAR [Gaining Early Awareness and Readiness] money, and the Rescue [American Rescue Plan of 2021] money will be handled in committee. With that, Mr. Speaker, I believe we have cleared the record on this.

Roll call on Assembly Bill No. 451:

YEAS—35.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, O'Neill, Wheeler—7.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Bill 453 makes a one-time General Fund appropriation of $34,000 to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities.

Roll call on Assembly Bill No. 453:

YEAS—37.

NAYS—Black, Dickman, Matthews, McArthur, Wheeler—5.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Bill 454 provides for General Fund appropriations of $7,328,366 to the Nevada Promise Scholarship Account to provide scholarships for eligible students attending community colleges within the state.

Roll call on Assembly Bill No. 454:

YEAS—36.

NAYS—Black, Dickman, Matthews, McArthur, O'Neill, Wheeler—6.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Roll call on Assembly Bill No. 455:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Roll call on Assembly Bill No. 456:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Roll call on Assembly Bill No. 458:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 460. This appropriation hits to the heart of kids going on field trips. I do not know about you, but those were some of the best days in elementary and high school, when we got to go on field trips. When we come out of this pandemic and children can get back to what they really need to do, this gives the resources to the school districts to be able to provide children busses to go on field trips.

I will give the body a clear heads-up. As AB 460 leaves this room and passes the Wallie Warren clock, and enters the Senate, I plan on proposing an amendment to the bill, if the time is appropriate, to make sure that there are more dollars available for field trips in the future.

Roll call on Assembly Bill No. 460:

YEAS—37.

NAYS—Black, Dickman, Matthews, McArthur, Wheeler—5.

Assembly Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Roll call on Assembly Bill No. 464:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Roll call on Assembly Bill No. 465:

YEAS—37.

NAYS—Black, Dickman, Matthews, McArthur, Wheeler—5.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Roll call on Assembly Bill No. 466:

YEAS—35.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, O'Neill, Wheeler—7.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.

Remarks by Assemblymen Carlton and Roberts.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 467. Over the years, we have made numerous appropriations to the radio system in this state. There was a day, when my husband was riding in a car as a Parole and Probation officer, where when he made the call, the call went to Carson City, and maybe the backup showed up in Las Vegas when he needed it.

These dollars going to this shared radio system will mean public safety officers, and everyone who needs this system, especially when we get into fire season, will be able to have the communicability they need to take care of the business of this state.

ASSEMBLYMAN ROBERTS:

I rise in support of this Assembly Bill 467 because public safety is important. Our public safety officers are important, and they need this equipment to remain safe in this state. I would appreciate everyone's support.

Roll call on Assembly Bill No. 467:

YEAS—37.

NAYS—Black, Dickman, Matthews, McArthur, Wheeler—5.

Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Roll call on Assembly Bill No. 468:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Roll call on Assembly Bill No. 469:

YEAS—35.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, O'Neill, Wheeler—7.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Roll call on Assembly Bill No. 470:

YEAS—35.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, O'Neill, Wheeler—7.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Roll call on Assembly Bill No. 474:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblymen Carlton, Hafen, Tolles, Hansen, and Wheeler.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 475. This appropriation goes to the Governor Guinn Millennium Scholarship Program. I had the honor in my first session here in this building, at the north end of the building, to support this scholarship program. I remember the evening that Governor Guinn and I stood in the Old Globe and debated how this money should be spent. It is a very dear memory to me. I really wanted it to focus more on health care, but he truly believed that making sure that our Nevada students that graduated from a Nevada high school had an opportunity to go to college when there were not other opportunities there for them. He convinced me and it has gone forward. We have done everything we can to shore this up over the years and I believe, no matter what happens in the future, I would hope all of my colleagues that follow behind me value this scholarship and keep it going. We always hear the good stories of the kids for whom this scholarship made the difference in their lives.

ASSEMBLYMAN HAFEN:

I rise in support of Assembly Bill 475. I would like to thank my colleague from District 14. I am a recipient of the Millennium Scholarship, as I know a few other of my colleagues are. Without that, a lot of us would not have been able to go to college. I urge my colleagues to also support this bill. Our education in this state is in dire need of additional help, and today we have the opportunity to send kids to school for a higher education and to further their degrees.

ASSEMBLYWOMAN TOLLES:

I rise in support of Assembly Bill 475. I have had countless students over the years who have taken advantage of these scholarships, and it has made a difference for their future and the rest of their lives. It is part of building our workforce here in Nevada and making sure that we keep our Nevada students here, contributing to our economy. I urge all my colleagues to support.

ASSEMBLYWOMAN HANSEN:

I rise in support of Assembly Bill 475 to fund Millennium Scholarships. As the mother of eight children who, I am proud to say, were all recipients of the Millennium Scholarship, it was a great blessing for them and an incredible blessing in our personal lives. We all know that college is expensive. I am grateful to the state for this program, and I am proud to be able to support this measure.

ASSEMBLYMAN WHEELER:

I also rise in support of Assembly Bill 475. For those of us that were thinking that this should be in some other budget and not a line item, this has always been a line item. There is no other budget it could go into. This is a great program. I will be supporting it.

Roll call on Assembly Bill No. 475:

YEAS—39.

NAYS—Black, Matthews, McArthur—3.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 476.

Bill read third time.

Roll call on Assembly Bill No. 476:

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 37 and 349; Senate Bills Nos. 8, 19, 21, 32, 42, 146, 148, 156, 161, 177, 251, 309, 364, 376, 398, and 400 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 35, 138; Senate Bill No. 71.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, May 17, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:15 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly