

# NEVADA LEGISLATURE

Eighty-First Session, 2021

## ASSEMBLY DAILY JOURNAL

### THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 18, 2021

Assembly called to order at 12:08 p.m.

Mr. Speaker presiding.

Roll called.

All present, except Assemblywoman Hansen, who was excused.

Prayer by the Chaplain, Pastor Jake Musselman.

Lord, we each live in this great state of Nevada, a state born in the middle of a battle for justice. Bless these leaders as they continue that same fight today. We do not fight against each other; instead, we fight against systems and strongholds. We do not fight with weapons; instead, we fight with compassion and perseverance. Lead us as we advocate for and protect those on the margins of our society. Give us a vision of Your just kingdom, and give us the strength to see that on earth. We ask this in Your Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which was referred Senate Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 188, 275, 329, 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROCHELLE T. NGUYEN, *Chair*

*Mr. Speaker:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 471, 479, 481; Senate Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

#### COMMUNICATIONS

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515-2803

May 13, 2021

Nevada Legislature  
401 S. Carson St.  
Carson City, Nevada 89701

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER FRIERSON:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature. As the Representative for Congressional District 3, I look forward to sharing both information from the halls of Congress, as well as information regarding the communities that affect Nevada's future.

I am honored and grateful for this opportunity. Thank you in advance for your consideration.

Sincerely,  
SUSIE LEE  
*Member of Congress*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2021

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 1, Amendment No. 592, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 24.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 6.

Resolution read.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Senate Joint Resolution 6 expresses support for the creation of a retirement plan that addresses the loss of retirement benefits for military spouses due to frequent relocations. The resolution further urges the federal government to implement such a retirement plan that is funded by the Department of Defense Appropriations Act.

Roll call on Senate Joint Resolution No. 6:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Joint Resolution No. 6 having received a constitutional majority,  
Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 7.

Resolution read.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Joint Resolution 7 proposes to amend the *Nevada Constitution* to remove the constitutional provisions governing the Board of Regents of the University of Nevada.

Roll call on Senate Joint Resolution No. 7:

YEAS—30.

NAYS—Black, Dickman, Ellison, Hafen, Krasner, Matthews, McArthur, O’Neill, Titus, Tolles,  
Wheeler—11.

EXCUSED—Hansen.

Senate Joint Resolution No. 7 having received a constitutional majority,  
Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 11.

Resolution read.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Senate Joint Resolution 11 expresses the Nevada Legislature’s support of the elimination of discrimination against women and urges the United States Congress to ratify the Convention on the Elimination of all Forms of Discrimination Against Women.

Roll call on Senate Joint Resolution No. 11:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hafen, Krasner, Matthews, McArthur, O’Neill, Titus,  
Wheeler—10.

EXCUSED—Hansen.

Senate Joint Resolution No. 11 having received a constitutional majority,  
Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 5.

Assemblywoman Monroe-Moreno moved the adoption of the resolution.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Concurrent Resolution 5 declares that systemic racism and structures of racial discrimination constitute a public health crisis magnified by the disproportionately high impact of the COVID-19 on communities of color.

Resolution adopted.

Senate Concurrent Resolution No. 8.

Assemblyman Wheeler moved the adoption of the resolution.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Concurrent Resolution 8 supports the Bi-State Working Group on Transportation and asks the Group to collaborate and agree on a five-year list of transportation priorities and projects in the Tahoe Basin.

Resolution adopted.

NOTICE OF EXEMPTION

May 18, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 128.

SARAH COFFMAN  
*Fiscal Analysis Division*

Assemblywoman Benitez-Thompson moved that all measures reported out of committee be placed on the appropriate reading file for the balance of the session.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 24.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 441.

Bill read second time and ordered to third reading.

Senate Bill No. 2.

Bill read second time and ordered to third reading.

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 534.

AN ACT relating to public safety; **authorizing the Central Repository for Nevada Records of Criminal History to monitor the agencies of criminal justice in this State for compliance with certain requirements relating to the submission or transmission of certain information and records concerning public safety; providing that if the Central Repository chooses to perform such monitoring, the Central Repository must prepare and post on its Internet website an annual report relating to the compliance of**

such agencies of criminal justice in this State with such requirements: revising the definition of a record of criminal history; revising the requirements for publication of certain statistical data; revising provisions relating to the information provided to an authorized participant of a service to conduct a name-based search of records of criminal history; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Central Repository for Nevada Records of Criminal History to collect and maintain certain information relating to records of criminal history. (NRS 179A.075) Existing law requires a court, within 5 business days, to transmit to the Central Repository any record concerning the appointment of a guardian for a person with a mental defect, plea or finding of guilty but mentally ill, verdict acquitting a person by reason of insanity, finding that a person is incompetent to stand trial or involuntary admission of a person to a mental health facility, along with a statement that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) Existing law also provides that, upon receiving such a record, the Central Repository: (1) must take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and (2) may take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center. (NRS 179A.163)

Additionally, existing law requires: (1) each agency of criminal justice to submit information to the Central Repository relating to records of criminal history that it creates, issues or collects and certain information in the agency's possession relating to the DNA profile of certain persons; (2) each state and local law enforcement agency to submit Uniform Crime Reports. (NRS 179A.075) Finally, any time that a court issues a temporary or extended order for protection against domestic violence, an ex parte or extended order for protection against high-risk behavior, a temporary or extended order for protection against a person alleged to have committed the crime of sexual assault or a temporary or extended order for protection against stalking, aggravated stalking or harassment and any time that a person serves such an order, registers such an order or takes certain other actions relating to such orders, existing law requires the person to transmit certain information to the Central Repository. (NRS 33.095, 33.650, 200.37835, 200.599)

Section 1 of this bill: (1) authorizes the Central Repository to monitor the agencies of criminal justice in this State for compliance with the statutory requirements relating to the submission or transmission of certain information relating to mental health records and certain other records, reports, compilations and information; and (2) if the Central

**Repository chooses to perform such monitoring, requires the Central Repository to prepare an annual report regarding such compliance and post the report on its Internet website. Section 1 also authorizes the Central Repository to contact the agencies of criminal justice in this State to coordinate efforts to ensure the timely submission or transmission of such information and records.**

Under existing law, the term “record of criminal history” includes decisions of a district attorney not to prosecute a person. (NRS 179A.070) ~~Section 1.1~~ **1.5** of this bill revises the definition of “record of criminal history” to refer to decisions of a prosecuting attorney, rather than a district attorney, which expands the definition to include other types of prosecuting attorneys, such as city attorneys.

Existing law requires the Central Repository to prepare and post on its Internet website certain reports containing statistical data relating to crime and domestic violence. (NRS 179A.075) **Section 2** of this bill eliminates the requirement to prepare and post such reports and instead requires the Central Repository to provide an electronic means to access on the Central Repository’s Internet website statistical data relating to crime and domestic violence.

Existing law establishes within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer and provides that the Central Repository shall disseminate to an authorized participant of the service information which: (1) reflects convictions only; or (2) pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation. (NRS 179A.103) Existing law also defines the term “record of criminal history” to include information contained in records collected and maintained by agencies of criminal justice, such as warrants, arrests, citations, detentions, decisions not to prosecute, indictments, charges and dispositions of charges. (NRS 179A.070) **Section 3** of this bill provides that in conducting a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer, the Central Repository shall disseminate to an authorized participant information ~~[pertaining to records of criminal history generally, rather than information]~~ which reflects convictions only. ~~[or pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice.]~~

Existing law creates the Repository for Information Concerning Orders for Protection, which contains a record of all: (1) temporary and extended orders for protection against domestic violence issued or registered in this State and all Canadian domestic-violence protection orders registered in this State; (2) temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State; and (3) temporary and extended orders for protection against a person alleged to have committed the crime of

sexual assault issued in this State. Existing law also requires the Director of the Department of Public Safety, on or before July 1 of each year, to submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence, sexual assault, stalking, aggravated stalking or harassment issued during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection. (NRS 179A.350) **Section 4** of this bill eliminates the requirement to submit such a report and instead requires the Director of the Department of Public Safety to provide an electronic means to access on the Central Repository's Internet website statistical data concerning such orders for protection.

Existing law creates the Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons, which contains a record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons in this State. Existing law also requires the Director of the Department of Public Safety, on or before July 1 of each year, to prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report on the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons. (NRS 179A.450) **Section 5** of this bill eliminates the requirement to submit such a report and instead requires the Director of the Department of Public Safety to provide an electronic means to access on the Central Repository's Internet website statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons.

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

**Section 1. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. The Central Repository may:**

**(a) Monitor the agencies of criminal justice in this State, at such times as the Central Repository deems necessary, to ensure that the agencies of criminal justice are compliant with all applicable provisions of NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310; and**

**(b) According to a schedule established by the Director of the Department, contact the agencies of criminal justice in this State to coordinate efforts to ensure the timely submission or transmission of information and records pursuant to NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310.**

**2. The Central Repository may adopt policies and procedures to carry out its duties pursuant to this section.**

**3. To carry out its duties pursuant to this section, the Central Repository may request that an agency of criminal justice provide information to the**

**Central Repository. An agency of criminal justice shall provide information requested by the Central Repository in the manner and within the time prescribed by any policies and procedures adopted by the Central Repository pursuant to subsection 2.**

**4. If the Central Repository chooses to monitor the agencies of criminal justice in this State pursuant to this section, the Central Repository must:**

**(a) Prepare an annual report for the preceding calendar year indicating whether the agencies of criminal justice in this State were in compliance with the requirements regarding the submission or transmission of information and records set forth in NRS 33.095, 33.650, 159.0593, 174.035, 175.533, 175.539, 178.425, subsections 2, 3 and 4 of NRS 179A.075, NRS 200.37835, 200.599 and 433A.310; and**

**(b) On or before March 31 of each year, post the annual report on its Internet website.**

~~{Section 1.1}~~ **Sec. 1.5.** NRS 179A.070 is hereby amended to read as follows:

179A.070 1. “Record of criminal history” means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a ~~{district}~~ **prosecuting** attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints and other biometric identifiers of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. “Record of criminal history” does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;



(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

**Sec. 2.** NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

- (2) Employment;
- (3) Contractual services; or
- (4) Services related to occupational licensing;
- (b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or
- (c) Any other biometric identifier of the person as it may require for the purposes of:

- (1) Arrest; or
  - (2) Criminal investigation,
- ↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

- (a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.
- (b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

- (c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

- (d) Investigate the criminal history of any person who:

- (1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

- (2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

- (3) Is employed by or volunteers for a county school district, charter school or private school,

- ↪ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any offense involving moral turpitude.

- (e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

- (1) Investigated pursuant to paragraph (d); or

- (2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

- ↪ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the

governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

~~(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the~~ ***Provide an electronic means to access on the Central Repository's Internet website*** statistical data relating to crime . ~~received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.~~

~~(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing~~

***(h) Provide an electronic means to access on the Central Repository's Internet website*** statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) “Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) “Private school” has the meaning ascribed to it in NRS 394.103.

**Sec. 3.** NRS 179A.103 is hereby amended to read as follows:

179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository. The elements of a contract entered into pursuant to this section must be limited to requiring the eligible person to:

(a) Pay a fee pursuant to subsection 3, if applicable; and

(b) Comply with applicable law.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. An authorized participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or prospective volunteer to determine the suitability of the employee or prospective employee for employment or the suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to an authorized participant of the service information which ~~is~~:

~~(a) Reflects~~ **reflects convictions only.** ~~;~~ or

~~(b) Pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation.~~ **pertaining to records of criminal history.**

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent directly to the authorized participant or, if the authorized participant is a screening service, directly to the eligible person designating the screening service to receive records of criminal history, for the Central Repository to perform the search and to release the information to an authorized participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the authorized participant is a screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. A screening service that is designated to receive records of criminal history on behalf of an eligible person may provide such records of criminal history to the eligible person upon request of the eligible person if the screening service maintains records of its dissemination of the records of criminal history.

8. The Central Repository may audit an authorized participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. The Central Repository may terminate participation in the service if an authorized participant fails:

- (a) To pay the fees required to participate in the service; or
- (b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. As used in this section:

(a) “Authorized participant” means an eligible person who has entered into a contract with the Central Repository to participate in the service established pursuant to subsection 1.

(b) “Consumer report” has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

(c) “Eligible person” means:

- (1) An employer.
- (2) A volunteer organization.
- (3) A screening service.

(d) “Employer” means a person that:

- (1) Employs an employee or makes employment decisions;
  - (2) Enters into a contract with an independent contractor or makes the determination whether to enter into a contract with an independent contractor;
- or

(3) Enters into a contract with a person, business or organization for the provision, directly or indirectly, of labor, services or materials by an independent contractor, subcontractor or a third party.

(e) “Employment” includes performing services, directly or indirectly, for an employer as an independent contractor, subcontractor or a third party pursuant to a contract.

(f) “Screening service” means a person or entity designated, directly or indirectly, by an eligible person to provide employment or volunteer screening services to the eligible person.

(g) “Written consent” means:

(1) An electronic signature pursuant to 15 U.S.C. § 7006(5), and any regulations adopted pursuant thereto;

(2) Completion of the form designated by the Central Repository pursuant to paragraph (a) of subsection 6; or

(3) Consent by means of mail, the Internet, other electronic means or other means pursuant to 15 U.S.C. § 1681b(b)(2), and any regulations adopted pursuant thereto.

**Sec. 4.** NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 10, the Repository for Information Concerning Orders for Protection must contain a complete and systematic record of all:

(a) Temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada and all Canadian domestic-violence protection orders registered in the State of Nevada, including, without limitation, any information received pursuant to NRS 33.095;

(b) Temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State pursuant to NRS 200.599; and

(c) Temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State pursuant to NRS 200.37835.

3. The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.

4. Information received by the Central Repository pursuant to NRS 33.095, 200.37835 and 200.599 must be entered in the Repository for Information Concerning Orders for Protection.

5. The information in the Repository for Information Concerning Orders for Protection must be accessible by computer at all times to each agency of criminal justice.

6. The Repository for Information Concerning Orders for Protection shall retain all records of an expired temporary or extended order for protection unless such an order is sealed by a court of competent jurisdiction.

7. The existence of a record of an expired temporary or extended order for protection in the Repository for Information Concerning Orders for Protection does not prohibit a person from obtaining a firearm or a permit to carry a concealed firearm unless such conduct violates:

(a) A court order; or

(b) Any provision of federal or state law.

8. ~~{On or before July 1 of each year, the}~~ **The** Director of the Department shall ~~{submit to the Director of the Legislative Counsel Bureau a written report}~~ **provide an electronic means to access on the Central Repository's Internet website statistical data** concerning all temporary and extended orders for protection issued pursuant to NRS 33.020, 200.378 and 200.591 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection. The ~~{report}~~ **data** must include, without limitation, information for each court that issues temporary or extended orders for protection pursuant to NRS 33.020, 200.378 and 200.591, respectively, concerning:

(a) The total number of temporary and extended orders that were granted by the court during the calendar year to which the ~~report~~ **data** pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

9. The information provided pursuant to subsection 8 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

10. The Repository for Information Concerning Orders for Protection must not contain any information concerning an event that occurred before October 1, 1998.

11. As used in this section, “Canadian domestic-violence protection order” has the meaning ascribed to it in NRS 33.119.

**Sec. 5.** NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.

(b) All cases that were investigated and the type of such cases.

3. ~~{On or before July 1 of each year, the}~~ **The** Director of the Department shall ~~{prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth}~~ **provide an electronic means to access on the Central Repository's Internet website** statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons.

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons.

5. As used in this section:

(a) “Abandonment” has the meaning ascribed to it in NRS 200.5092.



- (b) “Abuse” has the meaning ascribed to it in NRS 200.5092.
- (c) “Exploitation” has the meaning ascribed to it in NRS 200.5092.
- (d) “Isolation” has the meaning ascribed to it in NRS 200.5092.
- (e) “Neglect” has the meaning ascribed to it in NRS 200.5092.
- (f) “Older person” means a person who is 60 years of age or older.
- (g) “Vulnerable person” has the meaning ascribed to it in NRS 200.5092.

**Sec. 6.** 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. 7. 1.** ~~This act becomes~~ **section and sections 1.5 to 6, inclusive, of this act become** effective upon passage and approval.

**2. Section 1 of this act becomes effective on January 1, 2022.**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 33.

Bill read second time.

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

Amendment No. 545.

AN ACT relating to natural resource management; replacing the term “reforestation” with “revegetation”; expanding the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing; expanding the application of certain provisions governing forests and watersheds to include rangelands; repealing the requirement to carry out certain tasks related to fire retardant roofing, fire-hazardous forested areas and ensuring consistency with fire codes, rules and regulations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Forester Firewarden to negotiate with and enter into cooperative agreements with certain governmental entities and with organizations and natural persons to establish and develop nurseries in this State for the procurement and production, research and display of forest tree seeds and conservation plant materials. Such nurseries are meant to accomplish a variety of goals, including advancing the general welfare and bringing about benefits that result from reforestation. (NRS 528.100) Existing law provides that reforestation means the planting and cultivation of conservation plant materials which are indigenous to forests, plains, meadows, deserts and urban areas of Nevada. (NRS 528.097) **Sections 1-4, 6-8 and 19** of this bill replace the term “reforestation” with “revegetation.”

**Sections 3, 5 and 7** of this bill expand the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible

for conserving, protecting and enhancing. Existing law requires any state nursery to purchase forest tree seeds and conservation plant materials so that they can be distributed for planting on public or private property for a variety of purposes. (NRS 528.105) **Section 7** of this bill provides that such distribution may occur for certain additional purposes, including soil erosion control, noise abatement, revegetation, greenstrips, reduction of fire hazards, xeriscaping, water conservation and providing wildlife habitats.

Existing law requires the State Forester Firewarden to supervise or coordinate all forestry and watershed work on state-owned and privately owned lands and authorizes the State Forester Firewarden to: (1) appoint paid foresters and firewardens to enforce existing law concerning forest and watershed management or the protection of forests and other lands; and (2) purchase or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management. (NRS 472.040) **Sections 10-14** of this bill expand the application of the provisions relating to forests and watersheds to include rangelands and remove certain references to “forest” so that certain provisions apply to any lands in this State.

Existing law requires the State Forester Firewarden to: (1) adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire-hazardous forested areas; and (2) designate the boundaries of such fire-hazardous forested areas. Existing law additionally requires the State Forester Firewarden to assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations. (NRS 472.040) **Section 10** of this bill removes the requirement that the State Forester Firewarden carry out these duties. **Section 18** of this bill requires the State Fire Marshal to cooperate with the State Forester Firewarden concerning certain mitigation activities.

Existing law requires the State Fire Marshal to adopt regulations relating to the prevention of fire. (NRS 477.030) The State Fire Marshal has adopted regulations in which the International Wildland-Urban Interface Code is adopted by reference. (NAC 477.281) Existing law provides that the regulations of the State Fire Marshal apply throughout the State, except that any regulations of the State Fire Marshal concerning matters relating to building codes do not apply to a county whose population is 700,000 or more (currently Clark County), if the county adopts a code that is at least as stringent as the International Fire Code and the International Building Code. **It within 1 year of the time such international codes are published by the International Code Council.** (NRS 477.030) **Section 18** provides that such a code adopted by a county whose population is 700,000 or more must: **(1)** also be at least as stringent as the International Wildland-Urban Interface Code. **It**

**; and (2) be adopted within 2 years of the time such international codes are published by the International Code Council.**

**Section 21** of this bill repeals the State Forester Firewarden’s authority to enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure that is in a fire-hazardous forested area. **Section 21** of this bill repeals the State Forester Firewarden’s authority to enforce provisions of existing law that require fire retardant roofing material to be used in areas designated as fire-hazardous forested areas. **Section 9** of this bill makes a conforming change by removing a reference to the repealed provision.

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

**Section 1.** Chapter 528 of NRS is hereby amended by adding thereto a new section to read as follows:

***“Native landscape” means any forest, plain, meadow, desert, riparian area, wetland or natural area located in Nevada.***

**Sec. 2.** NRS 528.091 is hereby amended to read as follows:

528.091 As used in NRS 528.091 to 528.120, inclusive, ***and section 1 of this act***, unless the context otherwise requires, the terms defined in NRS 528.092 to 528.098, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 528.092 is hereby amended to read as follows:

528.092 “Conservation plant materials” means those trees, shrubs and plants ***and the parts of such trees, shrubs and plants*** used for:

1. Well-established conservation purposes such as ***xeriscaping***, windbreaks, wood lots, soil erosion control, wildlife habitation, ~~reforestation,~~ ***revegetation***, noise abatement, ***water conservation*** and fire control; or
2. Beautification purposes for parks, recreation areas, ***public rights-of-ways, areas that are commonly owned***, greenbelts, schools and public buildings.

**Sec. 4.** NRS 528.097 is hereby amended to read as follows:

528.097 ~~“Reforestation”~~ ***“Revegetation”*** means planting and cultivation of conservation plant materials which are indigenous or adaptable to ~~forests, plains, meadows, deserts,~~ ***the native landscapes*** and urban areas of Nevada.

**Sec. 5.** NRS 528.098 is hereby amended to read as follows:

528.098 “Urban forestry” means the science of developing, caring for or cultivating conservation plant materials in an urban environment to enhance air ***and water*** quality, provide shade protection, stabilize soils, ***promote water conservation***, reduce noise ~~and dust~~ levels, ***reduce fire hazards, improve human health, provide wildlife habitats, sustain local economies*** and improve esthetics.

**Sec. 6.** NRS 528.100 is hereby amended to read as follows:

528.100 1. In order to aid agriculture, conserve water resources, renew the timber supply, promote erosion control, beautify urban areas, ***support***

*urban forestry*, educate the public, improve natural forests, deserts, wildlife habitation, and in other ways advance the general welfare and bring about benefits resulting from ~~reforestation~~ *revegetation* and the establishment of windbreaks, shelterbelts, wood lots, greenbelts, open space, parks and arboretums on lands in the State of Nevada, the State Forester Firewarden, subject to the approval of the Director, may act for the State of Nevada in negotiating for and entering into cooperative agreements with the United States of America, with the governing bodies of the counties and other political subdivisions of this state, and with organizations and natural persons for the purpose of securing the establishment and development of a nursery site or sites for the procurement and production, research and display of forest tree seeds and conservation plant materials.

2. The State Forester Firewarden may receive contributions of money from cooperators under the cooperative agreement.

3. The Fund for Forest Nurseries is hereby created as an enterprise fund. All money received for the establishment, development and operation of nurseries must be accounted for in the Fund. The balance in the Fund may not be transferred to any other Fund. All claims against the Fund must be paid as other claims against the State are paid.

**Sec. 7.** NRS 528.105 is hereby amended to read as follows:

528.105 1. Any state nursery authorized by NRS 528.100 must be operated under management of the State Forester Firewarden and must propagate stock for uses as provided in this section.

2. The State Forester Firewarden may:

- (a) Purchase nursery stock, seed and other conservation plant materials.
- (b) Engage in seed, tree and plant development research.
- (c) Demonstrate methods of conservation plant material planting, propagation and landscaping to public or private organizations or individuals.
- (d) Distribute conservation plant materials for planting on public property for the purposes of soil erosion control, windbreaks, noise abatement, ~~reforestation~~, *revegetation*, greenbelts, *greenstrips*, *reduction of fire hazards*, *xeriscaping*, watershed protection, *providing* wildlife ~~protection~~ *habitats*, *improving human health*, *sustaining local economies* and beautification.

(e) Distribute conservation plant materials for planting on private property for the purposes of production of forest or wood-lot products, ~~reforestation~~, *soil erosion control*, windbreaks, ~~wood lots, shelterbelts~~, *noise abatement*, *revegetation*, greenbelts, *greenstrips*, *reduction of fire hazards*, *xeriscaping*, *water conservation* and *providing* wildlife habitat.

(f) Charge and collect for all plant materials distributed under paragraphs (d) and (e) in accordance with a fee schedule developed by the State Forester Firewarden and approved by the Director.

3. Conservation plant materials distributed by the State Forester Firewarden under the provisions of paragraph (e) of subsection 2 must be used only for the purposes therein set forth. The State Forester Firewarden may set

by regulation the criteria for eligibility for distribution of plants under paragraph (e) of subsection 2.

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

**Sec. 8.** NRS 63.460 is hereby amended to read as follows:

63.460 1. A facility may establish forestry camps for the purposes of:

(a) Securing a satisfactory classification and segregation of children according to their capacities, interests and responsiveness to control and responsibility;

(b) Reducing the necessity of extending existing grounds and housing facilities; and

(c) Providing adequate opportunity for reform and encouragement of self-discipline.

2. Children committed to forestry camps may be required:

(a) To labor on the buildings and grounds of the forestry camp.

(b) To perform fire prevention work, including, but not limited to:

(1) Building firebreaks and fire trails;

(2) Fire suppression;

(3) Making forest roads for fire prevention or fire fighting; and

(4) Forestation and ~~reforestation~~ **revegetation** of public lands.

(c) To perform other projects prescribed by the superintendent of the facility.

3. For the purposes of carrying out the provisions of this section, the superintendent of a facility may enter into contracts with the Federal Government, state officials and various state agencies and departments.

**4. As used in this section, “revegetation” has the meaning ascribed to it in NRS 528.097.**

**Sec. 9.** NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

➡ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator must:

(a) Have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and experience in management, public administration or public policy; or

(b) Be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the:

(a) Public Works - Professional Services Section must be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

(b) Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

(c) Represent the Board and the Division before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173 ~~472.105~~ or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

**Sec. 10.** NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

(a) Supervise or coordinate all forestry, *rangeland* and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.

(b) Administer all fire control laws and all forestry laws in Nevada outside of townsites boundaries, and perform any other duties designated by the Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

~~(d) Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.~~

~~—(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.~~

~~—(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.~~

~~—(g)~~ (e) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.

~~—(h)~~ (f) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

~~—(i)~~ (g) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in ~~counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.~~

~~—(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.~~

~~—(k)~~ *this State.*

(h) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318 or 474 of NRS.

~~1(4)~~ (i) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to NRS 533.436.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest , *rangeland* and watershed management or the protection of ~~forests and other~~ lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest , *rangeland* and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.



3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

**Sec. 11.** NRS 472.043 is hereby amended to read as follows:

472.043 1. It is the purpose of this section to provide for the maintenance of ~~forest and~~ vegetative cover ***in forests***, on ~~forest~~ ***rangelands*** and ***on*** watershed land, to conserve water and soil, ***to mitigate wildfires*** and to prevent destructive floods.

2. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may:

(a) Enter into contracts with any state or federal public agency, municipal corporation, or any person, firm or private corporation to establish and preserve ~~forest and~~ vegetative cover ***in forests***, on ~~forest~~ ***rangelands*** or ***on*** watershed lands.

(b) Conduct surveys and studies, formulate plans and perform all acts incidental to the establishment and maintenance of ~~forest and~~ vegetative cover ***in forests***, on ~~forest~~ ***rangelands*** and ***on*** watershed lands, including any work necessary to accomplish such purposes.

3. In entering into contracts the State Forester Firewarden shall give priority to, but not be limited to, situations where:

(a) The natural vegetative cover has been destroyed or denuded to the extent that precipitation may create floods and serious soil depletion and erosion.

(b) The denuded area is of a size, and the topography and soil characteristics are of such a nature, that soil loss and floods will have a significant effect upon watershed values and the public welfare.

(c) The vegetative cover will not be restored by natural means in time effectively to prevent undue erosion and flood runoff.

(d) The natural succession of vegetation may be detrimental to the public welfare.

4. The State Forester Firewarden, or any agents of the State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may enter into cooperative agreements with federal agencies, counties, county fire protection districts, cities and private landowners for the purposes set forth in this section.

**Sec. 12.** NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and entering into agreements with the Federal Government for the purpose of securing cooperation in forest, ***rangeland and watershed land*** management and the protection of ~~the forest and watershed~~ ***such*** areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, rangeland fire protection associations and other organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage ~~forest~~

**vegetation** management and the protection from fire of ~~forest or other~~ lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests, **rangelands** and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

**Sec. 13.** NRS 472.060 is hereby amended to read as follows:

472.060 Any fire protection district and board or boards of county commissioners of the State of Nevada may:

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, rangeland fire protection associations and other organizations and individuals, to prevent and suppress outdoor fires.

2. Appropriate and expend funds for the payment of wages and expenses incurred in fire prevention and fire suppression, for the purchase, construction and maintenance of forest **and rangeland** protection improvements and equipment and for paying other expenses incidental to the protection of ~~forest and other~~ lands from fire, including any portion of the office and travel expense of the Division of Forestry of the State Department of Conservation and Natural Resources incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

**Sec. 14.** NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, other fire protection agencies and rangeland fire protection associations to provide for placing any or all portions of the fire protection work under the direction of the agency or association concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise secured for forest **and rangeland** protection in the cooperative work fund of the respective agency or rangeland fire protection association for disbursement by that agency or association for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

**Sec. 15.** (Deleted by amendment.)

**Sec. 16.** (Deleted by amendment.)

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

- (a) The prevention of fire.
- (b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↪ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

(e) The maintenance and testing of:

(1) Fire dampers, smoke dampers and combination fire and smoke dampers; and

(2) Smoke control systems.

↪ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in ~~the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (c) of subsection 1 of NRS~~

~~472.040 and] the mitigation of the risk of a fire hazard from vegetation in [counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.]~~ ***this State pursuant to paragraph (g) of subsection 1 of NRS 472.040.***

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances, ➤ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's

personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

- (a) Commercial trucking;
- (b) Environmental crimes;
- (c) Explosives and pyrotechnics;
- (d) Drugs or other controlled substances; or
- (e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code, ~~and~~ the International Building Code ~~+~~ **and the International Wildland-Urban Interface Code**, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code, ~~and~~ the International Building Code **and the International Wildland-Urban Interface Code** within ~~1 year~~ **2 years** after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, “public school” has the meaning ascribed to it in NRS 385.007.

**Sec. 19.** NRS 548.430 is hereby amended to read as follows:

548.430 **1.** The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

~~1-1~~ **(a)** Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

~~1-2~~ **(b)** Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and ~~reforestation.~~ **revegetation.**

~~{3-}~~ (c) Specifications of cropping programs and tillage practices to be observed.

~~{4-}~~ (d) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

~~{5-}~~ (e) Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.113, inclusive.

**2. As used in this section, “revegetation” has the meaning ascribed to it in NRS 528.097.**

**Sec. 20.** (Deleted by amendment.)

**Sec. 21.** NRS 472.041, 472.100 and 472.105 are hereby repealed.

**Sec. 22.** This act becomes effective upon passage and approval.

#### **TEXT OF REPEALED SECTIONS**

**472.041 Enforcement of regulations relating to reduction of vegetation around structures.**

1. The State Forester Firewarden may, in an area designated pursuant to paragraph (d) of subsection 1 of NRS 472.040, including, without limitation, any land within the 1/2-mile radius surrounding such an area, enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.

2. The enforcement of these provisions must permit the planting of grass, trees, ornamental shrubbery or other plants used to stabilize the soil and prevent erosion so long as the plants do not form a means of rapidly transmitting fire from native growth to any structure.

**472.100 Fire retardant roofing material to be used in areas designated as fire hazardous; notice of standards; enforcement; penalty.**

1. A residential or commercial building must not be constructed, altered, changed or repaired in any area designated by the State Forester Firewarden as fire hazardous if the construction uses roofing materials other than fire retardant roofing materials meeting the standards set by the State Forester Firewarden pursuant to NRS 472.040.

2. The State Forester Firewarden shall notify the governing body of each city or county in which a building code is in effect as soon as standards for fire retardant roofing materials have been established pursuant to paragraph (e) of subsection 1 of NRS 472.040. The governing body is responsible for the enforcement of the provisions of subsection 1 of this section within the areas over which it exercises jurisdiction. No building permit may be issued for construction within the jurisdiction of any such governing body in violation of subsection 1 of this section.

3. The State Forester Firewarden is responsible for the enforcement of the provisions of subsection 1 in all areas of the State in which there is no building code in effect.

4. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

**472.105 Required consultation before adoption of regulations concerning buildings or structures.** Before the State Forester Firewarden may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Forester Firewarden shall consult with the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section for the purposes of subsection 9 of NRS 341.100.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 578.

AN ACT relating to education; changing the name of a development committee for a school district or charter school that develops a plan for responding to a crisis, emergency or suicide to ~~to a crisis~~ **an emergency operations plan development** committee; requiring ~~to a crisis~~ **an emergency operations plan development** committee to include at least one representative of the county or district board of health; requiring certain plans developed for use by schools in responding to crisis, emergency or suicide to be used in response to all hazards; requiring the Department of Education to include information regarding an epidemic in its model plan for the management of crises, emergencies and suicides; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the board of trustees of each school district and the governing body of each charter school and private school to establish a development committee to develop a plan to be used by the schools in the district or the charter school or private school in responding to a crisis, emergency or suicide. (NRS 388.241, 394.1685) **Sections 1-6, 8, 9 and 11-19** of this bill change the name of such a committee to ~~to a crisis~~ **an "emergency operations plan development** committee." **Section 2** of this bill requires at least one member of such ~~to a crisis~~ **an emergency operations plan development** committee be a representative of the county or district board of health and requires the plan to be used for responding to all hazards. **Section 2** prohibits the member of ~~to a crisis~~ **an emergency operations plan development** committee who is a parent or legal guardian of a pupil at the

school from being an employee of the school district or charter school. **Section 12** of this bill similarly requires a plan developed for a private school to be used for responding to all hazards.

Existing law requires: (1) a development committee to, at least once each year, review and update as appropriate the plan; and (2) the board of trustees of a school district or the governing body of a charter school to post a notice of the completed review or update at each school in its school district or at its charter school. (NRS 388.245) **Section 4** of this bill requires the notice to instead be posted on the Internet website maintained by the school district or charter school and each school. **Section 14** of this bill provides the same requirement for private schools. Existing law requires a school committee to, at least once each year, review the plan developed by a development committee and consult with certain local emergency management and social services agencies. (NRS 388.249) **Section 5** of this bill removes the requirement to consult with such organizations and requires ~~to a crisis~~ **an emergency operations plan development** committee to post a notice of completion of such a review on the Internet website maintained by the school. **Section 15** of this bill makes a similar change for private schools.

Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. (NRS 388.253, 394.1687) **Section 7** of this bill requires the Department to include specific information relating to an epidemic in the model plan.

Existing law provides that the Open Meeting Law does not apply to certain meetings. (NRS 388.261) **Section 9** of this bill provides that the Open Meeting Law does not apply to meetings of the board of trustees of a school district or the governing body of a charter school concerning emergency response plans. Existing law requires the principal of each charter school to designate an employee to serve as the school safety specialist for the charter school. (NRS 388.910) **Section 10** of this bill requires instead that the governing body of the charter school designate a school safety specialist. Existing law requires the school safety specialist to provide employees of certain public safety agencies with a tour of each school in the school district or the charter school at least once every 3 years. (NRS 388.910) **Section 10** instead requires the school safety specialist to provide such employees with an opportunity to become familiar with each blueprint of such a school at least once every 3 years.

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

**Section 1.** NRS 388.232 is hereby amended to read as follows:

388.232 ~~“Development—“Crisis/~~ **“Emergency operations plan development** committee” means a committee established pursuant to NRS 388.241.

**Sec. 2.** NRS 388.241 is hereby amended to read as follows:



388.241 1. The board of trustees of each school district shall establish ~~to~~ **an emergency operations plan development** ~~for~~ committee to develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide ~~to~~ **and all other hazards**. The governing body of each charter school shall establish ~~to~~ **an emergency operations plan development** ~~for~~ committee to develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide ~~to~~ **and all other hazards**.

2. The membership of ~~to~~ **an emergency operations plan development** ~~for~~ committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school ~~to~~ **and who is not an employee of the school district or charter school;**

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers;

(h) At least one representative of a state or local organization for emergency management; ~~and~~

(i) **At least one representative of the county or district board of health in the county in which the school district or charter school is located, designated by the county or district board of health; and**

(j) At least one mental health professional, including, without limitation:

(1) A counselor of a school in the school district or of the charter school;

(2) A psychologist of a school in the school district or of the charter school; or

(3) A licensed social worker of a school in the school district or of the charter school.

3. The membership of ~~to~~ **an emergency operations plan development** ~~for~~ committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(b) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the emergency operations plan development ~~crisis~~ committee that it establishes. Each emergency operations plan development ~~crisis~~ committee may adopt rules for its own management and government.

**Sec. 3.** NRS 388.243 is hereby amended to read as follows:

388.243 1. Each emergency operations plan development ~~crisis~~ committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide ~~and~~ **and all other hazards**. Each emergency operations plan development ~~crisis~~ committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide ~~and~~ **and all other hazards**. Each emergency operations plan development ~~crisis~~ committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; and

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide.

3. Each emergency operations plan development ~~for crisis~~ committee shall provide **for review** a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for ~~approval~~ **review** to the Division of Emergency Management of the Department of Public Safety the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

**Sec. 4.** NRS 388.245 is hereby amended to read as follows:

388.245 1. Each emergency operations plan development ~~for crisis~~ committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the emergency operations plan development ~~for crisis~~ committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each emergency operations plan development ~~for crisis~~ committee shall provide an updated copy of the plan to the board of trustees of the school

district that established the committee or the governing body of the charter school that established the committee.

3. On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for ~~approval~~ **review** to the Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.

4. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its **emergency operations plan development** ~~exists~~ committee performs pursuant to subsection 1 ~~at~~ **on the Internet website maintained by the school district or governing body and by each school in its** the school district or ~~at its~~ **by the** charter school ~~it~~, **as applicable**;

(b) File with the Department a copy of the notice ~~provided~~ **posted** pursuant to paragraph (a);

(c) Post a ~~copy of~~ **link to** NRS 388.229 to 388.266, inclusive, ~~at~~ **on the Internet website maintained by** each school in its school district or ~~at its~~ **by the** charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located; and

(2) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

5. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive.

**Sec. 5.** NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan ~~to~~:

~~—(a) Consult with the local social service agencies and law enforcement agencies in the county, city or town in which its school is located.~~

~~—(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.~~

~~—(c) Consider~~, **consider** the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to respond to the school and for a fire-fighting agency to respond to a fire, explosion or other similar emergency.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the emergency operations plan development ~~committee~~ ~~that developed the plan~~, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the emergency operations plan development ~~committee~~ pursuant to NRS 388.251.

4. Each public school shall post ~~at the school~~ **on the Internet website maintained by the school** a notice of the completion of each review that the school committee performs pursuant to this section.

**Sec. 6.** NRS 388.251 is hereby amended to read as follows:

388.251 1. ~~1.A. An emergency operations plan development~~ ~~committee~~ ~~that receives a proposed deviation from a school committee pursuant to NRS 388.249 shall, within 60 days after it receives the proposed deviation:~~

(a) Review the proposed deviation and any information submitted with the proposed deviation; and

(b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.

2. ~~1.A. An emergency operations plan development~~ ~~committee~~ shall provide a copy of each deviation that it approves pursuant to this section to the board of trustees of the school district that established the committee or to the governing body of the charter school that established the committee.

**Sec. 7.** NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol

Division of the Department of Public Safety, develop a model plan for the management of:

- (a) A suicide; ~~for~~
- (b) A crisis or emergency that involves a public school or a private school and that requires immediate action ~~for~~ ; **and**

**(c) All other hazards.**

2. The model plan must include, without limitation, a procedure for:

- (a) In response to a crisis or emergency:
  - (1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;
  - (2) Accounting for all persons within a school;
  - (3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;
  - (4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;
  - (5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;
  - (6) Reunifying a pupil with his or her parent or legal guardian;
  - (7) Providing any necessary medical assistance;
  - (8) Recovering from a crisis or emergency;
  - (9) Carrying out a lockdown at a school;
  - (10) Providing shelter in specific areas of a school; and
  - (11) Providing disaster behavioral health related to a crisis, emergency or suicide;
- (b) Providing specific information relating to managing a crisis or emergency that is a result of:
  - (1) An incident involving hazardous materials;
  - (2) An incident involving mass casualties;
  - (3) An incident involving an active shooter;
  - (4) An incident involving a fire, explosion or other similar situation;
  - (5) An outbreak of disease ~~for~~ , **including, without limitation, an epidemic;**
  - (6) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or
  - (7) Any other situation, threat or hazard deemed appropriate;
- (c) Providing pupils and staff at a school that has experienced a crisis or emergency with access to counseling and other resources to assist in recovering from the crisis or emergency;

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school;

(e) Selecting an assessment tool which assists in responding to a threat against the school by a pupil or pupils;

(f) On an annual basis, providing drills to instruct pupils in the appropriate procedures to be followed in response to a crisis or an emergency. Such drills must occur:

(1) At different times during normal school hours; and

(2) In cooperation with other state agencies, pursuant to this section.

(g) Responding to a suicide or attempted suicide to mitigate the effects of the suicide or attempted suicide on pupils and staff at the school, including, without limitation, by making counseling and other appropriate resources to assist in recovering from the suicide or attempted suicide available to pupils and staff;

(h) Providing counseling and other appropriate resources to pupils and school staff who have contemplated or attempted suicide;

(i) Outreach to persons and organizations located in the community in which a school that has had a suicide by a pupil, including, without limitation, religious and other nonprofit organizations, that may be able to assist with the response to the suicide;

(j) Addressing the needs of pupils at a school that has experienced a crisis, emergency or suicide who are at a high risk of suicide, including, without limitation, pupils who are members of the groups described in subsection 3 of NRS 388.256; and

(k) Responding to a pupil who is determined to be a person in mental health crisis, as defined in NRS 433A.0175, including, without limitation:

(1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and

(2) Transporting the pupil to a public or private mental health facility or hospital for admission pursuant to NRS 433A.150.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency

against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

- (a) The model plan developed by the Department pursuant to subsection 1;
- (b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;
- (c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and
- (d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

**Sec. 8.** NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed or approved pursuant to NRS 388.243 or updated or approved pursuant to NRS 388.245, a deviation and any information submitted to ~~the~~ **an emergency operations plan development** ~~crisis~~ committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115, 388.229 to 388.266, inclusive, and 393.045 must not be disclosed to any person or government, governmental agency or political subdivision of a government.

**Sec. 9.** NRS 388.261 is hereby amended to read as follows:

388.261 The provisions of chapter 241 of NRS do not apply to a meeting of:

- 1. ~~the~~ **An emergency operations plan development** ~~crisis~~ committee;
- 2. A school committee;
- 3. ***The board of trustees of a school district or governing body of a charter school if the meeting concerns the review of a plan submitted pursuant to subsection 3 of NRS 388.243 or a summary presented or provided pursuant to paragraph (e) or (i) of subsection 2 of NRS 388.910;***
- 4. The State Board if the meeting concerns a regulation adopted pursuant to NRS 388.255;

~~the~~ 5. The Department of Education if the meeting concerns the model plan developed pursuant to NRS 388.253; or

~~the~~ 6. The Division of Emergency Management of the Department of Public Safety if the meeting concerns the ~~approval~~ **review** of a plan developed pursuant to NRS 388.243 or the ~~approval~~ **review** of a plan updated pursuant to NRS 388.245.

**Sec. 10.** NRS 388.910 is hereby amended to read as follows:

388.910 1. The superintendent of schools of each school district shall designate an employee at the district level to serve as the school safety specialist for the district. The ~~principal~~ **governing body** of each charter school shall designate an employee to serve as the school safety specialist for the charter school. Not later than 1 year after being designated pursuant to this



subsection, a school safety specialist shall complete the training provided by the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1323.

2. A school safety specialist shall:

(a) Review policies and procedures of the school district or charter school, as applicable, that relate to school safety to determine whether those policies and procedures comply with state laws and regulations;

(b) Ensure that each school employee who interacts directly with pupils as part of his or her job duties receives information concerning mental health services available in the school district or charter school, as applicable, and persons to contact if a pupil needs such services;

(c) Ensure the provision to school employees and pupils of appropriate training concerning:

(1) Mental health;

(2) Emergency procedures, including, without limitation, the plan developed pursuant to NRS 388.243; and

(3) Other matters relating to school safety and security;

(d) Annually conduct a school security risk assessment and submit the school security risk assessment to the Office for a Safe and Respectful Learning Environment for review pursuant to NRS 388.1323;

(e) Present a summary of the school security risk assessment conducted pursuant to paragraph (d) and any recommendations to improve school safety and security based on the assessment at a ~~public~~ meeting of the board of trustees of the school district or governing body of the charter school, as applicable;

(f) Not later than 30 days after the meeting described in paragraph (e), provide to the Director a summary of the school security risk assessment, any recommendations to improve school safety and security based on the assessment and any actions taken by the board of trustees or governing body, as applicable, based on those recommendations;

(g) Serve as the liaison for the school district or charter school, as applicable, with local public safety agencies, other governmental agencies, nonprofit organizations and the public regarding matters relating to school safety and security;

(h) At least once every 3 years, provide ~~a tour of each school in the district or the charter school, as applicable, to~~ employees of public safety agencies that are likely to be first responders to a crisis, emergency or suicide *or other hazard* at ~~the~~ *a public school* ~~to~~ *an opportunity to participate in an activity to familiarize themselves with the blueprints of the school in a manner that complies with NRS 393.045;* and

(i) Provide ~~a written record~~ to the board of trustees of the school district or the governing body of the charter school, as applicable, ~~of~~ any recommendations made by an employee of a public safety agency as a result of ~~a tour~~ *an activity* provided pursuant to paragraph (h). The board of trustees

or governing body, as applicable, shall maintain a *confidential* record of such recommendations.

3. In a school district in a county whose population is 100,000 or more, the school safety specialist shall collaborate with the emergency manager designated pursuant to NRS 388.262 where appropriate in the performance of the duties prescribed in subsection 2.

4. As used in this section:

(a) “Crisis” has the meaning ascribed to it in NRS 388.231.

(b) “Emergency” has the meaning ascribed to it in NRS 388.233.

**Sec. 11.** NRS 394.1682 is hereby amended to read as follows:

394.1682 ~~“Development—“Crisis”~~ **“Emergency operations plan development”** committee” means a committee established pursuant to NRS 394.1685.

**Sec. 12.** NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish ~~“an emergency operations plan development *crisis*”~~ committee to develop a plan to be used by the private school in responding to a crisis, emergency or suicide ~~“”~~ **and all other hazards.**

2. The membership of ~~“an emergency operations plan development *crisis*”~~ committee consists of:

(a) At least one member of the governing body;

(b) At least one administrator of the school;

(c) At least one teacher of the school;

(d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in the school ~~“”~~ **and who is not an employee of the school;**

(f) At least one representative of a local law enforcement agency in the county in which the school is located; and

(g) At least one representative of a state or local organization for emergency management.

3. The membership of ~~“an emergency operations plan development *crisis*”~~ committee may also include any other person whom the governing body deems appropriate, including, without limitation:

(a) A counselor of the school;

(b) A psychologist of the school;

(c) A licensed social worker of the school;

(d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school is located.

4. The governing body of each private school shall determine the term of each member of the **emergency operations plan development *crisis*** committee that it established. Each **emergency operations plan development *crisis*** committee may adopt rules for its own management and government.

**Sec. 13.** NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each emergency operations plan development ~~for crisis~~ committee shall develop a plan to be used by its school in responding to a crisis, emergency or suicide ~~and~~ **and all other hazards**. Each emergency operations plan development ~~for crisis~~ committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school is located.

(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; and

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each emergency operations plan development ~~for crisis~~ committee shall provide **for review** a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

**Sec. 14.** NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each emergency operations plan development ~~for crisis~~ committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the emergency operations plan development ~~for crisis~~ committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. On or before July 1 of each year, each emergency operations plan development ~~for crisis~~ committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its emergency operations plan development ~~for crisis~~ committee performs pursuant to subsection 1 ~~that~~ **on the Internet website maintained by** the school;

(b) File with the Department a copy of the notice ~~provided~~ **posted** pursuant to paragraph (a);

(c) Post a ~~copy of~~ **link to** NRS 388.253 and 394.168 to 394.1699, inclusive, ~~at~~ **on the Internet website maintained by** the school;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) On or before July 1 of each year, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Department;

(2) A local public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

4. As used in this section, “public safety agency” has the meaning ascribed to it in NRS 388.2345.

**Sec. 15.** NRS 394.1691 is hereby amended to read as follows:

394.1691 1. Each school committee shall, at least once each year, review the plan developed for its school pursuant to NRS 394.1687 and determine whether the school should deviate from the plan.

2. Each school committee shall ~~when reviewing the plan, consult with:~~

~~—(a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.~~

~~—(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.~~ **consider the specific needs and characteristics of the**

*school, including, without limitation, the length of time for law enforcement to respond to the school and for a fire-fighting agency to respond to a fire, explosion or similar emergency.*

3. If a school committee determines that its school should deviate from the plan, the school committee shall notify the emergency operations plan development ~~feasibility~~ committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the emergency operations plan development ~~feasibility~~ committee pursuant to NRS 394.1692.

4. Each private school shall post ~~that~~ **on the Internet website maintained by** the school a notice of the completion of each review that its school committee performs pursuant to this section.

**Sec. 16.** NRS 394.1692 is hereby amended to read as follows:

394.1692 1. ~~that~~ **An emergency operations plan development ~~feasibility~~** committee that receives a proposed deviation from a school committee pursuant to NRS 394.1691 shall, within 60 days after it receives the proposed deviation:

(a) Review the proposed deviation and any information submitted with the proposed deviation; and

(b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.

2. ~~that~~ **An emergency operations plan development ~~feasibility~~** committee shall provide a copy of each deviation that it approves pursuant to this section to the governing body of the private school that established the committee.

**Sec. 17.** NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to ~~that~~ **An emergency operations plan development ~~feasibility~~** committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

**Sec. 18.** NRS 394.1699 is hereby amended to read as follows:

394.1699 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. ~~that~~ **An emergency operations plan development ~~feasibility~~** committee;

2. A school committee; or

3. The Board if the meeting concerns a regulation adopted pursuant to NRS 394.1694.

**Sec. 19.** NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Department of Public Safety. The Chief of the Division is appointed by and holds office at the pleasure of the Director of the Department of Public Safety. The Division is the State Agency for Emergency Management and the State Agency for Civil Defense for the purposes of the Compact ratified by the

Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Director, shall carry out the program for emergency management in this State. The Chief shall coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Director.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall:

(a) Except as otherwise provided in NRS 232.3532, develop written plans for the mitigation of, preparation for, response to and recovery from emergencies and disasters. The plans developed by the Chief pursuant to this paragraph must include the information prescribed in NRS 414.041 to 414.044, inclusive.

(b) Conduct activities designed to:

(1) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(2) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(3) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(4) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(5) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. In addition to any other requirement concerning the program of emergency management in this State, the Chief shall:

(a) Maintain an inventory of any state or local services, equipment, supplies, personnel and other resources related to participation in the Nevada Intrastate Mutual Aid System established pursuant to NRS 414A.100;

(b) Coordinate the provision of resources and equipment within this State in response to requests for mutual aid pursuant to NRS 414.075 or chapter 414A of NRS;

(c) Coordinate with state agencies, local governments, Indian tribes or nations and special districts to use the personnel and equipment of those state agencies, local governments, Indian tribes or nations and special districts as agents of the State during a response to a request for mutual aid pursuant to NRS 414.075 or 414A.130; and

(d) Provide notice:

(1) On or before February 15 of each year to the governing body of each political subdivision of whether the political subdivision has complied with the requirements of NRS 239C.250;

(2) On or before February 15 of each year to the Chair of the Public Utilities Commission of Nevada of whether each utility that is not a governmental utility and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(3) On or before February 15 of each year to the Governor of whether each governmental utility described in subsection 1 of NRS 239C.050 and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(4) On or before February 15 of each year to the governing body of each governmental utility described in subsection 2 of NRS 239C.050 and each provider of new electric resources of whether each such governmental utility has complied with the requirements of NRS 239C.270;

(5) On or before August 15 of each year to the Superintendent of Public Instruction of whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with the requirements of NRS 388.243 or 394.1687, as applicable; and

(6) On or before November 15 of each year to the Chair of the Nevada Gaming Control Board of whether each resort hotel has complied with the requirements of NRS 463.790.

6. The Division shall:

(a) Perform the duties required pursuant to chapter 415A of NRS;

(b) Perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government;

(c) Adopt regulations setting forth the manner in which federal funds received by the Division to finance projects related to emergency management and homeland security are allocated, except with respect to any funds committed by specific statute to the regulatory authority of another person or agency, including, without limitation, funds accepted by the State Emergency Response Commission pursuant to NRS 459.740; and

(d) Submit a written report to the Nevada Commission on Homeland Security within 60 days of making a grant of money to a state agency, political subdivision or tribal government to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism that includes, without limitation:

- (1) The total amount of money that the state agency, political subdivision or tribal government has been approved to receive for the project or program;
- (2) A description of the project or program; and
- (3) An explanation of how the money may be used by the state agency, political subdivision or tribal government.

7. The Division shall develop a written guide for the preparation and maintenance of an emergency response plan to assist a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790. The Division shall review the guide on an annual basis and revise the guide if necessary. On or before January 15 of each year, the Division shall provide the guide to:

(a) Each political subdivision required to adopt a response plan pursuant to NRS 239C.250;

(b) Each utility and each provider of new electric resources required to prepare and maintain an emergency response plan pursuant to NRS 239C.270;

(c) Each emergency operations plan development ~~terrorism~~ committee required to develop a plan to be used in responding to a crisis, emergency or suicide **and all other hazards** by:

(1) A public school or charter school pursuant to NRS 388.243; or

(2) A private school pursuant to NRS 394.1687; and

(d) Each resort hotel required to adopt an emergency response plan pursuant to NRS 463.790.

**Sec. 20.** This act becomes effective upon passage and approval.

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. 43.

Bill read second time and ordered to third reading.

Senate Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 599.

AN ACT relating to crimes; changing the name and duties of the Ombudsman for Victims of Domestic Violence; changing the duties and composition of the Committee on Domestic Violence; revising the penalty for a battery which constitutes domestic violence against a pregnant person; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

Existing law creates the Office of Ombudsman for Victims of Domestic Violence within the Office of the Attorney General and prescribes the qualifications and duties of the Ombudsman. (NRS 228.440, 228.450) This bill revises the name, qualifications and duties of the Ombudsman and the Office to expand the scope of the Ombudsman and the Office to include the crimes of sexual assault and human trafficking and amends corresponding references accordingly.

**Section 1** of this bill: (1) renames the Office as the Office of Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking; and (2) revises the existing qualifications of the Ombudsman to include the requirement to have knowledge regarding sexual assault and human trafficking. (NRS 228.440) **Section 3** of this bill makes a conforming change to reflect the changed name.

**Section 2** of this bill: (1) revises the requirement imposed upon the Ombudsman to prepare quarterly reports relating to domestic violence to include sexual assault and human trafficking within the scope of the report; (2) requires the Ombudsman to provide assistance to victims of sexual assault and human trafficking; and (3) requires the Ombudsman to provide education to the public regarding sexual assault and human trafficking. (NRS 228.450)

Existing law creates the Committee on Domestic Violence, whose members are appointed by the Attorney General, and sets forth the duties of the Committee. (NRS 228.470) **Section 4** of this bill: (1) adds two additional members to the Committee, one of whom is a representative from the Office of the Court Administrator and one of whom is a representative appointed by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services; (2) eliminates the provision that requires the Committee to review programs for the treatment of persons who commit domestic violence and a corresponding subcommittee assigned to perform that review; and (3) requires the Committee to study issues relating to domestic violence.

Existing law provides that if a person is convicted of a first offense of battery which constitutes domestic violence against a victim who was pregnant at the time of the battery, the person is guilty of a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days, or by a maximum fine of \$2,000, or by both fine and imprisonment. (NRS 193.140, 200.485) **Section 7** of this bill provides that for such an offense, a person must be imprisoned for not less than ~~[30]~~ **20** days ~~[but not more than 6 months]~~ in the county jail, ~~and~~ **and** may be further punished by a fine of not less than \$500, but not more than \$1,000. ~~[and must participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense. Section 6 of this bill makes a conforming change to reflect the changes in section 7.]~~

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

**Section 1.** NRS 228.440 is hereby amended to read as follows:

228.440 1. The Office of Ombudsman for Victims of Domestic Violence , ***Sexual Assault and Human Trafficking*** is hereby created within the Office of the Attorney General.

2. The Attorney General shall appoint a person to serve in the position of Ombudsman for a term of 4 years. The person so appointed:

- (a) Must be knowledgeable about the legal and societal aspects of domestic violence ~~+~~, ***sexual assault and human trafficking***;
- (b) Is in the unclassified service of the State; and
- (c) Is not required to be an attorney.

3. The Attorney General may remove the Ombudsman from office for inefficiency, neglect of duty or malfeasance in office.

**Sec. 2.** NRS 228.450 is hereby amended to read as follows:

228.450 1. The Ombudsman for Victims of Domestic Violence , ***Sexual Assault and Human Trafficking*** shall:

(a) Prepare quarterly reports relating to victims of domestic violence , ***sexual assault and human trafficking*** from information collected from the Central Repository for Nevada Records of Criminal History, if any such information is available.

(b) Provide necessary assistance to victims of domestic violence ~~+~~, ***sexual assault and human trafficking***.

(c) Provide education to the public concerning domestic violence, ***sexual assault and human trafficking***, including, without limitation, the prevention of domestic violence, ***sexual assault and human trafficking***, available assistance to victims of domestic violence , ***sexual assault and human trafficking***, and available treatment for persons who commit domestic violence ~~+~~, ***sexual assault and human trafficking***.

(d) Perform such other tasks as are necessary to carry out the duties and functions of his or her office.

2. Except as otherwise provided in this subsection, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.

3. Any grant received by the Office of the Attorney General for assistance to victims of domestic violence , ***sexual assault and human trafficking*** may be used to compensate the Ombudsman for Victims of Domestic Violence ~~+~~ , ***Sexual Assault and Human Trafficking***.

**Sec. 3.** NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence is hereby created in the State General Fund. Any fee imposed and collected

pursuant to NRS 176.094 must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence ~~{ }~~, ***Sexual Assault and Human Trafficking:***

(a) Shall administer the Account for Programs Related to Domestic Violence; and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee;

(2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence;

(3) Assisting victims of domestic violence and educating the public concerning domestic violence; and

(4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence must be paid as other claims against the State are paid.

**Sec. 4.** NRS 228.470 is hereby amended to read as follows:

228.470 1. The ~~{Attorney General shall appoint a}~~ Committee on Domestic Violence ***is hereby created. The Committee is*** comprised of the Attorney General or a designee of the Attorney General and:

(a) ***The following members appointed by the Attorney General:***

(1) One staff member of a program for victims of domestic violence;

~~{(b)}~~ (2) One staff member of a program for the treatment of persons who commit domestic violence;

~~{(c)}~~ (3) One representative from an office of the district attorney with experience in prosecuting criminal offenses;

~~{(d)}~~ (4) One representative from an office of the city attorney with experience in prosecuting criminal offenses;

~~{(e)}~~ (5) One law enforcement officer;

~~{(f)}~~ (6) One provider of mental health care;

~~{(g)}~~ (7) Two ~~{victims}~~ ***survivors*** of domestic violence;

~~{(h)}~~ (8) One justice of the peace or municipal judge;

(9) ***One representative from the Office of Court Administrator;*** and

~~{(i)}~~ (10) Any other person appointed by the Attorney General.

(b) ***One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services, who is appointed by the Administrator of the Division and who has experience related to the certification of programs for the treatment of persons who commit domestic violence.***

↪ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence in this State;

~~(b) [Review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to NRS 439.258;~~

~~—(c)—~~ Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;

~~[(d)]~~ (c) To the extent that money is available, provide financial support to programs for the prevention of domestic violence in this State;

~~[(e)]~~ (d) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; ~~and~~

~~—(f)—~~ (e) *Study issues that relate to domestic violence, including, without limitation, the intersections between domestic violence and sexual assault and domestic violence and human trafficking; and*

(f) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada. The report must include, without limitation:

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence; and

(2) All comments and recommendations received by the Committee.

3. ~~[(The Attorney General shall appoint a subcommittee of members of the Committee to carry out the duties prescribed in paragraph (b) of subsection 2-~~

~~4.]~~ The Attorney General or the designee of the Attorney General is the Chair of the Committee.

~~[(5)]~~ 4. The Committee shall annually elect a Vice Chair ~~[(Secretary and Treasurer)]~~ from among its members.

~~[(6)]~~ 5. The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair. ~~[(Any six members of the Committee constitute a quorum. A majority vote of the quorum is required to take action with respect to any matter.]~~

~~—7.]~~ 6. At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

~~[(8)]~~ 7. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~[(9)]~~ 8. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[(10)]~~ 9. The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~NRS 176.094 is hereby amended to read as follows:~~

~~176.094 In addition to any other fine or penalty, if the court finds that a person is guilty of committing an act which constitutes domestic violence pursuant to NRS 33.018, the court shall:~~

~~1. Enter a finding of fact in the judgment of conviction.~~

~~2. Order the person to pay a fee of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~3. [Require] *Except as otherwise provided in subsection 4 of NRS 200.485, require* for the:~~

~~(a) First offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or~~

~~(b) Second offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258. **(Deleted by amendment.)**~~

Sec. 7. NRS 200.485 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) For the first offense, is guilty of a gross misdemeanor ~~and shall be punished by imprisonment in the county jail for not less than 30 or 20 days (but not more than 6 months), and may be further punished by a fine of not less than \$500, but not more than \$1,000. In addition to any other penalty, the court shall require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of~~

~~persons who commit domestic violence that has been certified pursuant to NRS 439.258.~~

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

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, ~~other than a battery described in subsection 4,~~ the court shall:

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

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

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

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

(a) When evidenced by a conviction; or

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

➡ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

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

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

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

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

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

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

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

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



conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

13. As used in this section:

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

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

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

**Sec. 8.** 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

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

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

**Sec. 9.** 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 has been changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

**Sec. 10.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 536.

AN ACT relating to criminal procedure; prohibiting a magistrate from issuing a no-knock arrest warrant or search warrant except under certain circumstances; requiring an arrest warrant or a search warrant to specify whether it is a no-knock warrant; establishing provisions relating to the manner of execution of a no-knock arrest warrant or search warrant; revising provisions relating to the circumstances under which a summons may be issued instead of an arrest warrant; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a magistrate to issue a warrant for the arrest of a defendant if, based on an affidavit or affidavits filed with a complaint or certain citations, there is probable cause to believe that an offense has been committed and that the defendant has committed the offense, unless a district attorney requests the issuance of a summons, in which case the magistrate must issue a summons. (NRS 171.106) If the affidavit or affidavits are filed with an application for an arrest warrant, **section 1.1** of this bill maintains the existing default standard of issuing an arrest warrant, or a summons upon the request of a district attorney; however, if the affidavit or affidavits are filed with certain citations, **section 1.1** authorizes a magistrate to issue an arrest warrant or a summons.

**Section 1.1** also establishes additional requirements for the issuance of a no-knock warrant. Specifically, **section 1.1** prohibits a magistrate from issuing a no-knock warrant for the arrest of a defendant unless an affidavit, sworn to before the magistrate: (1) demonstrates that the underlying offense is punishable as a felony and involves a significant and imminent threat to public safety; (2) demonstrates that identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of significant bodily harm to the peace officer or another person; (3) describes factual circumstances that demonstrate that there are no reasonable alternatives to effectuating the arrest of the person other than in the manner prescribed by the no-knock arrest warrant; (4) states whether the no-knock arrest warrant can be executed during the day and, if it cannot, the reasoning behind such a determination; and (5) certifies that the no-knock arrest warrant will be

executed under the guidance of a peace officer trained in executing warrants of arrest.

Existing law requires an arrest warrant to include certain information. (NRS 171.108) In addition to the existing requirements, **section 1.2** of this bill requires the arrest warrant to specify whether it is a no-knock arrest warrant. **Section 1.3** of this bill makes a conforming change in order to maintain the existing requirements relating to the contents of a summons.

Existing law sets forth the manner of executing arrest warrants. (NRS 171.122) In addition to the existing requirements, **section 1.4** of this bill requires peace officers involved in the execution of the no-knock arrest warrant to: (1) make certain determinations before executing the no-knock arrest warrant; and (2) take certain actions in the execution of the no-knock arrest warrant, including making certain disclosures and wearing a portable event recording device. **Section 1.5** of this bill makes a conforming change relating to the execution of arrest warrants.

Existing law also authorizes a magistrate to issue a search warrant to search a place or person for any property: (1) that is stolen or embezzled; (2) that is designed or intended for use or which is or has been used as the means of committing a criminal offense; or (3) when the property consists of any item or constitutes any evidence which tends to show that a criminal offense has been committed or that a particular person has committed a criminal offense. (NRS 179.035) **Section 2** of this bill sets forth requirements for the issuance of a no-knock search warrant that are identical to those described in **section 1.1** for no-knock arrest warrants.

Existing law requires search warrants to contain certain information. (NRS 179.045) In addition to the existing requirements, **section 3.3** of this bill requires the search warrant to specify whether it is a no-knock search warrant.

Existing law sets forth various requirements relating to the manner of executing a search warrant. (NRS 179.075, 179.077) In addition to the existing requirements, **section 2.5** of this bill sets forth requirements concerning the execution of no-knock search warrants that are identical to those described in **section 1.4** for no-knock arrest warrants.

**Sections 1 and 1.9** of this bill define the term “no-knock warrant” for the purposes of arrest warrants and search warrants, respectively. **Sections 1.8, 3 and 3.7** of this bill make conforming changes relating to no-knock warrants.

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

**Section 1.** Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

*As used in sections 171.102 to 171.122, inclusive, unless the context otherwise requires, “no-knock warrant” means a warrant for the arrest of a defendant which authorizes a peace officer to enter a premises without first:*

*1. Knocking on the door or ringing the doorbell and identifying the presence of the peace officer; or*

**2. Identifying the presence of the peace officer and stating the intended purpose of the peace officer for entering the premises.**

**Sec. 1.1.** NRS 171.106 is hereby amended to read as follows:

171.106 **1.** If it appears ~~from the complaint or a citation issued pursuant to NRS 484A.730, 488.920 or 501.386, or~~ from an affidavit or affidavits filed with ~~the complaint or citation~~ **an application for a warrant** that there is probable cause to believe that an offense, triable within the county, has been committed and that the defendant has committed it, a warrant for the arrest of the defendant ~~shall~~ **must** be issued by the magistrate to any peace officer. Upon the request of the district attorney, a summons instead of a warrant ~~shall issue.~~ **must be issued.**

**2. If it appears from an affidavit or affidavits filed with a complaint or citation issued pursuant to NRS 484A.730, 488.920 or 501.386 that there is probable cause to believe that an offense, triable within the county, has been committed and that the defendant has committed it, the magistrate may issue to any peace officer:**

- (a) A warrant; or
- (b) A summons.

**3. A magistrate may not issue a warrant that is a no-knock warrant pursuant to subsection 1 or 2 unless an affidavit filed with the application, complaint or citation, as applicable:**

(a) **Demonstrates that:**

(1) **The underlying offense:**

(I) **Is punishable as a felony; and**

(II) **Involves a significant and imminent threat to public safety; and**

(2) **Identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of substantial bodily harm to the peace officer or another person;**

(b) **Describes with specificity the factual circumstances as to why there are no reasonable alternatives to effectuate the arrest of the defendant other than in the manner prescribed by the no-knock warrant;**

(c) **States whether the no-knock warrant can be executed during the day and, if it cannot, describes with specificity the factual circumstances that preclude the no-knock warrant from being executed during the day; and**

(d) **Certifies that the no-knock warrant will be executed under the guidance of a peace officer who is trained in the execution of warrants.**

**4. More than one warrant or summons may ~~issue~~ be issued on the same application, complaint or citation.**

**5. If a defendant fails to appear in response to ~~the~~ a summons, a warrant ~~shall issue.~~ must be issued for the arrest of the defendant.**

**6. ~~A peace officer shall not deliberately misrepresent a material fact or omit material information in an affidavit described in subsection 3, and if the affidavit is based upon a deliberately misrepresented fact or an omission of material information, the magistrate shall reject the affidavit.~~ no-knock warrant issued pursuant to subsection 3 is void if:**

*(a) A peace officer deliberately misrepresents a material fact or deliberately omits material information in an affidavit in support of an application for the no-knock warrant; and*

*(b) When the misrepresented material fact is excluded or the omitted material information is included, the affidavit does not meet the criteria set forth in paragraphs (a) to (d), inclusive, of subsection 3.*

Sec. 1.2. NRS 171.108 is hereby amended to read as follows:

171.108 ~~The~~ A warrant of arrest is an order in writing in the name of the State of Nevada which ~~shall~~ **must**:

1. Be signed by the magistrate with the magistrate's name of office;
2. Contain the name of the defendant or, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty;
3. State the date of its issuance, and the county, city or town where it was issued;
4. ~~Describe~~ **State** the offense ~~charged~~ **described** in ~~the complaint; and~~ **NRS 171.106;**

5. Command that the defendant be arrested and brought before the nearest available magistrate ~~+~~ **; and**

**6. State whether the warrant is a no-knock warrant.**

Sec. 1.3. NRS 171.112 is hereby amended to read as follows:

171.112 ~~The~~

1. A summons **is an order in writing in the name of the State of Nevada** which ~~shall be in the same form as the warrant except that it shall summon~~ **must**:

**(a) Include the information described in subsections 1 to 4, inclusive, of NRS 171.108; and**

**(b) Summon** the defendant to appear before a magistrate at a stated time and place.

2. Upon a complaint against a corporation, the magistrate must issue a summons, signed by the magistrate, with the magistrate's name of office, requiring the corporation to appear before the magistrate at a specified time and place to answer the charge, the time to be not less than 10 days after the issuing of the summons.

Sec. 1.4. NRS 171.122 is hereby amended to read as follows:

171.122 1. Except as otherwise provided in subsection ~~2~~ **3**, the warrant must be executed by the arrest of the defendant. The **peace** officer need not have the warrant in the **peace** officer's possession at the time of the arrest, but upon request the **peace** officer must show the warrant to the defendant as soon as possible. If the **peace** officer does not have a warrant in the **peace** officer's possession at the time of the arrest, the **peace** officer shall then inform the defendant of the **peace** officer's intention to arrest the defendant, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for the defendant's arrest and detention. If

the defendant either flees or forcibly resists, the *peace* officer may, except as otherwise provided in NRS 171.1455, use only the amount of reasonable force necessary to effect the arrest.

2. *In addition to the requirements described in subsection 1, if the warrant is a no-knock warrant, the peace officers involved in the execution of the no-knock warrant shall:*

*(a) Before executing the no-knock warrant, determine whether the circumstances necessitate that the arrest of the defendant be effectuated in the manner prescribed by the no-knock warrant and, if they do not, the peace officers shall not effectuate the arrest of the defendant in such a manner; and*

*(b) In executing the no-knock warrant:*

*(1) Wear prominent insignia that renders the peace officers readily identifiable as peace officers;*

*(2) Wear a portable event recording device in accordance with the requirements described in NRS 289.830;*

*(3) Use only the amount of force reasonably necessary to enter the premises; and*

*(4) As soon as practicable after entering the premises, identify the presence of the peace officers and state the purpose of the peace officers for entering the premises.*

3. In lieu of executing ~~the~~ a warrant by arresting the defendant, a peace officer may issue a citation as provided in NRS 171.1773 if:

(a) The warrant is issued upon an offense punishable as a misdemeanor;

(b) The *peace* officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;

(c) The defendant provides satisfactory evidence of his or her identity to the peace officer;

(d) The defendant signs a written promise to appear in court for the misdemeanor offense; and

(e) The *peace* officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

~~3.—The~~

4. A summons must be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.

**Sec. 1.5.** NRS 171.152 is hereby amended to read as follows:

171.152 1. The peace officer executing a warrant by arrest shall make return thereof to the magistrate before whom the defendant is brought pursuant to NRS 171.178 and 171.184. At the request of the district attorney any unexecuted warrant must be returned to the magistrate by whom it was issued and must be cancelled.

2. The peace officer executing a warrant by issuance of a citation pursuant to subsection ~~2~~ 3 of NRS 171.122 shall:

(a) Record on the warrant the number assigned to the citation issued thereon;

(b) Attach the warrant to the citation issued thereon; and

(c) Return the warrant and citation to the magistrate before whom the defendant is scheduled to appear.

3. On or before the return day the person to whom a summons was delivered for service shall make return thereof to the magistrate before whom the summons is returnable.

4. At the request of the district attorney made at any time while the complaint is pending, a warrant returned unexecuted and not cancelled or a summons returned unserved or a duplicate thereof may be delivered by the magistrate to a peace officer for execution or service.

**Sec. 1.7.** Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.8 to 2.5, inclusive, of this act.

**Sec. 1.8.** *As used in NRS 179.015 to 179.115, inclusive, and sections 1.8 to 2.5, inclusive, of this act, the words and terms defined in NRS 179.015 and section 1.9 of this act have the meanings ascribed to them in those sections.*

**Sec. 1.9.** *“No-knock warrant” means a search warrant which authorizes a peace officer to enter a premises without first:*

*1. Knocking on the door or ringing the doorbell and identifying the presence of the peace officer; or*

*2. Identifying the presence of the peace officer and stating the intended purpose of the peace officer for entering the premises.*

**Sec. 2.** 1. *A magistrate shall not issue a no-knock warrant to search the person or place named in the search warrant unless an affidavit sworn to before the magistrate:*

*(a) Demonstrates that:*

*(1) The underlying offense:*

*(I) Is punishable as a felony; and*

*(II) Involves a significant and imminent threat to public safety; and*

*(2) Identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of substantial bodily harm to the peace officer or another person;*

*(b) Describes with specificity the factual circumstances as to why there are no reasonable alternatives to effectuate the search of the place or person other than in the manner prescribed by the no-knock warrant;*

(c) States whether the no-knock warrant can be executed during the day and, if it cannot, describes with specificity the factual circumstances that preclude the no-knock warrant from being executed during the day; and

(d) Certifies that the no-knock warrant will be executed under the guidance of a peace officer who is trained in the execution of search warrants.

2. ~~A peace officer shall not deliberately misrepresent a material fact or omit material information in any affidavit described in subsection 1, and if the affidavit is based upon a deliberately misrepresented fact or an omission of material information, the magistrate shall reject the affidavit.~~ no-knock warrant issued pursuant to subsection 1 is void if:

(a) A peace officer deliberately misrepresents a material fact or deliberately omits material information in an affidavit in support of an application for the no-knock warrant; and

(b) When the misrepresented material fact is excluded or the omitted material information is included, the affidavit does not meet the criteria set forth in paragraphs (a) to (d), inclusive, of subsection 1.

Sec. 2.5. In addition to the requirements for the execution of a search warrant described in NRS 179.075 and 179.077, if the search warrant is a no-knock warrant, the peace officers involved in the execution of the no-knock warrant shall:

1. Before executing the no-knock warrant, determine whether the circumstances necessitate that the search be effectuated in the manner prescribed by the no-knock warrant and, if they do not, the peace officers shall not effectuate the search in such a manner; and

2. In executing the no-knock warrant:

(a) Wear prominent insignia that renders the peace officers readily identifiable as peace officers;

(b) Wear a portable event recording device in accordance with the requirements described in NRS 289.830;

(c) Use only the amount of force reasonably necessary to enter the premises; and

(d) As soon as practicable after entering the premises, identify the presence of the peace officers and state the purpose of the peace officers for entering the premises.

Sec. 3. NRS 179.015 is hereby amended to read as follows:

179.015 ~~As used in NRS 179.015 to 179.115, inclusive, the term “property”~~ **“Property”** includes documents, books, papers and any other tangible objects.

Sec. 3.3. NRS 179.045 is hereby amended to read as follows:

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the warrant or as provided in subsection 3. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that



they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

2. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.

3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

4. Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be unsealed.

5. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate who authorized the signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.

6. The warrant must ~~be~~ :

(a) *Be* directed to a peace officer in the county where the warrant is to be executed ~~It must~~;

~~(a)~~ ;

(b) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof, ~~It~~ or

~~(b) Incorporate~~ *incorporate* by reference the affidavit or oral statement upon which it is based ~~It~~;

~~The warrant must command~~ ;

(c) *Command* the *peace* officer to search forthwith the person or place named for the property specified ~~It~~;

~~7. The warrant must direct~~ ;

(d) *Direct* that ~~It~~ *the warrant* be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a showing of good cause therefor, inserts a direction that ~~It~~ *the warrant* be served at any time ~~It~~;

~~8. The warrant must designate~~ ;

(e) *Designate* the magistrate to whom it is to be returned ~~It~~;

~~9. It~~ ; and

(f) *Indicate whether the search warrant is a no-knock warrant.*

7. As used in this section, “secure electronic transmission” means the sending of information from one computer system to another computer system in such a manner as to ensure that:

- (a) No person other than the intended recipient receives the information;
- (b) The identity of the sender of the information can be authenticated; and
- (c) The information which is received by the intended recipient is identical to the information that was sent.

**Sec. 3.7.** NRS 179.115 is hereby amended to read as follows:

179.115 NRS 179.015 to 179.115, inclusive, *and sections 1.8 to 2.5, inclusive, of this act* do not modify any other statute regulating search, seizure and the issuance and execution of search warrants in circumstances for which special provision is made.

**Sec. 4.** The amendatory provisions of this act apply to a warrant or summons issued on or after October 1, 2021.

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. 54.

Bill read second time.

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

Amendment No. 548.

AN ACT relating to agriculture; revising the qualifications of the members of the State Board of Agriculture; increasing the membership of the Board; revising certain related provisions pertaining to the Board; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the State Board of Agriculture, consisting of 11 members, and sets forth the qualifications of the members. (NRS 561.045, 561.055) **Sections 1 and 2** of this bill increase the membership of the Board to 13 members. **Section 3** of this bill makes a conforming change by increasing from six to seven the number of members of the Board that constitute a quorum. (NRS 561.095) **Section 2** also revises the membership of the Board by requiring that: (1) ~~one member is actively engaged in livestock production;~~ **two members are actively engaged in range or semirange cattle production;** (2) two members are actively engaged in growing crops, at least one of which is a specialty crop ~~;~~ ~~harvested by mechanical cultivation;~~ (3) one member is working in the field of supplemental nutrition distribution; (4) one member is actively engaged in food manufacturing or animal processing; and (5) one member has veterinary experience in a mixed-animal or large-animal practice and is licensed to practice veterinary medicine in this State. **Section 2** further removes the requirement that certain members be actively engaged in: (1) general farming; and (2) growing crops which are planted in

rows. (NRS 561.055) **Section 4** of this bill: (1) provides that each member who is serving on the ~~[State]~~ Board on June 30, 2022, continues to serve until the expiration of his or her term or until a vacancy occurs, whichever occurs first; and (2) requires the Governor to appoint the members representing supplemental nutrition distribution, food manufacturing or animal processing and mixed-animal or large-animal veterinary practice to terms commencing on July 1, 2022.

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

**Section 1.** NRS 561.045 is hereby amended to read as follows:

561.045 There is hereby created in the Department a State Board of Agriculture composed of ~~11~~ **13** members appointed by the Governor.

**Sec. 2.** NRS 561.055 is hereby amended to read as follows:

561.055 1. ~~{Three members}~~ ***The membership*** of the Board ~~{must be}~~ ***consists of:***

(a) ~~{One member}~~ ***Two members who ~~is~~ are*** actively engaged in range or semirange cattle ***production.***

(b) ~~{One member who is actively engaged in livestock production.}~~, one in

~~{(c) One member who is actively engaged in dairy production.}~~ ~~{one}~~

~~{(d) (c) One member who is actively engaged in range or semirange sheep production.}~~ ~~{one in general farming, one}~~

~~{(e) (d) One member who is actively engaged in general agriculture.}~~ ~~{one in growing crops which are planted in rows spaced to permit mechanical cultivation, one}~~

~~{(f) (e) Two members who are actively engaged in growing crops, at least one of which is a specialty crop.}~~ ~~{harvested by mechanical cultivation.}~~

~~{(g) (f) One member who is actively engaged in the control of pests.}~~ ~~{one}~~

~~{(h) (g) One member who is actively engaged in the petroleum industry.}~~ ~~{and one}~~

~~{(i) (h) One member who is actively engaged in raising nursery stock.}~~

~~{(j) (i) One member who is working in the field of supplemental nutrition distribution.}~~

~~{(k) (j) One member who is actively engaged in food manufacturing or animal processing.}~~

~~{(l) (k) One member who has veterinary experience in a mixed-animal or large-animal practice and is licensed to practice veterinary medicine pursuant to chapter 638 of NRS.}~~

2. Not more than two members may be residents of the same county. ~~{and the range or semirange cattle production members must be residents of different counties.}~~

**Sec. 3.** NRS 561.095 is hereby amended to read as follows:

561.095 1. The members of the Board may meet at such times and at such places as may be specified by the call of the Chair or a majority of the

Board, and a meeting of the Board may be held regularly at least once every 3 months. In case of an emergency, special meetings may be called by the Chair or by the Director.

2. ~~Six~~ **Seven** members of the Board constitute a quorum. A quorum may exercise all the authority conferred on the Board.

3. Minutes and audio recordings or transcripts of each meeting, regular or special, must be filed with the Department and, except as otherwise provided in NRS 241.035, are public records. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

**Sec. 4.** The amendatory provisions of section 2 of this act do not affect the current term of any person who, on June 30, 2022, is a member of the State Board of Agriculture, and each such member continues to serve until the expiration of his or her current term or until a vacancy occurs, whichever occurs first. On or before July 1, 2022, the Governor shall appoint to the State Board of Agriculture:

1. One person who satisfies the qualifications set forth in paragraph ~~(c)~~ **(i)** of subsection 1 of NRS 561.055, as amended by section 2 of this act, to a term commencing on July 1, 2022;

2. One person who satisfies the qualifications set forth in paragraph ~~(d)~~ **(i)** of subsection 1 of NRS 561.055, as amended by section 2 of this act, to a term commencing on July 1, 2022; and

3. One person who satisfies the qualifications set forth in paragraph ~~(e)~~ **(k)** of subsection 1 of NRS 561.055, as amended by section 2 of this act, to a term commencing on July 1, 2022.

**Sec. 5.** 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2022.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 654.

AN ACT relating to local governments; revising provisions governing the imposition of certain special assessments by a board of county commissioners or a governing body of a city; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, if the owner of real property fails to abate certain nuisances or dangerous structures or conditions or remove or cover graffiti, a board of county commissioners may make the costs incurred by the county for

the abatement, covering or removal, and any related civil penalties, a special assessment against the real property and collect the special assessment in the same manner as ordinary county taxes are collected. (NRS 244.360-244.3605, 244.3694) **Section 1** of this bill authorizes a board of county commissioners to also recover an unpaid fine or fee for ~~an offense~~ **certain offenses** relating to real property by making the unpaid fine or fee a special assessment against the real property, which may be collected at the same time and in the same manner as ordinary county taxes.

Under existing law, a special assessment for civil penalties relating to chronic nuisances, public nuisances or dangerous structures or conditions may not be imposed unless: (1) for chronic nuisances, at least 180 days have elapsed after the date specified in a court order or appellate court order for the abatement of the chronic nuisance, and for public nuisances or dangerous structures or conditions, at least 12 months have elapsed after the date specified in the notice by the board of county commissioners or governing body of a city or a court order for the abatement of the public nuisance; (2) the owner has been notified that the civil penalties are due; and (3) the amount of the uncollected civil penalties is more than \$5,000. (NRS 244.3603, 244.3605, 268.4122, 268.4124) **Sections 2-5** of this bill eliminate the requirement that 180 days or 12 months, as applicable, have elapsed.

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

**Section 1.** Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A board of county commissioners may adopt an ordinance to recover any unpaid fine or fee for an offense relating to real property from the owner of the real property by making the fine or fee a special assessment against the real property in accordance with subsection 2.*

*2. Except as otherwise provided in NRS 244.360 to 244.3605, inclusive, and 244.3694, an ordinance adopted pursuant to subsection 1:*

*(a) Must set forth the offense relating to real property for which an unpaid fine or fee may be collected as a special assessment; ~~and~~*

*(b) May not authorize the collection of an unpaid fine or fee for an offense relating to real property as a special assessment against the real property unless the owner of the real property:*

*(1) Has been billed, served or otherwise notified that the fine or fee is due; and*

*(2) Has been afforded a reasonable period of time, as set forth in the ordinance, to pay the fine or fee or to request a hearing to appeal the fine or fee ~~if~~; and*

*(c) Must set forth the process by which a special assessment against the real property may be extinguished if the offense relating to real property is abated and the real property remains in compliance for 180 days after the date the offense is abated.*

3. *A special assessment authorized pursuant to subsection 1 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.*

4. As used in this section, “offense relating to real property” means any violation of a law or ordinance relating to:

(a) Transient lodging;

(b) Short-term rentals; or

(c) Abandoned property.

Sec. 2. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner’s property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action.

(2) If the chronic nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the chronic nuisance.

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than \$750 per day; or

(2) If the property is residential property, of not more than \$500 per day, ➡ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the board or its designee unless:

(a) ~~At least 180 days have elapsed after the~~ **The** date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later ~~is~~, **has passed;**

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

6. If a designee of the board imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) “Commercial real estate” has the meaning ascribed to it in NRS 645.8711.

(c) “Controlled substance analog” has the meaning ascribed to it in NRS 453.043.

(d) “Immediate precursor” has the meaning ascribed to it in NRS 453.086.

(e) “Nuisance activity” means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

(f) “Person associated with the property” means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

↪ the property or a person present on the property.

(g) “Residential property” means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold,



leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

↪ The term does not include commercial real estate.

**Sec. 3.** NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;  
(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or  
(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

↪ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board relating to the order of abatement and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(4) Afforded an opportunity for a hearing before the designee of the board relating to the imposition of civil penalties and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside

storage, suitable fencing, opaque covering, trees, shrubbery or other means if the conditions of subsection 4 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.444 to 706.453, inclusive.

4. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the board or its designee unless:

(a) ~~At least 12 months have elapsed after the~~ **The** date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later ~~is~~, **has passed;**

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

7. If a designee of the board imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, “dangerous structure or condition” means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

**Sec. 4.** NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

→ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body relating to the order of abatement and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.444 to 706.453, inclusive.

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body or its designee may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the governing body or its designee unless:

(a) ~~{At least 12 months have elapsed after the}~~ *The* date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later ~~{,}~~, *has passed*;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

7. If a designee of the governing body imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

**Sec. 5.** NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on the property of two or more nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the city attorney for legal action.

(2) If the nuisance is not an immediate danger to the public health, safety and welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the nuisance.

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than \$750 per day; or

(2) If the property is residential property, of not more than \$500 per day, ➡ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the governing body or its designee may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body or its designee unless:

(a) ~~[At least 180 days have elapsed after the]~~ **The** date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later ~~is~~, **has passed;**

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

6. If a designee of the governing body imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

(f) “Person associated with the property” means a person who, on the occasion of a nuisance activity, has:

- (1) Entered, patronized or visited;
- (2) Attempted to enter, patronize or visit; or
- (3) Waited to enter, patronize or visit,

→ a property or a person present on the property.

(g) “Residential property” means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

→ The term does not include commercial real estate.

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. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 60.

Bill read second time and ordered to third reading.

Senate Bill No. 63.

Bill read second time and ordered to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 67.

Bill read second time and ordered to third reading.

Senate Bill No. 82.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.



Senate Bill No. 98.

Bill read second time and ordered to third reading.

Senate Bill No. 107.

Bill read second time and ordered to third reading.

Senate Bill No. 114.

Bill read second time and ordered to third reading.

Senate Bill No. 125.

Bill read second time and ordered to third reading.

Senate Bill No. 128.

Bill read second time and ordered to third reading.

Senate Bill No. 141.

Bill read second time and ordered to third reading.

Senate Bill No. 151.

Bill read second time and ordered to third reading.

Senate Bill No. 160.

Bill read second time and ordered to third reading.

Senate Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 601.

AN ACT relating to crimes; revising provisions relating to crimes motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that if a person commits certain crimes ordinarily punishable as misdemeanors because of certain characteristics of the victim including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, then the crime committed is punishable as a gross misdemeanor. (NRS 207.185) Existing law also provides that if a person commits certain crimes punishable as felonies because a certain characteristic of the victim, including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, is different from that characteristic of the perpetrator, then the crime is punishable by an additional penalty. (NRS 193.1675) For these crimes punishable as felonies, **section 1** of this bill removes the requirement that the perpetrator must have a characteristic that is different from the characteristic of the victim for the additional penalty to apply and instead provides that the perpetrator may be punished by an additional penalty if the perpetrator committed the crime because of the characteristics of the victim, thereby making the standard the same for these crimes as it is for certain crimes

punishable as misdemeanors under existing law. **Section 1** also adds to the list of such crimes punishable as felonies the crime of making threats or conveying false information concerning acts of terrorism, weapons of mass destruction or lethal agents or toxins.

**Section 2** of this bill adds to the list of crimes ordinarily punishable as misdemeanors that are punishable as gross misdemeanors if committed because of certain characteristics of the victim the crime of threatening to cause bodily harm or death to a pupil or employee of a school district or charter school.

**Sections 1 and 2 also: (1) provide that a person commits a crime because of the characteristics of the victim if the existence of any such characteristic is the primary cause in fact for the commission of the crime; and (2) require the prosecuting attorney to prove beyond a reasonable doubt that the person would not have committed the crime but for the existence of such a characteristic. Sections 1 and 2 additionally provide that any incidental comment about such a characteristic of the victim that is made by the person who commits the crime must not be the sole basis for imposing an additional or enhanced penalty, respectively, against the person, but may be considered together with other evidence as to the motivation of the person for committing the crime.**

Existing law authorizes a person who has suffered injury as the proximate result of the commission of certain crimes by a perpetrator who was motivated by certain characteristics of the injured person to bring a civil action to recover his or her actual damages and punitive damages. (NRS 41.690) **Section 3** of this bill adds to the list of such crimes for which such a person may bring such a civil action the crimes of: (1) making threats or conveying false information concerning acts of terrorism, weapons of mass destruction or lethal agents or toxins; and (2) threatening to cause bodily harm or death to a pupil or employee of a school district or charter school.

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

**Section 1.** NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who , ~~by reason~~ ***because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons,*** willfully violates any provision of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.481 which is punishable as a felony, NRS 200.508, 200.5099, subsection 2 of NRS 200.575, NRS ~~202.448~~, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270, 206.150, NRS 206.330 which is punishable as a felony or NRS 207.190 ~~because the actual or perceived race, color, religion, national origin, physical or mental~~

disability, sexual orientation or gender identity or expression of the victim was different from that characteristic of the perpetrator] may, in addition to the term of imprisonment prescribed by statute for the crime, 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. In determining the length of any additional penalty imposed, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. *For the purposes of this section, a person willfully violates any provision of law listed in subsection 1 because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons if the existence of any such protected characteristic is the primary cause in fact for the commission of the crime, regardless of whether one or more other causes for the commission of the crime exist. For an additional penalty to be imposed pursuant to this section, the prosecuting attorney must prove beyond a reasonable doubt that the person would not have committed the crime but for the existence of such a protected characteristic.*

3. *If a person willfully violates any provision of law listed in subsection 1, any comment made by the person about the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons that the court determines is incidental must not be the sole basis for imposing an additional penalty pursuant to this section, but may be considered in conjunction with other evidence as to the motivation of the person for committing the crime.*

4. A sentence imposed pursuant to this section:

- (a) Must not exceed the sentence imposed for the crime; and
- (b) Runs consecutively with the sentence prescribed by statute for the crime.

~~[2.]~~ 5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 2. NRS 207.185 is hereby amended to read as follows:

207.185 1. Unless a greater penalty is provided by law, a person who, ~~[by reason]~~ because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons, willfully violates any

provision of NRS 200.471, 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, NRS 205.0832 which is punishable as a misdemeanor, NRS 205.240, 205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.200, 206.310, NRS 206.330 which is punishable as a misdemeanor, NRS 207.180, 207.200 ~~for~~, 207.210 **or 392.915** is guilty of a gross misdemeanor.

**2. For the purposes of this section, a person willfully violates any provision of law listed in subsection 1 because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons if the existence of any such protected characteristic is the primary cause in fact for the commission of the crime, regardless of whether one or more other causes for the commission of the crime exist. For an enhanced penalty to be imposed pursuant to this section, the prosecuting attorney must prove beyond a reasonable doubt that the person would not have committed the crime but for the existence of such a protected characteristic.**

**3. If a person willfully violates any provision of law listed in subsection 1, any comment made by the person about the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons that the court determines is incidental must not be the sole basis for imposing an enhanced penalty pursuant to this section, but may be considered in conjunction with other evidence as to the motivation of the person for committing the crime.**

Sec. 3. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, **202.448**, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150, 206.200, 206.310, 206.330, 207.180, 207.190, 207.200 ~~for~~, 207.210 **or 392.915** by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

**Sec. 4.** The amendatory provisions of this act apply to offenses committed on or after October 1, 2021.

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. 172.

Bill read second time and ordered to third reading.

Senate Bill No. 176.

Bill read second time.

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

Amendment No. 597.

SUMMARY—Revises provisions relating to the Commission to Study Governmental Purchasing. (BDR ~~17-512~~ **27-512**)

AN ACT relating to governmental purchasing; ~~authorizing the Commission to Study Governmental Purchasing to request the drafting of not more than 1 legislative measure for each regular session of the Legislature;~~ revising the duties of the Commission ~~to~~ **to Study Governmental Purchasing;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 1 of this bill authorizes the Commission to Study Governmental Purchasing to request for each regular session of the Legislature the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. Section 2 of this bill makes conforming changes to indicate the placement of section 1 in the Nevada Revised Statutes.~~

Existing law requires the Commission **to Study Governmental Purchasing** to meet periodically to study practices in governmental purchasing and laws relating thereto and make recommendations to the Legislature with respect to those laws. (NRS 332.215) ~~Section 2.5 of this~~ **This bill:** (1) **removes the requirement that the Commission make such recommendations to the Legislature;** and (2) specifically requires the Commission to study ~~and make recommendations to the Legislature with regard to~~ best practices for awarding governmental purchasing contracts to companies that represent the diversity of this State or are located within communities served by the local government that is awarding the contract.

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

Section 1. ~~[Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. For a regular session, the Commission to Study Governmental Purchasing created by NRS 332.215 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.~~

~~2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 218D.100 is hereby amended to read as follows:~~

~~218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, and section 1 of this act apply to requests for the drafting of legislative measures for a regular session.~~

~~2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:~~

~~(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, and section 1 of this act for the requester; or~~

~~(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, and section 1 of this act, but is not in a subject related to the function of the requester.~~

~~3. The Legislative Counsel shall not:~~

~~(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.~~

~~(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.]~~

~~(Deleted by amendment.)~~

Sec. 2.5. NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing , *including, without limitation, best practices for awarding contracts to companies that represent the diversity of this State or are located within communities served by the governing body that is awarding the contract*, and laws relating thereto . ~~and The Commission shall make recommendations with respect to those practices and laws to the next regular session of the Legislature.]~~

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

Senate Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 602.

SENATORS DONDERO LOOP; CANNIZZARO, DONATE, D. HARRIS, NEAL,  
OHRENSCHALL, RATTI, SCHEIBLE AND SPEARMAN

**JOINT SPONSOR: ASSEMBLYWOMAN KRASNER**

AN ACT relating to civil actions; revising provisions relating to civil actions involving certain sexual offenses; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a civil action to recover damages for sexual abuse that occurred when the plaintiff was less than 18 years of age must be commenced within 20 years after either of the following occurs, whichever is later: (1) the plaintiff reaches 18 years of age; or (2) the plaintiff discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse. Existing law also provides that a civil action to recover damages for injuries suffered by a victim of pornography involving minors must be commenced within 20 years after either of the following occurs, whichever is later: (1) the court enters a verdict in a related criminal case; or (2) the victim reaches the age of 18 years. (NRS 11.215) **Section 1** of this bill eliminates the statute of limitations for a civil action to recover damages for: (1) sexual abuse or **sexual** exploitation if the sexual abuse or **sexual** exploitation occurred when the plaintiff was less than 18 years of age; and (2) injuries suffered by a victim of pornography involving minors.

Existing law provides that a criminal conviction of a defendant for the injury alleged in a civil action is conclusive evidence of all facts necessary to impose civil liability on the defendant. (NRS 41.133) **Section 2** of this bill provides that if a plaintiff is the victim of sexual abuse or **sexual** exploitation, a person has been convicted of a crime arising out of such sexual abuse or **sexual** exploitation and the plaintiff commences a civil action against a person other than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person sexually abused or **sexually** exploited the plaintiff. **Section 2** also provides that a person is liable to a plaintiff for damages if the person knowingly benefits from a venture that the person knew or should have known has engaged in sexual abuse or **sexual** exploitation of another person. Finally, **section 2** provides that if a person who is liable to a plaintiff knowingly

participated in and gained a benefit from or covered up the sexual abuse or **sexual** exploitation of the plaintiff, the person is liable for treble damages. The statute of limitations for bringing a civil action pursuant to **section 2** is set forth in **section 1**.

**Section 3** of this bill makes conforming changes by removing references to the statutes of limitations that were eliminated by this bill.

**Section 4** of this bill provides that the changes in this bill apply retroactively to any act constituting sexual abuse or **sexual** exploitation, any act relating to pornography and a minor and any act described in **section 2** for which a person would be liable even if the statute of limitations that was in effect at the time of the act has expired, which means that a civil action that would otherwise be time-barred by the former statute of limitations is revived by this bill.

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

**Section 1.** NRS 11.215 is hereby amended to read as follows:

11.215 1. ~~Except as otherwise provided in subsection 2 and NRS 217.007, an~~ **An** action to recover damages for an injury to a person arising from the sexual abuse **or sexual exploitation** of the plaintiff which occurred when the plaintiff was less than 18 years of age ~~must~~ **may** be commenced ~~within 20 years after the plaintiff~~:

~~— (a) Reaches 18 years of age; or~~

~~— (b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,~~

~~↪ whichever occurs later.] at any time after the sexual abuse or sexual exploitation occurred. In such an action, if the alleged injury to the plaintiff is the result of a series of two or more acts constituting sexual abuse or sexual exploitation, the plaintiff is not required to identify which specific act in the series of acts caused the alleged injury.~~

2. An action to recover damages pursuant to NRS 41.1396 ~~must~~ **may** be commenced ~~within 20 years after the occurrence of the following, whichever is later:~~

~~— (a) The court enters a verdict in a related criminal case; or~~

~~— (b) The] at any time, [after the victim reaches the age of 18 years.]~~

3. ~~[Unless the provisions of subsection 1 apply, an] An~~ action to recover damages pursuant to section 2 of this act ~~must be commenced within 30~~ **20** years after ~~]:~~

~~— (a) The sexual abuse or exploitation occurred; or~~

~~— (b) The plaintiff discovers or reasonably should have discovered that his or her injury was caused by sexual abuse or exploitation,~~

~~↪ whichever occurs later.] the plaintiff reaches 18 years of age.~~

4. As used in this section ~~["sexual"]~~:

~~(a) "Sexual abuse" has the meaning ascribed to it [abuse or exploitation] means unwanted sexual contact and includes, without limitation, sexual abuse as defined] in NRS 432B.100, [and sexual exploitation as defined]~~



(b) “Sexual exploitation” has the meaning ascribed to it in NRS 432B.110.

Sec. 2. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a plaintiff is the victim of sexual abuse or sexual exploitation, a person has been convicted of a crime arising out of such sexual abuse or sexual exploitation of the plaintiff and the plaintiff commences a civil action against a person other than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person convicted of the crime sexually abused or sexually exploited the plaintiff.*

2. *A person is liable to a plaintiff for damages if the person knowingly benefits, financially or by receiving anything of tangible value, from participation in a venture which that person knew or should have known has engaged in sexual abuse or sexual exploitation of another person.*

3. *A person who is liable to a plaintiff under subsection 2 and who knowingly participated in and gained a benefit from or covered up the sexual abuse or sexual exploitation of the plaintiff is liable to the plaintiff for treble damages.*

4. *For the purposes of this section, a hotel, motel or other establishment with more than ~~200~~ 175 rooms available for sleeping accommodations for the public shall be deemed not to benefit, or to have gained a benefit, from the rental of a room.*

5. *As used in this section:*

(a) *“Convicted” has the meaning ascribed to it in NRS 41B.070.*

(b) *“Cover up” means a concerted effort to hide evidence relating to sexual abuse or sexual exploitation.*

(c) *“~~Sexual abuse or exploitation~~ abuse” has the meaning ascribed to it in NRS ~~41.215~~ 432B.100.*

(d) “Sexual exploitation” has the meaning ascribed to it in NRS 432B.110.

Sec. 3. NRS 217.007 is hereby amended to read as follows:

217.007 1. A victim may commence any action specified in NRS 11.190 ~~11.215~~ or 207.470 which arises from the commission of a felony, against the person who committed the felony within 5 years after the time the person who committed the felony becomes legally entitled to receive proceeds for any contribution to any material that is based upon or substantially related to the felony which was perpetrated against the victim.

2. If the limitation period established in NRS 11.190 ~~11.215~~ or 207.520 has otherwise expired, the liability of the person committing the felony to a victim imposed under this section must be limited to the value of the proceeds received by the person who committed the felony for any contribution to material that is based upon or substantially related to the felony which was perpetrated against the victim.

3. For purposes of this section:

(a) “Material” means a book, magazine or newspaper article, movie, film, videotape, sound recording, interview or appearance on a television or radio station and live presentations of any kind.

(b) “Proceeds” includes money, royalties, real property and any other consideration.

(c) “Victim” means any person:

(1) Against whom a crime has been committed;

(2) Who has been injured or killed as a direct result of the commission of a crime; or

(3) Who is the surviving spouse, a parent or a child of such a person.

**Sec. 4.** 1. The amendatory provisions of this act apply retroactively to any act constituting sexual abuse or sexual exploitation and any act for which a person is liable under NRS 41.1396 or section 2 of this act that occurred before the effective date of this act, regardless of any statute of limitations that was in effect at the time the act constituting sexual abuse or sexual exploitation or act for which a person is liable under NRS 41.1396 or section 2 of this act occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before the effective date of this act.

2. As used in this section ~~1. “sexual”~~ :

~~(a) “Sexual abuse” for exploitation” has the meaning ascribed to it in NRS 11.215, as amended by this act. 432B.100.~~

**(b) “Sexual exploitation” has the meaning ascribed to it in NRS 432B.110.**

**Sec. 5.** This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 204.

Bill read second time and ordered to third reading.

Senate Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 580.

AN ACT relating to education; revising provisions relating to a program of instruction based on an alternative schedule; revising certain provisions relating to programs of distance education; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires that boards of trustees of school districts provide a minimum of 180 days of free school. Existing law authorizes the

Superintendent of Public Instruction to authorize a school district to provide a program of instruction on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction provided in a program consisting of 180 days. (NRS 388.090) **Section 1** of this bill removes certain limitations imposed by existing law on a program of instruction based on an alternative schedule. Existing law similarly requires the minutes of instruction provided by a full-time program of distance education to be equal to or greater than the number of minutes of instruction provided in a program consisting of 180 days. (NRS 388.842) **Section 3** of this bill authorizes a pupil who demonstrates sufficient proficiency to meet the objectives of a course of distance education to complete the course in a shorter period of time than is normally allotted.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to provide a program of distance education. (NRS 388.820-388.874) Under existing law, the Department of Education is required to publish a list of courses of distance education. (NRS 388.834) Existing law authorizes the board of trustees of a school district or the governing body of a charter school to apply to the Department to provide a program of distance education. (NRS 388.838) **Section 2** of this bill requires the board of trustees of a school district and the governing body of a university school for profoundly gifted pupils to: (1) develop a plan for conducting a program of distance education; (2) present the plan to the public or the sponsor of the university school for profoundly gifted pupils, as applicable; (3) provide a copy of the plan to the school community, parents and employees of the school district or university school for profoundly gifted pupils; and (4) develop and implement a plan to make necessary technology available to such pupils and school employees. **Section 2** of this bill imposes similar requirements on the governing body of a charter school and additionally requires a governing body to submit such a plan in a request to amend the charter contract of the charter school. **Section 4.5** of this bill makes a conforming change related to a program of distance education provided by a university school for profoundly gifted pupils. Existing law also requires the board of trustees of a school district or the governing body of a charter school to ensure that in a course offered through a program of distance education, a teacher enters into a written agreement with the pupil and the parent or legal guardian of the pupil regarding the course. (NRS 388.866) **Section 4** of this bill instead requires the teacher to provide information regarding the course to the pupil and the parent or legal guardian of the pupil.

**Section 1.5** of this bill amends the definition in existing law of “distance education” to include both synchronous and asynchronous instruction. (NRS 388.826) Existing law establishes the eligibility of a pupil to enroll in a program of distance education. (NRS 388.850) **Section 3.5** of this bill revises the circumstances in which a pupil is eligible to enroll in such a program.

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

**Section 1.** NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section and NRS 388D.330, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. ~~If a school district is located in a county whose population is 100,000 or more, the board of trustees of the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district:~~

~~—(a) Will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 6; or~~

~~—(b) Is designed solely for the purpose of providing regular professional development to educational personnel and such professional development is focused on analyzing and discussing measures of the performance of pupils and identifying appropriate instructional strategies to improve the achievement of pupils.~~

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days. ~~Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.~~

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity.

Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section and NRS 388.095 and 388.097 must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180.

~~{6.—The State Board shall adopt regulations defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.}~~

**Sec. 1.5.** NRS 388.826 is hereby amended to read as follows:

388.826 “Distance education” means *synchronous or asynchronous* instruction which is delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

**Sec. 2.** NRS 388.838 is hereby amended to read as follows:

388.838 1. The board of trustees of a school district or the governing body of a charter school *or a university school for profoundly gifted pupils* may submit an application to the Department to provide a program of distance education. In addition, a committee to form a charter school may submit an application to the Department to provide a program of distance education if the application to form the charter school submitted by the committee pursuant to NRS 388A.246 indicates that the charter school intends to provide a program of distance education.

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the Department pursuant to NRS 388.834 or a program that is comprised of one or more courses ~~{of distance education which have not been reviewed by the Department before submission of the application.}~~ *contained in the model curriculum of the school district or charter school.*

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the State Board by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the Department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the Department pursuant to NRS 388.834 before submission of the application.

*(c) A description of how the program will ensure access to technology for pupils and teachers or other school employees and communicate with pupils, their families and staff regarding the program of distance education.*

4. Except as otherwise provided in this subsection, the Department shall approve an application submitted pursuant to this section if the application

satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations. The Department shall deny an application to provide a program of distance education submitted by a committee to form a charter school if the Department denies the application to form a charter school submitted by that committee. The Department shall provide written notice to the applicant of the Department's approval or denial of the application.

5. If the Department denies an application, the Department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The Department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations.

**6. *The board of trustees of each school district and the governing body of each university school for profoundly gifted pupils that provides a program of distance education shall:***

***(a) Develop a plan for conducting a program of distance education.***

***(b) Present the plan for conducting a program of distance education to the public at a public meeting or, if the plan was developed by the governing body of a university school for profoundly gifted pupils, the sponsor of the university school at least 45 days before the first day of each school year.***

***(c) Provide a copy of the plan for conducting a program of distance education to the school community, parents and employees of the school district or university school for profoundly gifted pupils.***

***(d) On or before December 31 of each year, develop a plan to make technology available to all pupils and teachers or other school employees involved in a program of distance education. The plan must include, without limitation, an estimate of the cost to make technology available to the pupils and teachers or other school employees. The board of trustees of each school district and governing body of each university school for profoundly gifted pupils shall post the plan created pursuant to this paragraph on its Internet website.***

***(e) On or before August 1 of each year, implement the plan developed pursuant to paragraph (d).***

**7. *The governing body of each charter school:***

***(a) Shall develop a plan for conducting a program of distance education for at least 10 school days in the event of an emergency that necessitates the closing of all public schools in this State.***

***(b) Present its plan for conducting a program of distance education to the sponsor of the charter school at least 45 days before the first day of each school year.***

(c) *May develop a plan for conducting a program of distance education outside of an emergency that necessitates the closing of all public schools in this State.*

(d) *If a plan for conducting a program of distance education is developed pursuant to paragraph (c), shall submit the plan as part of a written request for an amendment of the charter contract pursuant to NRS 388A.276.*

(e) *Shall provide a copy of the plan for conducting a program of distance education to the school community, parents and employees of the charter school.*

(f) *Shall, on or before December 31 of each year, develop a plan to make technology available to all pupils and teachers involved in a program of distance education. The plan must include, without limitation, an estimate of the cost to make technology available to the pupils and teachers or other school employees. The governing body of each charter school shall post the plan created pursuant to this paragraph on its Internet website.*

Sec. 3. NRS 388.842 is hereby amended to read as follows:

388.842 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

(b) During any part of the calendar year.

2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

3. *A pupil enrolled in a program of distance education on a full-time basis who demonstrates sufficient proficiency to meet the objectives of a course of distance education may complete the course of distance education in a shorter period of time than is normally allotted for the course of distance education.*

Sec. 3.5. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education ~~[unless:]~~ if:

(a) Pursuant to this section or other specific statute, the pupil is ~~not~~ eligible for enrollment or the pupil's enrollment is not otherwise prohibited;

(b) The program of distance education in which the pupil wishes to enroll is offered by the school district in which the pupil resides ~~offers~~ or a charter school or, if the program of distance education in which the pupil wishes to enroll is a full-time program of distance education ~~that~~ offered by a school district other than the school district in which the pupil resides, the program is not the same or substantially similar to ~~the~~ a program of distance education offered by the school district in which the pupil ~~wishes to enroll~~ resides;

(c) The pupil ~~[fails to satisfy]~~ satisfies the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; ~~for~~ and

~~{(c)}~~ (d) The pupil ~~[fails to satisfy]~~ satisfies the requirements of the program of distance education.

2. A child who is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

~~3.4~~ 4. *A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.*

**Sec. 4.** NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that:

(a) For each course offered through the program, a teacher:

(1) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course;

(2) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress; and

(3) ~~[Enters into a written agreement with]~~ **Provides** the pupil and the pupil's parent or legal guardian ~~[outlining]~~ **with** the objectives of the course, the timeline for completion of the course and the method by which the progress of the pupil will be assessed; or

(b) The program satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a:

(a) Licensed teacher; or

(b) Teacher, instructor or professor who provides instruction at a community college or university. Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he or she provides instruction at a community college or university.

**Sec. 4.5.** NRS 388C.130 is hereby amended to read as follows:

388C.130 1. The governing body of a university school for profoundly gifted pupils may provide a program of distance education for any pupil or prospective pupil who is otherwise eligible to attend the school. ***If the governing body of a university school provides a program of distance***



*education, the governing body must comply with the provisions of subsection 6 of NRS 388.838.*

2. As used in this section, “program of distance education” means a program comprised of one or more courses of study for which instruction is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

**Sec. 5.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4.5, inclusive, of this act become effective:

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

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

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. 247.

Bill read second time and ordered to third reading.

Senate Bill No. 249.

Bill read second time and ordered to third reading.

Senate Bill No. 259.

Bill read second time and ordered to third reading.

Senate Bill No. 268.

Bill read second time and ordered to third reading.

Senate Bill No. 285.

Bill read second time and ordered to third reading.

Senate Bill No. 289.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

Senate Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 581.

AN ACT relating to education; requiring the Commission on Professional Standards in Education to adopt regulations related to paraprofessionals **and**

certain other employees and to student teaching; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Commission on Professional Standards in Education to adopt regulations relating to the qualifications to obtain a license to teach in this State. (NRS 391.019) This bill requires the Commission to adopt regulations that: (1) allow a person who is currently employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the area in which the person is currently employed as a paraprofessional; ~~and~~ (2) require the Department of Education to accept a student teaching experience completed in another state or a foreign country if the Department determines that experience substantially fulfills the requirements of a program of student teaching in this State. ~~It ; and~~ **(3) allow a person who is currently employed by a public school to provide support or other services relating to school psychology to simultaneously complete a program of internship in psychology.**

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

**Section 1.** NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied

all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the

Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

*(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.*

*(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.*

*(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.*

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

**Sec. 2.** This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 604.

AN ACT relating to crimes; revising provisions relating to the interception of certain wire communications; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law makes it unlawful, with certain exceptions, to intercept or attempt to intercept any wire communication unless: (1) the interception or attempted interception is made with the prior consent of one of the parties to the communication; and (2) an emergency situation exists and it is impractical to obtain a court order. Existing law requires any person who has made an interception in an emergency situation to make a written application to a justice of the Supreme Court or district judge for ratification of the interception within 72 hours of the interception. (NRS 200.620) ~~[This bill]~~ Existing law additionally provides that it is not unlawful for ~~[any person]~~ a peace officer specifically designated by the Attorney General or the district attorney of any county, or a person acting under the direction or request of a peace officer, to intercept ~~[or attempt to intercept]~~ the wire, electronic or oral communication of a person who has: (1) barricaded himself or herself and is not exiting or surrendering at the lawful request of a peace officer, in circumstances in which there is imminent risk of harm to the life of another person as a result of the actions of the person who is barricaded or the actions of law enforcement in resolving the barricade situation; ~~[or]~~ (2) created a hostage situation ~~[or]~~ ; or (3) threatened the imminent illegal use of an explosive. (NRS 179.463) This bill clarifies that under such circumstances, the interception or attempted interception of a wire communication: (1) is not unlawful; and (2) does not require the consent of the person whose wire communication is intercepted or attempted to be intercepted or the filing of an application for ratification by the court of the interception or attempted interception.

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

**Section 1.** NRS 200.620 is hereby amended to read as follows:

200.620 1. Except as otherwise provided in *subsection 5 and* NRS 179.410 to 179.515, inclusive, 209.419 and 704.195, it is unlawful for any person to intercept or attempt to intercept any wire communication unless:

(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and

(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:

(1) The communication was intercepted; and

(2) Upon application to the court, ratification of the interception was denied.

2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.

3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:

(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and

(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.

4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official law enforcement or fire-fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire-fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations initiated by the law enforcement or fire-fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.

5. *The interception or attempted interception of a wire communication is not unlawful if the person is intercepting the communication of a person who has:*

~~— (a) Barricaded himself or herself and is not exiting or surrendering at the lawful request of a peace officer, in circumstances in which there is an imminent risk of harm to the life of another person as a result of the actions of the person who is barricaded or the actions of law enforcement in resolving the barricade situation; or~~

~~— (b) Created a hostage situation.~~

~~6. For the purposes of subsection 5:~~

~~— (a) A barricade occurs when a person:~~

~~— (1) Refuses to come out from a covered or enclosed position after being provided an order to exit by a peace officer; or~~

~~— (2) Is contained in an open area and the presence or approach of a peace officer precipitates an imminent risk of harm to the life of another person.~~

~~(b) A hostage situation occurs when a person holds another person against his or her will, regardless of whether the person holding the other person has made a demand.~~

~~7. As used in this section, "peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, under the circumstances set forth in subsection 1 of NRS 179.463.~~

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. 359.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 605.

SUMMARY—~~[Provides additional]~~ **Revises the** penalties ~~if a fire or explosion results from~~ **for** the commission of certain prohibited acts ~~if~~ **relating to controlled substances.** (BDR 40-1006)

AN ACT relating to crimes; ~~providing additional~~ **revising the** penalties ~~if a fire or explosion results from~~ **for** the commission of certain prohibited acts ~~if~~ **relating to controlled substances;** and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law: (1) prohibits the unauthorized manufacturing or compounding of a controlled substance other than marijuana; and (2) provides that a person who engages in such unauthorized manufacturing or compounding of a controlled substance other than marijuana 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 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000. (NRS 453.322) **Section 1** of this bill provides that ~~in addition to any punishment that may be imposed for~~ **if such** unauthorized manufacturing or compounding of a controlled substance other than marijuana ~~if~~ **causes** a fire or explosion ~~occurs as the result of such manufacturing or compounding of a controlled substance other than marijuana,~~ the person is ~~also~~ guilty of a category ~~C~~ **B** felony ~~if~~ **and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.**

Existing law prohibits: (1) the unauthorized manufacturing, growing, planting, cultivating, harvesting, drying, propagating or processing of marijuana, which is punishable as a category E felony; and (2) the unauthorized extraction of **concentrated** cannabis, which is punishable as a category C felony. (NRS 453.3393) **Section 2** of this bill ~~provides that in~~

~~addition to any other punishment that may be imposed for violating such prohibitions, if a fire or explosion occurs as the result of the violation, the person is also guilty of a category C felony. ]~~ **(1) reduces the penalty for the unauthorized extraction of concentrated cannabis from a category C felony to a category D felony; and (2) provides for the imposition of an additional penalty if the unauthorized manufacturing, growing, planting, cultivating, harvesting, drying, propagating or processing of marijuana or the unauthorized extraction of concentrated cannabis causes a fire or explosion.**

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

**Section 1.** NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.  
(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection ~~4-1~~ 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection ~~4-1~~ 5, is commonly used in manufacturing or compounding such a controlled substance.

↪ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in **subsection 3 or** NRS 453.3385, a person who violates any provision of subsection 1 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 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$100,000.

3. ~~In addition to any other punishment that may be imposed pursuant to this section, if~~ **If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, , occurs as the result of such manufacturing or compounding of a controlled substance other than marijuana, or an attempt to do so, the person is guilty of a category ~~C~~ 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 3 years and a maximum term of not more**



**than 20 years, and may be further punished by a fine of not more than \$100,000.**

4. The court shall not grant probation to a person convicted pursuant to this section.

~~4-1~~ 5. The following chemicals are identified for the purposes of subsection 1:

- (a) Acetic anhydride.
- (b) Acetone.
- (c) N-Acetylanthranilic acid, its esters and its salts.
- (d) Anthranilic acid, its esters and its salts.
- (e) Benzaldehyde, its salts, isomers and salts of isomers.
- (f) Benzyl chloride.
- (g) Benzyl cyanide.
- (h) 1,4-Butanediol.
- (i) 2-Butanone (or methyl ethyl ketone or MEK).
- (j) Ephedrine, its salts, isomers and salts of isomers.
- (k) Ergonovine and its salts.
- (l) Ergotamine and its salts.
- (m) Ethylamine, its salts, isomers and salts of isomers.
- (n) Ethyl ether.
- (o) Gamma butyrolactone.
- (p) Hydriodic acid, its salts, isomers and salts of isomers.
- (q) Hydrochloric gas.
- (r) Iodine.
- (s) Isosafrole, its salts, isomers and salts of isomers.
- (t) Lithium metal.
- (u) Methylamine, its salts, isomers and salts of isomers.
- (v) 3,4-Methylenedioxy-phenyl-2-propanone.
- (w) N-Methylephedrine, its salts, isomers and salts of isomers.
- (x) Methyl isobutyl ketone (MIBK).
- (y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
- (z) Nitroethane, its salts, isomers and salts of isomers.
- (aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
- (bb) Phenylacetic acid, its esters and its salts.
- (cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
- (dd) Piperidine and its salts.
- (ee) Piperonal, its salts, isomers and salts of isomers.
- (ff) Potassium permanganate.
- (gg) Propionic anhydride, its salts, isomers and salts of isomers.
- (hh) Pseudoephedrine, its salts, isomers and salts of isomers.
- (ii) Red phosphorous.
- (jj) Safrole, its salts, isomers and salts of isomers.
- (kk) Sodium metal.
- (ll) Sulfuric acid.
- (mm) Toluene.

Sec. 2. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or title 56 of NRS.

2. Unless a greater penalty is provided in subsection 3 or NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of title 56 of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category ~~C~~ D felony and shall be punished as provided in NRS 193.130.

4. ~~In addition to any other punishment that may be imposed pursuant to this section, if a person:~~

~~(a) Manufactures, grows, plants, cultivates, harvests, dries, propagates or processes marijuana in violation of subsection 1; or~~

~~(b) Extracts concentrated cannabis in violation of subsection 3;~~

~~and a fire or explosion occurs as the result of the violation, the person is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~5. If a person violates:~~

~~(a) Subsection 1 by manufacturing, growing, planting, cultivating, harvesting, drying, propagating or processing marijuana; or~~

~~(b) Subsection 3 by extracting concentrated cannabis,~~

~~and the violation causes a fire or explosion, the person shall, in addition to the term of imprisonment prescribed in this section for the underlying violation, 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 4 years.~~

~~5. In determining the length of the additional penalty imposed pursuant to subsection 4, the court shall consider the following information:~~

~~(a) The facts and circumstances of the violation;~~

~~(b) The criminal history of the person;~~

~~(c) The impact of the violation on any victim;~~

~~(d) Any mitigating factors presented by the person; and~~

~~(e) Any other relevant information.~~

~~The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.~~

~~6. The sentence prescribed by subsection 4:~~

~~(a) Must not exceed the sentence imposed for the underlying violation of subsection 1 or 3, as applicable; and~~

~~(b) Must run consecutively with the sentence imposed for the underlying violation of subsection 1 or 3, as applicable.~~

**7. The provisions of subsection 4 do not create any separate offense but provide an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.**

**8.** In addition to any punishment imposed pursuant to this section, the court shall order a person convicted of a violation of this section to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana or the extraction of concentrated cannabis.

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. 362.

Bill read second time and ordered to third reading.

Senate Bill No. 363.

Bill read second time and ordered to third reading.

Senate Bill No. 370.

Bill read second time and ordered to third reading.

Senate Bill No. 371.

Bill read second time and ordered to third reading.

Senate Bill No. 406.

Bill read second time.

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

Amendment No. 549.

AN ACT relating to wildlife; **revising provisions governing the Wildlife Trust Fund;** authorizing a tag to be in an electronic format under certain circumstances; revising the requirements for an annual resident specialty combination hunting and fishing license; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Existing law requires the Department of Wildlife to establish the Wildlife Trust Fund and authorizes the Department to accept gifts, donations, bequests or devises from any private source for deposit in the Wildlife Trust Fund. (NRS 501.3585) Existing law authorizes a state agency, with certain exceptions, to accept a gift or grant of property or services that is not included in an act of the Legislature authorizing the expenditure of nonappropriated money if the gift or grant is approved by the Governor or the Interim Finance Committee, as applicable. One of the exceptions from the requirement for such approval by the Interim Finance Committee is the acceptance by a state agency of a gift or grant**

**from a private source that does not exceed \$20,000 in value. (NRS 353.335) Section 6.5 of this bill exempts from any requirement for approval the first \$250,000 received by the Department of Wildlife as a gift, donation, bequest or devise, or combination thereof, from a private source for any one unanticipated emergency event. Section 1.5 of this bill defines an “unanticipated emergency event” as: (1) the unanticipated spread of a communicable disease among wildlife in this State; (2) drought conditions in this State that the Department determines to be extreme; (3) a wildfire or the rehabilitation efforts related to a wildfire; or (4) any other similar unanticipated event that puts wildlife, wildlife habitat or human life at risk. Section 1.5 requires the Director of the Department or his or her designee, as soon as practicable after receiving any gift, donation, bequest or devise from a private source for an unanticipated emergency event that is exempt from the requirement for approval, to submit a report regarding the gift, donation, bequest or devise to the Board of Wildlife Commissioners and the Interim Finance Committee. The approval procedure that existing law requires for gifts of \$20,000 or more in value which are made to state agencies by private sources applies to the acceptance by the Department of: (1) gifts, donations, bequests or devises of \$20,000 or more in value that are received from a private source for an unanticipated emergency event and are in excess of the first \$250,000 received from a private source as a gift, donation, bequest or devise, or combination thereof, for that event; and (2) gifts, donations, bequests or devises of \$20,000 or more in value that are received from a private source and which are not for an unanticipated emergency event. (NRS 353.335)**

Existing law requires the Department of Wildlife to designate the form of a tag for certain species of wildlife. (NRS 502.160) Existing law also requires a tag to be attached to a species of wildlife before the holder of a tag takes possession of the species. (NRS 502.150) **Section 4** of this bill requires that the Department designate a paper or electronic form for a tag. **Section 3** of this bill provides that an electronic tag must be validated before the holder of the tag transports the species of wildlife. **Sections 2 and 5** of this bill make conforming changes relating to electronic tags and validating electronic tags.

Existing law requires the Department to issue an annual resident specialty combination hunting and fishing license to any person 65 years of age or older who has continuously resided in this State for a period of 5 years immediately preceding the date of the application for the license. (NRS 502.240) **Section 6** of this bill removes the requirement that such a person have continuously resided in the State for the 5 years immediately preceding the date of the application.

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

**Section 1.** (Deleted by amendment.)

**Sec. 1.5.** **NRS 501.3585 is hereby amended to read as follows:**

501.3585 1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. ~~[Any money received is private money and not state money.]~~ All money must be accounted for in the Wildlife Trust Fund.

2. *As soon as practicable after receiving any gift, donation, bequest or devise for an unanticipated emergency event from any private source pursuant to subsection 1 that is exempt from the provisions of NRS 353.335 pursuant to paragraph (d) of subsection 6 of NRS 353.335, the Director or the Director's designee shall submit to the Commission and the Interim Finance Committee a report which states:*

*(a) The unanticipated emergency event for which the gift, donation, bequest or devise was received;*

*(b) The amount of the gift, donation, bequest or devise;*

*(c) The amount of the gift, donation, bequest or devise that was expended for the unanticipated emergency event; and*

*(d) The private source from which the gift, donation, bequest or devise was received.*

3. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

~~{3}~~ 4. The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

~~{4}~~ 5. The Director or the Director's designee shall annually post on the Internet website maintained by the Department a statement setting forth the investment and expenditure of the money in the Wildlife Trust Fund.

~~{5}~~ 6. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Director of the Office of Finance for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

~~{6}~~ 7. The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.

8. *As used in this section, "unanticipated emergency event" means:*

(a) The unanticipated spread of a communicable disease among wildlife in this State;

(b) Drought conditions in this State that the Department determines to be extreme;

(c) A wildfire or the rehabilitation efforts related to a wildfire; or

(d) Any other similar unanticipated event that puts wildlife, wildlife habitat or human life at risk.

Sec. 2. NRS 502.147 is hereby amended to read as follows:

502.147 1. The Department shall make available restricted nonresident deer tags in an amount not to exceed the amount set forth in this section. If the number of persons who apply for restricted nonresident deer tags is greater than the number of tags to be issued, the Department shall conduct a drawing to determine the persons to whom to issue the tags.

2. The number of restricted nonresident deer tags must:

(a) Be subtracted from the quota of rifle deer tags for nonresidents; and

(b) Not exceed 16 percent of the deer tags issued to nonresidents during the previous year or 400 tags, whichever is greater.

3. The number of restricted nonresident deer tags issued for any management area or unit must not exceed 37.5 percent, rounded to the nearest whole number, of the rifle deer tags issued to nonresidents during the previous year for that management area or unit.

4. The Department shall ~~mail~~ **provide** the tags to the successful applicants ~~by mail or electronically, if the applicant elects to receive the tag in an electronic form.~~

Sec. 3. NRS 502.150 is hereby amended to read as follows:

502.150 1. Whenever tags are required for any species of wildlife, it is unlawful to have any of that species in possession without the **correct** tag . ~~Attached thereto and such possession~~ **Before transporting any species of wildlife, or parts thereof, for which a tag is required, the holder of:**

(a) **A paper tag must attach the tag to the animal; or**

(b) **An electronic tag must validate the tag in accordance with the regulations adopted by the Commission pursuant to NRS 502.160.**

↪ **Possession of any species of wildlife, or parts thereof, for which a tag is required** without an attached **or validated** tag , **as applicable**, is prima facie evidence that the game is illegally taken and possessed.

2. It is unlawful to remove any tag from any wildlife for reuse or to be in possession of excess tags or used tags.

3. Whenever tags are required for any species of fur-bearing mammal, possession of a pelt of that species without the tag attached thereto **or validated, as applicable**, is prima facie evidence that such pelt is illegally taken and possessed.

Sec. 4. NRS 502.160 is hereby amended to read as follows:

502.160 1. The Department shall designate the ~~form~~ **electronic and paper forms** of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number

of the person to whom it is issued. Each tag must show the game for which it may be used, the year and, whenever necessary, the management area in which it may be used.

2. The Commission may adopt any regulations necessary relative to the manner of qualifying and applying for, using, completing, attaching, filling out, punching, inspecting, validating or reporting such tags. It is unlawful for any person to fail to abide by any such regulation.

**Sec. 5.** NRS 502.215 is hereby amended to read as follows:

502.215 1. If any person who possesses a tag to hunt a big game mammal kills an animal that is believed to be diseased and unfit for human consumption, the person shall place his or her tag on the carcass ~~in the manner provided by law or regulation~~ **or validate the tag in accordance with NRS 502.150 and any regulations adopted by the Commission pursuant to NRS 502.160** and provide the whole carcass for inspection by an authorized representative of the Department or, at the person's own expense, by a veterinarian licensed to practice in Nevada. Except as otherwise provided in this subsection, the holder of the tag who provides the carcass for such an inspection is entitled, if the carcass is diseased and unfit for human consumption, to receive at no charge another tag as a replacement for the ~~one the holder placed on the carcass pursuant to this subsection~~ **carcass determined to be diseased and unfit for consumption**. The holder shall choose whether the replacement tag is to be issued for the current hunting season or for the next similar season in the following year. If the holder chooses to retain the head, antlers, carcass, horns or hide of the animal, and the authorized representative of the Department approves the retention, the holder shall be deemed to waive any claim the holder may have had for the issuance of a replacement tag.

2. A replacement tag issued pursuant to subsection 1 for the current hunting season is valid for:

(a) The entire remaining portion of the season for which the original tag was issued; or

(b) If the original tag was issued for a period of a split season, the entire remaining portion of the period for which the original tag was issued or the entire following period, if any.

3. A replacement tag issued pursuant to subsection 1 must be:

(a) Issued for the same unit for which the original tag was issued.

(b) Used in the same manner as or pursuant to the same conditions or restrictions applicable to the original tag.

4. The Commission shall adopt by regulation:

(a) A procedure for the inspection and verification of the condition of such a carcass;

(b) Requirements for the disposal of such a carcass if it is determined to be diseased and unfit for human consumption;

(c) Requirements for the disposition of the hide and the antlers or horns of the animal; and

(d) Except as otherwise provided in subsection 2, a procedure for the issuance of a replacement tag pursuant to this section.

5. For the purposes of this section, “split season” means a season which is divided into two or more periods.

**Sec. 6.** NRS 502.240 is hereby amended to read as follows:

502.240 1. The Department shall issue:

(a) Resident licenses and limited permits pursuant to this section to any person who is a resident of this State pursuant to NRS 502.015.

(b) Nonresident licenses and limited permits pursuant to this section to any person who does not qualify as a resident of this State pursuant to NRS 502.015.

2. Except as otherwise provided in NRS 504.390, the Department shall issue a license or permit to any person who is 18 years or older upon the payment of the following fee for:

A resident annual fishing license.....	\$40
A resident 1-day permit to fish.....	9
Each consecutive day added to a resident 1-day permit to fish.....	3
A resident annual hunting license.....	38
A resident annual combination hunting and fishing license.....	75
A resident trapping license.....	40
A resident fur dealer’s license.....	63
A resident master guide’s license.....	750
A resident subguide’s license.....	125
A nonresident annual fishing license.....	80
A nonresident annual license to fish solely in the reciprocal waters of the Colorado River, Lake Mead, Lake Mojave, Lake Tahoe and Topaz Lake.....	30
A nonresident 1-day permit to fish.....	18
Each consecutive day added to a nonresident 1-day permit to fish.....	7
A nonresident annual combination hunting and fishing license.....	155
A nonresident trapping license.....	188
A nonresident fur dealer’s license.....	125
A nonresident master guide’s license.....	1,500
A nonresident subguide’s license.....	250
A nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds.....	23
Each consecutive day added to a nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds.....	8



3. The Department shall issue a license to any person who is at least 12 years of age but less than 18 years of age upon payment of the following fee for:

A resident youth combination hunting and fishing license.....	\$15
A resident youth trapping license .....	15
A nonresident youth combination hunting and fishing license.....	15

4. Except as otherwise provided in subsection 5, the Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of \$15 to:

(a) Any person who has been considered to be a resident of this State pursuant to NRS 502.015 ~~continuously for the 5 years~~ immediately preceding the date of application for the license and is 65 years of age or older.

(b) Any person who is a resident of this State pursuant to NRS 502.015 and who has a severe physical disability.

(c) Any person who is a resident of this State pursuant to NRS 502.015 and who has incurred a service-connected disability specified in NRS 502.072.

5. The Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of \$10 to any resident Native American of this State pursuant to NRS 502.280.

6. The Department shall issue to any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife.....	\$15
For a commercial or private shooting preserve .....	125
For a commercial license for the possession of live wildlife.....	500
For a live bait dealer's permit.....	44
For a competitive field trials permit .....	31
For a permit to train dogs or falcons .....	15
For a 1-year falconry license .....	38
For a 3-year falconry license .....	94
For an importation permit.....	15
For an import eligibility permit.....	31
For an exportation permit.....	15
For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.	

7. As used in this section, “severe physical disability” means a physical disability which materially limits a person’s ability to engage in gainful employment.

**Sec. 6.5. NRS 353.335 is hereby amended to read as follows:**

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

- (a) The need for the facility or service to be provided or improved;
- (b) Any present or future commitment required of the State;
- (c) The extent of the program proposed; and
- (d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding \$20,000 each in value; and

(b) Governmental grants not exceeding \$150,000 each in value,  
➡ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Office of Finance, the specific approval of the Chief.

6. This section does not apply to:

- (a) The Nevada System of Higher Education;
- (b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490; ~~for~~
- (c) Artifacts donated to the Department of Tourism and Cultural Affairs. ~~or~~

**(d) The initial \$250,000 received by the Department of Wildlife pursuant to subsection 1 of NRS 501.3585 as a gift, donation, bequest or devise, or combination thereof, for an unanticipated emergency event, as defined in NRS 501.3585.**

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 10. This act becomes effective on July 1, 2021.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Senate Bill No. 128 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 471.

Bill read second time and ordered to third reading.

Assembly Bill No. 479.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Senate Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 579.

SENATOR HAMMOND

**JOINT SPONSOR: ASSEMBLYWOMAN BILBRAY-AXELROD**

AN ACT relating to education; changing the date by which a child must be at least a certain age to be admitted to certain grades of school; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a child to be 5 years of age on or before September 30 to be admitted to kindergarten at the beginning of the school year. In addition to other requirements, existing law requires a child to be 6 years of age on or before September 30 to be admitted to the first grade, and 7 years of age on or before September 30 to be admitted to the second grade. (NRS 392.040) This bill changes the date by which a child must attain a certain age to start certain grades at the beginning of the school year from September 30 to ~~[August 7]~~ **the first day of the school year.**

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

**Section 1.** NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~[September 30]~~ **August 7]** ~~the first day~~ of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~[September 30]~~ **August 7]** ~~the first day~~ of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~[September 30]~~ **August 7]** ~~the first day~~ of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

↪ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~[September 30]~~ **August 7]** ~~the first day~~ of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~[September 30]~~ **August 7]** ~~the first day~~ of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents,

custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~September 30~~ ~~August 7~~ the first day of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➡ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before ~~September 30~~ ~~August 7~~ the first day of the next school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

➡ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents,

custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

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

2. Section 1 of this act becomes effective:

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

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

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 188.

Bill read second time.

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

Amendment No. 612.

SUMMARY—Establishes programs for certain persons of low-income and ~~persons in foster care.~~ **certain children.** (BDR 38-711)

AN ACT relating to public assistance; requiring the Office of the State Treasurer to solicit gifts, grants and donations to establish the Individual Development Account Program under which certain persons may establish an

individual development account; creating the Nevada Statewide Council on Financial Independence; prohibiting certain entities from considering money deposited into an individual development account by certain persons to be income under certain circumstances; requiring certain entities to ensure that instruction in financial literacy is provided to certain persons if money is available to provide such instruction; requiring the State Treasurer to ensure that certain instruction and training is provided to a tenant of a housing project if money is available to provide such instruction and training; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The Oregon Individual Development Account Initiative program allows certain persons from low-income households to establish an individual development account into which the person deposits money to save and later use for certain purposes. A fiduciary organization manages the Program and matches the amounts deposited by a person. (Or. Rev. Stat. §§ 458.670-458.700) **Sections 15-25** of this bill provide for the establishment of a similar program in this State entitled the Individual Development Account Program. **Section 20** of this bill requires the Office of the State Treasurer to: (1) solicit gifts, grants and donations to carry out the Program; and (2) establish the Program if sufficient money is obtained. **Section 20** authorizes the Office to: (1) select one or more fiduciary organizations to administer the money in the Program pursuant to **section 24** of this bill; and (2) distribute a portion of the money obtained to the Department of Health and Human Services, foster care licensing agencies and housing authorities to provide instruction in financial literacy to account holders.

**Section 21** of this bill generally provides that if the Program is established, a person who qualifies to become an account holder is authorized to establish an individual development account. To qualify to become an account holder, **section 21** requires a person to be: (1) a resident of this State; (2) twelve years of age or older; and (3) a tenant of a housing project for persons of low income in this State, a recipient of Medicaid, ~~or~~ a provider of foster care or a relative or a fictive kin with whom a child is placed by an agency which provides child welfare services who is creating such an account for a child placed in his or her care. **Section 21** further provides that to establish an individual development account, the account holder and the fiduciary organization must enter into an agreement wherein the account holder deposits funds into a financial institution and the fiduciary organization deposits matching funds into the financial institution pursuant to **section 23** of this bill, with the goal of enabling the account holder to accumulate assets for use toward achieving a specific purpose authorized by the fiduciary organization pursuant to **section 22** of this bill. **Section 23** authorizes a fiduciary organization to accept and solicit gifts, grants and donations to fund the Program and requires the fiduciary organization to match deposits made by the account holder by not more than \$5 for each \$1 deposited by the account holder in his or her individual development account. **Section 23** further prohibits an account

holder from accruing more than \$3,000 of matching funds in any 12-month period.

**Sections 5-14** of this bill create the Nevada Statewide Council on Financial Independence. **Section 6** of this bill sets forth the membership of the Council. **Section 10** of this bill requires the Council to: (1) develop statewide priorities and strategies for helping persons who receive public assistance or social services to increase the financial independence of such persons; (2) coordinate with certain state agencies; and (3) oversee the Individual Development Account Program, if that Program is established.

**Section 2** of this bill prohibits the Department of Health and Human Services, under certain circumstances, from considering the money deposited in an individual development account by a recipient of Medicaid to be income for the purpose of determining the recipient's eligibility to receive benefits provided by Medicaid. If the Department receives money from the State Treasurer pursuant to **section 20**, **section 3** of this bill requires the Department to ensure that instruction in financial literacy is provided to a recipient of Medicaid who deposits a portion of his or her income into an individual development account. **Section 3** authorizes the Department to contract for the services of an independent contractor to provide such instruction in financial literacy. **Section 34** of this bill makes a conforming change by including the provisions of **sections 2 and 3** in the duties of the Director of the Department.

Existing law defines "provider of foster care" to mean a person who is licensed by the licensing authority to conduct a foster home. (NRS 424.017) Existing law defines "foster home" as a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children and includes: (1) a family foster home; (2) a specialized foster home; (3) an independent living foster home; and (4) a group foster home. (NRS 424.014) ~~Section 1~~ **Existing law: (1) defines "fictive kin" to mean a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child; and (2) authorizes an agency which provides child welfare services to place a child who is in protective custody with certain relatives or a fictive kin. (NRS 432B.390) Sections 27 and 30.5 of this bill** ~~authorizes~~ **authorize** a provider of foster care or a relative or fictive kin with whom a child is placed by an agency which provides child welfare services to, upon receiving the approval of the licensing authority, ~~if~~ **or agency, as applicable:** (1) establish an individual development account for a child placed in the care of the provider of foster care ~~if~~ **, relative or fictive kin;** and (2) deposit into the individual development account money received by the provider of foster care **, relative or fictive kin** to pay for the cost of providing care to the child if such use does not conflict with or prevent the provider of foster care **, relative or fictive kin** from providing care to the child. ~~Section 1~~ **Sections 27 and 30.5** additionally ~~provides~~ **provide** that: (1) the money in the individual development account is the property of the child for whom the account was established; (2) the child has access to the money in the individual development account upon reaching



18 years of age or being declared emancipated; and (3) the child may use the money in the individual development account only for certain purposes, as set forth in **section 22**. If the licensing authority **or agency which provides child welfare services, as applicable,** receives money from the State Treasurer pursuant to **section 20, ~~section~~ sections 28 and 30.7** of this bill ~~requires~~ **require** the licensing authority **or agency** to ensure that instruction in financial literacy is provided to a child for whom an individual development account is established. ~~Section~~ **Sections 28 authorizes and 30.7 authorize** the licensing authority **or agency which provides child welfare services** to contract for the services of an independent contractor to provide such instruction in financial literacy. **Sections 29 and 30** of this bill make conforming changes by exempting **sections 27 and 28** from certain requirements relating to foster homes. **Section 31** of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to use the money in the Normalcy for Foster Youth Account to provide monetary support to a provider of foster care **, relative or fictive kin** to establish and fund an individual development account. **Sections 30.3, 30.9, 31.2-31.8 and 46.5 of this bill replace definitions of “fictive kin” for individual sections in chapter 432B of NRS with a chapter-wide definition of that term that is identical to the definition of the term currently used in individual sections of that chapter.**

Existing law creates local housing authorities and the Nevada Rural Housing Authority to operate housing projects for persons of low income in this State. (NRS 315.320, 315.440, 315.977, 315.988) Existing law also prohibits a housing authority from accepting a tenant who earns more than a prescribed maximum income. (NRS 315.510, 315.994) **Sections 36 and 38** of this bill prohibit each local housing authority and the Nevada Rural Housing Authority from considering the money deposited in an individual development account by a tenant to be income for the purpose of determining the tenant’s eligibility to remain in the housing project.

If a local housing authority or the Nevada Rural Housing Authority receives money from the State Treasurer pursuant to **section 20, sections 37 and 39** of this bill require those organizations to ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account. **Sections 37 and 39** authorize each local housing authority and the Nevada Rural Housing Authority to contract for the services of an independent contractor to provide such instruction in financial literacy. **Sections 40-45** of this bill make conforming changes to indicate the proper placement of **sections 36-39** in the Nevada Revised Statutes.

Existing law sets forth the general powers and duties of the State Treasurer. (NRS 226.110) To the extent that money is available, **section 33** of this bill requires the State Treasurer to ensure that instruction and training in business opportunities and any benefits available to certain business enterprises are provided to a tenant of each local housing authority, the Nevada Rural Housing Authority and certain nonprofit organizations. Existing law authorizes the

State Treasurer to appoint and employ certain Deputies. (NRS 226.100)  
**Section 32** of this bill authorizes the State Treasurer to appoint and employ a Deputy of Financial Literacy and Security.

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

**Section 1.** Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *To the extent authorized by federal law, the Department shall not consider money deposited in an individual development account pursuant to section 21 of this act by a recipient of Medicaid to be income for the purpose of determining whether the person who deposited the money is eligible to receive or to continue to receive benefits that are provided by Medicaid.*

**Sec. 3. 1.** *The Department shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a recipient of Medicaid who deposits a portion of his or her income in an individual development account pursuant to section 21 of this act.*

**2.** *The Department may contract for the services of an independent contractor to provide the instruction required in subsection 1.*

**Sec. 4.** Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 25, inclusive, of this act.

**Sec. 5.** *As used in sections 5 to 25, inclusive, of this act, "Nevada Statewide Council on Financial Independence" means the Nevada Statewide Council on Financial Independence created by section 6 of this act.*

**Sec. 6. 1.** *The Nevada Statewide Council on Financial Independence is hereby created.*

**2.** *The Council is composed of the following voting members:*

- (a) The Lieutenant Governor or his or her designee;*
- (b) The State Treasurer or his or her designee;*
- (c) The Director or his or her designee;*
- (d) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;*
- (e) The Attorney General or his or her designee;*
- (f) The Executive Director of the Office of Economic Development or his or her designee;*
- (g) The Superintendent of Public Instruction of the Department of Education or his or her designee;*
- (h) The following five voting members, appointed by the State Treasurer:*
  - (1) A representative of:*
    - (I) An authority, as defined in NRS 315.170;*
    - (II) The Nevada Rural Housing Authority created by NRS 315.977;*

*or*

*(III) A nonprofit organization which primarily provides affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.;*

*(2) A representative of an agency which provides child welfare services, as defined in NRS 432B.030, operating in a county whose population is 700,000 or more;*

*(3) A representative of the Nevada System of Higher Education;*

*(4) A representative of Workforce Connections or its successor organization; and*

*(5) A representative with knowledge, skill and experience in programs designed for recipients of public assistance or social services.*

*3. The State Treasurer or his or her designee shall serve as Chair of the Council.*

*4. The Lieutenant Governor or his or her designee shall serve as Vice Chair of the Council.*

*Sec. 7. Any member appointed by the State Treasurer to fill a vacancy in the appointed membership of the Nevada Statewide Council on Financial Independence occurring before the expiration of a term shall be appointed by the State Treasurer for the remainder of the unexpired term.*

*Sec. 8. 1. The Nevada Statewide Council on Financial Independence may prescribe such bylaws as it deems necessary for its operation.*

*2. The Council shall meet at the call of the Chair as frequently as required to perform its duties, but not less than quarterly.*

*3. A majority of the voting members of the Council constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Council.*

*4. The Council and any working groups appointed pursuant to section 11 of this act shall comply with the provisions of chapter 241 of NRS and shall conduct all meetings in accordance with that chapter.*

*Sec. 9. 1. To the extent that money is available for this purpose, the Nevada Statewide Council on Financial Independence may provide:*

*(a) Compensation of not more than \$80 per day to each member of the Council who is not a public employee, while engaged in the business of the Council; and*

*(b) The per diem allowance and travel expenses provided for state officers and employees generally to each member of the Council while engaged in the business of the Council.*

*2. A member of the Council who is a public employee may not receive any compensation for his or her services as a member of the Council. Any member of the Council who is a public employee must be granted administrative leave from the duties of the member to engage in the business*

*of the Council without loss of his or her regular compensation. Such leave must not reduce the amount of the member's other accrued leave.*

*Sec. 10. The Nevada Statewide Council on Financial Independence shall:*

*1. Develop statewide priorities and strategies for helping persons who receive public assistance or social services so that the state agencies may collectively help increase the financial independence of such persons.*

*2. Coordinate with all state agencies that work with persons who receive public assistance or social services so that the state agencies may collectively help increase the financial independence of such persons.*

*3. Oversee the Individual Development Account Program established pursuant to sections 15 to 25, inclusive, of this act, if that Program is established.*

*Sec. 11. 1. The Chair of the Nevada Statewide Council on Financial Independence may, with the approval of the Council, appoint any working groups deemed necessary by the Chair to assist in carrying out the duties of the Council. If a working group is appointed, the Chair shall appoint to the working group the number of voting members that the Chair determines to be appropriate. The Chair may appoint any person the Chair deems appropriate to serve on a working group, except that a working group must include at least one member of the Council.*

*2. If a member of a working group formed pursuant to subsection 1 is a public employee, the member's employer must grant the member administrative leave from his or her duties to serve on the working group without loss of the member's regular compensation and without reducing the amount of any other leave the member may have accrued.*

*Sec. 12. To the extent that money is available for this purpose, the State Treasurer shall provide such staff assistance to the Nevada Statewide Council on Financial Independence as the State Treasurer deems appropriate and may designate the Office of the State Treasurer to provide such assistance.*

*Sec. 13. The Nevada Statewide Council on Financial Independence may apply for and receive gifts, grants, donations or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of sections 5 to 14, inclusive, of this act and to defray expenses incurred by the Council in the discharge of its duties.*

*Sec. 14. On or before February 15 of each year, the State Treasurer shall, if money is available:*

*1. Prepare a report setting forth the activities of the Nevada Statewide Council on Financial Independence; and*

*2. Submit a copy of the report to:*

*(a) The Governor; and*

*(b) The Director of the Legislative Counsel Bureau for transmittal to:*

*(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or*

*(2) If the Legislature is not in session, the Legislative Commission.*

Sec. 15. *As used in sections 15 to 25, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 16. *“Account holder” means a person who:*

- 1. Qualifies to become an account holder pursuant to section 21 of this act; and*
- 2. Has established an individual development account pursuant to section 22 of this act.*

Sec. 17. *“Fiduciary organization” means an organization that is selected pursuant to section 24 of this act to administer state money directed to individual development accounts and is a nonprofit organization which:*

- 1. Conducts fundraising activities; and*
- 2. Is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).*

Sec. 18. *“Financial institution” means a depository institution or any other institution regulated pursuant to title 55 of NRS. The term includes, without limitation, a holding company, affiliate or subsidiary of such an institution.*

Sec. 19. *“Program” means the Individual Development Account Program established pursuant to sections 15 to 25, inclusive, of this act.*

Sec. 20. *The Office of the State Treasurer:*

*1. Shall solicit and apply for gifts, grants and donations for the purpose of carrying out the provisions of sections 15 to 25, inclusive, of this act, including, without limitation, to fund matching payments by fiduciary institutions pursuant to section 23 of this act and fund the instruction and training required by sections 3, 28, 30.7, 37 and 39 of this act and paragraph (m) of subsection 1 of NRS 226.110.*

*2. To the extent that sufficient money is obtained pursuant to subsection 1, shall establish the Individual Development Account Program.*

*3. If the Program is established may:*

*(a) Transfer a portion of the money obtained pursuant to subsection 1 to:*

*(1) The Department of Health and Human Services to provide the instruction required by section 3 of this act;*

*(2) Each licensing authority, as defined in NRS 424.016, to provide the instruction required by section 28 of this act; ~~and~~*

*(3) Each agency which provides child welfare services, as defined in NRS 432B.030, to provide the instruction required by section 30.7 of this act;*  
*and*

*(4) Each authority, as defined in NRS 315.170 and the Nevada Rural Housing Authority created by NRS 315.977, to provide the instruction required by sections 37 and 39, respectively of this act; and*

*(b) Select one or more fiduciary organizations pursuant to section 24 of this act.*

Sec. 21. 1. Except as otherwise provided in subsection 6, a person who qualifies to become an account holder pursuant to subsection 2 may, if the Individual Development Account Program is established and sufficient money is available, establish an individual development account pursuant to sections 15 to 25, inclusive, of this act.

2. To qualify to become an account holder, a person must be:

(a) A resident of this State;

(b) Twelve years of age or older; and

(c) At least one of the following:

(1) A tenant of a housing project operated by:

(I) A local housing authority pursuant to NRS 315.140 to 315.7813, inclusive, and sections 36 and 37 of this act;

(II) The Nevada Rural Housing Authority pursuant to NRS 315.961 to 315.99874, inclusive, and sections 38 and 39 of this act; or

(III) A nonprofit organization which primarily provides affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.;

(2) A recipient of Medicaid; ~~for~~

(3) A provider of foster care who establishes an individual development account for a child placed in the care of the provider of foster care pursuant to section 27 of this act ~~for~~; or

(4) A relative or a fictive kin with whom a child is placed pursuant to paragraph (b) of subsection 6 of NRS 432B.390 who establishes an individual development account for the child pursuant to section 30.5 of this act.

3. To establish an individual development account pursuant to subsection 1, the account holder and a fiduciary organization must enter into an agreement wherein the account holder deposits funds into a financial institution in this State and the fiduciary organization deposits matching funds into the financial institution in this State pursuant to section 23 of this act with the goal of enabling the account holder to accumulate assets for use toward achieving a specific purpose authorized by the fiduciary organization pursuant to section 22 of this act.

4. Except for a provider of foster care or a relative or fictive kin with whom a child is placed pursuant to paragraph (b) of subsection 6 of NRS 432B.390 or for a child for whom an individual development account is established by a provider of foster care ~~for~~ or such a relative or fictive kin, every account holder, with support from the fiduciary organization, shall develop a personal development plan to increase the financial independence of the account holder and the household of the account holder through achievement of the authorized purpose of the individual development account. The account holder shall specify in the personal development plan

*the purpose for the use of the money in the individual development account. Such purposes must comply with section 22 of this act. In providing support to an account holder, the fiduciary organization shall ensure that:*

- (a) Instruction in financial literacy is provided to the account holder; and*
- (b) Mentorship or financial coaching services are provided to the account holder.*

*5. The fiduciary organization may contract for the services of an independent contractor to provide the instruction and mentorship or financial coaching services required pursuant to subsection 4.*

*6. A fiduciary organization shall refuse to allow a person who qualifies to become an account holder pursuant to subsection 2 to establish an individual development account if establishment of the individual development account would result in the members of the household of the person, as defined in section 22 of this act, having more than two individual development accounts.*

*7. As used in this section, “local housing authority” means an authority as defined in NRS 315.170.*

*Sec. 22. 1. A person may:*

- (a) Enter into an agreement with a fiduciary organization to establish an individual development account pursuant to section 21 of this act only for a purpose authorized by the fiduciary organization; and*
- (b) After establishing an individual development account pursuant to section 21 of this act, withdraw money from the individual development account only for a purpose authorized by the fiduciary organization.*

*2. A fiduciary organization may authorize the establishment of an individual development account and the withdrawal of money from the individual development account for one or more of the following purposes:*

- (a) The acquisition of postsecondary education or job training.*
- (b) If the account holder has established the individual development account for the benefit of a member of his or her household who is under 18 years of age, the payment of expenses for extracurricular activities, not including the payment of tuition, that are designed to prepare the member for postsecondary education or job training.*
- (c) The purchase of a primary residence. In addition to paying the price of purchasing the residence, the account holder may use money in the individual development account to pay any usual or reasonable settlement, financing or other closing costs. Unless the account holder was displaced from the residence, had lost ownership of the residence as a result of a divorce or is the owner of a manufactured home, the account holder must not have owned or held any interest in a residence during the 3 years immediately preceding the purchase.*
- (d) The rental of a primary residence. The account holder may use money in the individual development account to pay for security deposits, the rent for the first and last month of the rental period, any application fees and any other expenses necessary to move into the primary residence, as specified in*

*the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.*

*(e) The establishment of a small business. The account holder may use money in the individual development account to pay for expenses related to establishing the small business, to hire employees and to use for working capital pursuant to a business plan. The business plan must have been developed by a financial institution, nonprofit organization or other agent which has demonstrated expertise in business and which has been approved by the fiduciary organization. The business plan must include a description of the services or goods to be sold, a marketing plan and projected financial statements.*

*(f) Improvements, repairs or modifications necessary to make or keep the primary residence of the account holder habitable or accessible for the account holder or a member of his or her household.*

*(g) The purchase of equipment, technology or specialized training that is required for the account holder to become competitive in obtaining or maintaining employment or to establish or maintain a business, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.*

*(h) The purchase or repair of a vehicle, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.*

*(i) The saving of money for retirement, as specified in the personal development plan for increasing the independence of the account holder developed pursuant to section 21 of this act.*

*(j) The payment of debts owed for educational or medical purposes when the account holder is saving for another authorized purpose, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.*

*(k) The creation or improvement of the credit score of the account holder by obtaining a secured loan or a financial product that is designed to improve credit, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.*

*(l) The replacement of the primary residence of the account holder when such replacement offers a significant opportunity to improve the habitability or energy efficiency of the primary residence.*

*(m) The payment of medical expenses incurred by the account holder or a member of his or her household.*

*3. If the account holder is a child for whom a provider of foster care established an individual development account pursuant to section 27 of this act or a child for whom a relative or fictive kin established an individual development account pursuant to section 30.5 of this act and such an account holder seeks to withdraw money from the individual development account for a purpose authorized pursuant to subsection 2 that requires*



*information be specified in the personal development plan for increasing the financial independence of the account holder, the account holder shall develop a personal development plan that substantially complies with subsection 4 of section 21 of this act.*

*4. If the account holder of an individual development account established for the purpose set forth in paragraph (i) of subsection 2 has achieved the purpose of the account holder in accordance with the personal development plan developed pursuant to section 21 of this act, the account holder may withdraw, or authorize the withdrawal of, all deposits, including, without limitation, matching deposits and interest accrued on deposits, in the individual development account by rolling over the entire withdrawal amount into an individual retirement account, a retirement plan or a similar account or plan established under the Internal Revenue Service. Upon the withdrawal of all deposits in the individual development account, the fiduciary organization shall terminate the account relationship with the account holder.*

*5. If an account holder withdraws money from an individual development account without receiving the authorization of the fiduciary organization pursuant to subsection 2, the fiduciary organization may remove the account holder from the Program.*

*6. Except as otherwise provided in ~~section~~ sections 27 and 30.5 of this act, if the account holder moves outside of this State or is otherwise unable to continue in the Program, the fiduciary organization may remove the account holder from the Program.*

*7. If an account holder is removed from the Program pursuant to subsection 5 or 6, all matching deposits in the individual development account and all interest accrued on matching deposits shall revert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a source of matching deposits for other individual development accounts.*

*8. As used in this section, “household” means an association of persons who:*

- (a) Live in the same residence or dwelling;*
- (b) Are related by blood, adoption or marriage; and*
- (c) Are mutually dependent on each other for the basic necessities of life.*

*Sec. 23. 1. If the Individual Development Account Program is established, the State Treasurer must provide money obtained pursuant to section 20 of this act to fiduciary organizations for the purpose of funding matching payments by fiduciary institutions pursuant to subsection 2. A fiduciary organization may accept and solicit additional gifts, grants and donations for the Program. A fiduciary organization shall notify the State Treasurer of any such gifts, grants or donations received.*

*2. A fiduciary organization shall match amounts deposited by the account holder according to a formula established by the fiduciary organization and approved by the State Treasurer. The fiduciary*

*organization shall match and maintain on deposit in the individual development account not more than \$5 for each \$1 deposited by the account holder in his or her individual development account.*

*3. The fiduciary organization shall deposit the matching deposits made by the fiduciary organization pursuant to subsection 2 in a savings account that is:*

*(a) Jointly held by the account holder and the fiduciary organization that requires the signatures of both for withdrawals; or*

*(b) Controlled by the fiduciary organization and is separate from the savings account of the account holder.*

*4. Account holders shall not accrue more than \$3,000 of matching funds under subsection 2 in any 12-month period. A fiduciary organization may designate a lesser amount as a limit on matching funds made in any 12-month period.*

*5. A fiduciary organization shall maintain on deposit sufficient funds to cover the agreements to match the amounts deposited by the account holder for all individual development accounts administered by the fiduciary organization.*

*6. A fiduciary organization shall not expend more than 5 percent of the total amount of money accepted from the State Treasurer pursuant to subsection 1 to pay for its administrative expenses.*

*7. The State Treasurer may adopt regulations to establish a maximum total amount of money that may be deposited as matching funds into an individual development account.*

*Sec. 24. The State Treasurer may select one or more fiduciary organizations to administer any money received from the State Treasurer pursuant to section 23 of this act. In making the selections, the State Treasurer shall consider, without limitation, the following factors:*

*1. The ability of the fiduciary organization to implement and administer the Program, including, without limitation, the ability to:*

*(a) Verify that a person qualifies to become an account holder;*

*(b) Certify that the money in an individual development account is used only for authorized purposes; and*

*(c) Exercise general fiscal accountability;*

*2. The capacity of the fiduciary organization to provide or raise matching funds for the deposits of account holders;*

*3. The capacity of the fiduciary organization to provide support and general assistance to an account holder to increase the financial independence of the account holder and the household of the account holder; and*

*4. The connections that the fiduciary organization has to other activities and programs that are designed to increase the financial independence of persons who qualify to become account holders pursuant to section 21 of this act through:*

*(a) Education and training;*

- (b) *Home ownership; and*
- (c) *Small business development.*

Sec. 25. 1. *Subject to any regulations adopted by the State Treasurer and the oversight of the Nevada Statewide Council of Financial Independence, a fiduciary organization has authority over, and responsibility for, the administration of individual development accounts. The responsibility of the fiduciary organization extends to:*

- (a) *Marketing to participants;*
- (b) *Soliciting any additional matching funds pursuant to section 23 of this act and notifying the State Treasurer upon receipt of such funds;*
- (c) *Mentoring or counseling account holders;*
- (d) *Providing instruction in financial literacy; and*
- (e) *Conducting activities to ensure that an account holder is complying with sections 15 to 25, inclusive, of this act and any regulations adopted pursuant thereto.*

2. *A fiduciary organization may establish guidelines for the Program as the fiduciary organization determines to be necessary to ensure that an account holder complies with sections 21 and 22 of this act.*

3. *A fiduciary organization may act in partnership with other entities, including, without limitation, businesses, government agencies, nonprofit organizations, community development corporations, community action programs, housing authorities and charitable or religious organizations, to assist in fulfilling its responsibilities under sections 15 to 25, inclusive, of this act.*

4. *On or before February 15 of each year, a fiduciary organization selected to administer any money pursuant to section 24 of this act shall:*

- (a) *Prepare a report setting forth:*
  - (1) *The number of individual development accounts administered by the fiduciary organization;*
  - (2) *The amount of deposits and matching deposits made for each individual development account;*
  - (3) *The purpose of each individual development account;*
  - (4) *The number of withdrawals made from each individual development account; and*
  - (5) *Any other information the State Treasurer determines to be relevant; and*
- (b) *Submit a copy of the reports to the State Treasurer.*

5. *The State Treasurer may adopt regulations to carry out the provisions of section 15 to 25, inclusive, of this act ~~for~~, including, without limitation, regulations governing fees charged by fiduciary organizations in relation to the administration of individual development accounts.*

Sec. 26. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 27 and 28 of this act.

Sec. 27. 1. *Upon receiving approval pursuant to subsection 2, a provider of foster care may establish an individual development account for*

*a child placed in the care of the provider of foster care by the appropriate agency. The provider of foster care may deposit into the individual development account money received by the provider of foster care to pay for the cost of providing care to the child, if such use does not conflict with or prevent the provider of foster care from providing care to the child.*

*2. Before establishing an individual development account pursuant to subsection 1, a provider of foster care must receive the approval of the licensing authority to establish the individual development account and deposit a portion of the money received into such an account. The licensing authority shall grant such approval to the provider of foster care if the licensing authority determines that the depositing of money into the individual development account:*

*(a) Does not conflict with or prevent the provider of foster care from providing care to the child; and*

*(b) Is in the best interests of the child.*

*3. The money deposited into the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act is the property of the child for whom the individual development account was established.*

*4. The child:*

*(a) May access the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act upon reaching 18 years of age or upon being declared emancipated pursuant to NRS 129.080 to 129.140, inclusive, whether or not the child was part of the foster care system upon reaching 18 years of age or the child moved outside of the State before reaching 18 years of age or before being declared emancipated; and*

*(b) Upon obtaining access to the money pursuant to paragraph (a), must use the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act only for the purposes set forth in section 22 of this act.*

*5. Nothing in this section shall be construed as preventing:*

*(a) The child from maintaining a bank account and managing personal income, consistent with the age and developmental level of the child, as is the right of the child pursuant to paragraph (b) of subsection 10 of NRS 432.525; or*

*(b) The provider of foster care from establishing a savings account for a child placed in the care of the provider of foster care into which the provider of foster care deposits the personal income or money of the provider of foster care.*

*6. As used in this section, "foster care system" means the process whereby a child is:*

*(a) Placed in a foster home pursuant to this title; or*

*(b) In the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS.*

**Sec. 28.** *1. The licensing authority shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a child for whom an individual development account is established pursuant to section 27 of this act.*

*2. The licensing authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.*

**Sec. 29.** NRS 424.041 is hereby amended to read as follows:

424.041 1. ~~Each~~ ***Notwithstanding the provisions of section 27 of this act, each*** agency which provides child welfare services shall ensure that money allocated to pay for the cost of providing care to children placed in a specialized foster home is not used for any other purpose.

2. On or before August 1 of each year, each agency which provides child welfare services shall prepare and submit to the Division and the Fiscal Analysis Division of the Legislative Counsel Bureau a report listing all expenditures relating to the placement of children in specialized foster homes for the previous fiscal year.

3. Each agency which provides child welfare services shall provide to the Division any data concerning children who are placed in a specialized foster home by the agency upon the request of the Division.

**Sec. 30.** NRS 424.090 is hereby amended to read as follows:

424.090 1. The provisions of NRS 424.020 to 424.090, inclusive, ***and sections 27 and 28 of this act*** do not apply to homes in which:

(a) Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

(b) Care is provided by the legal guardian.

(c) Care is provided for an exchange student.

(d) Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

(e) Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

(f) Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

(g) Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

(1) The caregiver is related to the child within the fifth degree of consanguinity or a fictive kin; and

(2) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

2. As used in this section, “fictive kin” means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.

Sec. 30.1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 30.3, 30.5 and 30.7 of this act.

Sec. 30.3. “Fictive kin” means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 30.5. 1. Upon receiving approval pursuant to subsection 2, a relative or a fictive kin with whom a child is placed pursuant to paragraph (b) of subsection 6 of NRS 432B.390 may establish an individual development account for the child. The relative or fictive kin may deposit into the individual development account money received by the relative or fictive kin to pay for the cost of providing care to the child, if such use does not conflict with or prevent the relative or fictive kin from providing care to the child.

2. Before establishing an individual development account pursuant to subsection 1, a relative or fictive kin must receive the approval of an agency which provides child welfare services to establish the individual development account and deposit a portion of the money received into such an account. An agency which provides child welfare services shall grant such approval to the relative or fictive kin if the agency which provides child welfare services determines that the depositing of money into the individual development account:

(a) Does not conflict with or prevent the relative or fictive kin from providing care to the child; and

(b) Is in the best interests of the child.

3. The money deposited into the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act is the property of the child for whom the individual development account was established.

4. The child:

(a) May access the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act upon reaching 18 years of age or upon being declared emancipated pursuant to NRS 129.080 to 129.140, inclusive, whether or not the child was part of the foster care system or child welfare system upon reaching 18 years of age or the child moved outside of the State before reaching 18 years of age or before being declared emancipated; and

(b) Upon obtaining access to the money pursuant to paragraph (a), must use the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act only for the purposes set forth in section 22 of this act.

5. Nothing in this section shall be construed as preventing:

(a) A child who is placed with a relative or a fictive kin pursuant to paragraph (b) of subsection 6 of NRS 432B.390 from maintaining a bank account and managing personal income, consistent with the age and developmental level of the child; or

(b) The relative or fictive kin with whom a child is placed pursuant to paragraph (b) of subsection 6 of NRS 432B.390 from establishing a savings account for the child into which the relative or fictive kin deposits the personal income or money of the relative or fictive kin.

Sec. 30.7. 1. An agency which provides child welfare services shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a child for whom an individual development account is established pursuant to section 30.5 of this act.

2. An agency which provides child welfare services may contract for the services of an independent contractor to provide the instruction required by subsection 1.

Sec. 30.9. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, and section 30.3 of this act have the meanings ascribed to them in those sections.

Sec. 31. NRS 432B.174 is hereby amended to read as follows:

432B.174 1. The Normalcy for Foster Youth Account is hereby created in the State General Fund.

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

3. The Division of Child and Family Services may use money in the Account to:

(a) Provide monetary support to a provider of foster care who provides opportunities to a child in his or her care to participate in extracurricular, cultural or personal enrichment activities; ~~and~~

(b) Provide monetary support to ~~for~~ :

(1) A provider of foster care for the provider of foster care to establish and fund an individual development account pursuant to section 27 of this act; or

(2) A relative or a fictive kin for the relative or fictive kin to establish and fund an individual development account pursuant to section 30.5 of this act; and

(c) Award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities to children in foster care to participate in extracurricular, cultural or personal enrichment activities.

4. The Division of Child and Family Services may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of this section.

5. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

**Sec. 31.2. NRS 432B.390 is hereby amended to read as follows:**

432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services:

(a) May place a child in protective custody without the consent of the person responsible for the child's welfare if the agent, officer or designee has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect.

(b) Shall place a child in protective custody upon the death of a parent of the child, without the consent of the person responsible for the welfare of the child, if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody.

3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.

4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of a child if the agency has reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm.

5. Before taking a child for placement in protective custody, the person taking the child shall show his or her identification to any person who is responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his or her identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies the person as a person authorized pursuant to this section to place a child in protective custody.



6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed, except as otherwise provided in NRS 432B.3905, in the following order of priority:

- (a) In a hospital, if the child needs hospitalization.
- (b) With a person who is related within the fifth degree of consanguinity or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.
- (c) In a foster home that is licensed pursuant to chapter 424 of NRS.
- (d) In any other licensed shelter that provides care to such children.

7. Whenever possible, a child placed pursuant to subsection 6 must be placed together with any siblings of the child. Such a child must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.

8. A person placing a child in protective custody pursuant to subsection 1 shall:

- (a) Immediately take steps to protect all other children remaining in the home or facility, if necessary;
- (b) Immediately make a reasonable effort to inform the person responsible for the child's welfare that the child has been placed in protective custody; and
- (c) As soon as practicable, inform the agency which provides child welfare services and the appropriate law enforcement agency, except that if the placement violates the provisions of NRS 432B.3905, the person shall immediately provide such notification.

9. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

~~10. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.~~

**Sec. 31.4. NRS 432B.462 is hereby amended to read as follows:**

432B.462 1. As soon as possible after a petition is filed alleging that a child is in need of protection pursuant to NRS 432B.490 but no later than the date on which the disposition hearing is held pursuant to subsection 5 of NRS 432B.530, the court shall appoint an educational decision maker for the child.

2. There is a rebuttable presumption that it is in the best interests of the child for the court to appoint a parent or guardian of the child as the educational decision maker for the child. The court may appoint a person other than a parent or guardian as an educational decision maker for a child if, upon a motion from any party, the court finds that:

- (a) The parent or guardian of the child is unwilling or unable to act as the educational decision maker for the child; or
- (b) It is not in the best interests of the child for the parent or legal guardian to act as the educational decision maker for the child.

3. If the court makes a finding described in subsection 2, the court must appoint an educational decision maker for the child who has the knowledge

and skills to act in the best interests of the child in all matters relating to the education of the child. Such a person may include, without limitation:

- (a) A relative of the child within the fifth degree of consanguinity;
- (b) The foster parent or other provider of substitute care for the child;
- (c) A fictive kin of the child; ~~as that term is defined in subsection 10 of NRS 432B.390;~~
- (d) The guardian ad litem appointed for the child pursuant to NRS 432B.500; or
- (e) Another person whom the court determines is qualified to perform the duties of an educational decision maker prescribed by this section.

4. If possible, a person appointed as an educational decision maker for a child pursuant to subsection 3 must be the permanent caregiver recommended for the child in the plan for permanent placement adopted pursuant to NRS 432B.553.

5. The fact that a person other than the parent or guardian of a child is appointed as an educational decision maker pursuant to this section must not be used in any proceeding as evidence that the person is an unfit parent or unfit to be the guardian of the child.

6. An educational decision maker appointed pursuant to this section shall not be deemed to be an employee of a public agency involved in the education of the child.

7. An educational decision maker shall:

- (a) Have an initial meeting with the child and then shall meet with the child as often as he or she deems necessary to carry out the duties prescribed by this section in accordance with the best interests of the child;
- (b) Address any disciplinary issues relating to the education of the child with the child and the school in which the child is enrolled;
- (c) Ensure that the child receives a free and appropriate education in accordance with federal and state law, including, without limitation:
  - (1) Any special programs of instruction or special services for pupils with disabilities to which the child is entitled by federal or state law; and
  - (2) If the child is at least 14 years of age, educational services to assist the child in transitioning to independent living;
- (d) Consult with the agency which provides child welfare services concerning a determination about whether the child should change schools pursuant to NRS 388E.105, if applicable;
- (e) Participate in any meeting relating to the education of the child, including, without limitation, a meeting regarding any individualized education program established for the pupil pursuant to 20 U.S.C. § 1414(d) or special program of instruction or special service provided to the pupil;
- (f) To the extent practicable, communicate any concerns he or she has regarding the educational placement of the child and the educational services provided to the child and any recommendations to address those concerns to:
  - (1) The agency which provides child welfare services;
  - (2) The attorney representing the child; and

(3) If the educational decision maker for the child is not the parent or guardian of the child, the parent or guardian of the child; and

(g) Appear at any proceeding held pursuant to this section and NRS 432B.410 to 432B.590, inclusive, and make specific recommendations to the court as appropriate concerning the educational placement of the child, the educational services provided to the child and, if the child is at least 14 years of age, the services needed to assist the child in transitioning to independent living.

8. A court may revoke the appointment of an educational decision maker if the court determines the revocation of the appointment is in the best interests of the child. If the court revokes such an appointment, the court must appoint a new educational decision maker for the child.

9. An educational decision maker appointed for a child pursuant to this section shall be deemed to be a surrogate parent for the purposes of 34 C.F.R. § 300.519.

**Sec. 31.6. NRS 432B.550 is hereby amended to read as follows:**

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➡ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159A of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. The court shall not deny placement of a child in the temporary or permanent custody of a person pursuant to subsection 1 solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

3. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the

court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

4. If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

5. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630:

(a) The parent who delivered the child to the provider shall be deemed to have waived his or her right to a copy of the report; and

(b) A copy of the report must be sent to the parent who did not deliver the child to the provider, if the location of such parent is known.

6. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

7. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

8. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

9. As used in this section:

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) ~~"Fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.~~

~~(e)~~ “Holder of a valid registry identification card” means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

**Sec. 31.8. NRS 432B.6201 is hereby amended to read as follows:**

432B.6201 As used in NRS 432B.6201 to 432B.626, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~432B.6205,~~ 432B.621 and 432B.6213 have the meanings ascribed to them in those sections.

**Sec. 32.** NRS 226.100 is hereby amended to read as follows:

226.100 1. The State Treasurer may appoint and employ a Chief Deputy, two Senior Deputies, an Assistant Treasurer, a Deputy of Debt Management, a Deputy of Investments, a Deputy of Cash Management, a Deputy of Unclaimed Property , *a Deputy of Financial Literacy and Security* and an Assistant to the State Treasurer in the unclassified service of the State.

2. Except as otherwise provided in NRS 284.143, the Chief Deputy State Treasurer shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

**Sec. 33.** NRS 226.110 is hereby amended to read as follows:

226.110 1. The State Treasurer:

~~1-1~~ (a) Shall receive and keep all money of the State which is not expressly required by law to be received and kept by some other person.

~~1-2~~ (b) Shall receipt to the State Controller for all money received, from whatever source, at the time of receiving it.

~~1-3~~ (c) Shall establish the policies to be followed in the investment of money of the State, subject to the periodic review and approval or disapproval of those policies by the State Board of Finance.

~~1-4~~ (d) May employ any necessary investment and financial advisers to render advice and other services in connection with the investment of money of the State.

~~1-5~~ (e) Shall disburse the public money upon warrants drawn upon the Treasury by the State Controller, and not otherwise. The warrants must be registered and paid in the order of their registry. The State Treasurer may use any sampling or postaudit technique, or both, which he or she considers reasonable to verify the proper distribution of warrants.

~~1-6~~ (f) Shall keep a just, true and comprehensive account of all money received and disbursed.

~~1-7~~ (g) Shall deliver in good order to his or her successor in office all money, records, books, papers and other things belonging to his or her office.

~~1-8~~ (h) Shall fix, charge and collect reasonable fees for:

~~1-a~~ (1) Investing the money in any fund or account which is credited for interest earned on money deposited in it; and

~~10-1~~ (2) Special services rendered to other state agencies or to members of the public which increase the cost of operating his or her office.

~~10-1~~ (i) Serves as the primary representative of the State in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

~~10-1~~ (j) Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The State Treasurer:

~~10-1~~ (1) Shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.

~~10-1~~ (2) May, except as otherwise provided in NRS 538.206, employ necessary legal, financial or other professional services in connection with the authorization, sale or issuance of such an obligation.

~~10-1~~ (k) May organize and facilitate statewide pooled financing programs, including lease purchases, for the benefit of the State and any political subdivision, including districts organized pursuant to NRS 450.550 to 450.750, inclusive, and chapters 244A, 318, 379, 474, 541, 543 and 555 of NRS.

~~10-1~~ (l) Shall serve as the Administrator of Unclaimed Property.

*(m) In addition to the instruction provided pursuant to section 21, 37 or 39 of this act, shall, to the extent that money is available for that purpose, ensure that instruction and training in the following areas is provided to the tenants of a housing project operated by a local housing authority pursuant to NRS 315.140 to 315.7813, inclusive, and sections 36 and 37 of this act, to the tenants of a housing project operated by the Nevada Rural Housing Authority pursuant to NRS 315.961 to 315.99874, inclusive, and sections 38 and 39 of this act and to the tenants of a nonprofit organization described in sub-subparagraph (III) of subparagraph (1) of paragraph (c) of subsection 2 of section 21 of this act:*

*(1) The business opportunities and any benefits available for:*

*(I) Small business enterprises;*

*(II) Minority-owned business enterprises;*

*(III) Women-owned business enterprises; and*

*(IV) Disadvantaged business enterprises as defined by 49 C.F.R. §*

*26.5; and*

*(2) The procedures in place to utilize the opportunities and benefits listed in subparagraph (1) and how to proceed through such procedures.*

*2. As used in this section, “local housing authority” means an authority as defined in NRS 315.170.*

**Sec. 34.** 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 sections 2 and 3 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. 35.** Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 39, inclusive, of this act.

**Sec. 36.** *The authority shall not consider money deposited in an individual development account pursuant to section 21 of this act by a tenant of a housing project operated by the authority to be income for the purpose of determining whether the person is eligible to reside in the housing project under the provisions of NRS 315.510 or any regulations adopted by the authority.*

**Sec. 37.** *1. In addition to the training provided by the State Treasurer pursuant to paragraph (m) of subsection 1 of NRS 226.110, the authority shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account established pursuant to section 21 of this act.*

*2. The authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.*

**Sec. 38.** *The Authority shall not consider money deposited in an individual development account pursuant to section 21 of this act by a tenant of a housing project operated by the Authority to be income for the purpose of determining whether the person is eligible to reside in the housing project under the provisions of NRS 315.994 or any regulations adopted by the Authority.*

**Sec. 39.** *1. In addition to the training provided by the State Treasurer pursuant to paragraph (m) of subsection 1 of NRS 226.110, the Authority shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account pursuant to section 21 of this act.*

*2. The Authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.*

**Sec. 40.** NRS 315.140 is hereby amended to read as follows:

315.140 NRS 315.140 to 315.7813, inclusive, *and sections 36 and 37 of this act* may be referred to as the Housing Authorities Law of 1947.



**Sec. 41.** NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, govern the construction of NRS 315.140 to 315.7813, inclusive ~~†~~, **and sections 36 and 37 of this act.**

**Sec. 42.** NRS 315.420 is hereby amended to read as follows:

315.420 An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of NRS 315.140 to 315.7813, inclusive, **and sections 36 and 37 of this act** (but not the power to levy and collect taxes or special assessments).

**Sec. 43.** NRS 315.961 is hereby amended to read as follows:

315.961 1. It is the policy of this State to promote the health, welfare and safety of its residents and to develop more desirable neighborhoods and alleviate poverty in the counties, cities and towns of the State by making provision for decent, safe and sanitary housing facilities for persons of low and moderate income.

2. It is hereby found and declared:

(a) That there is a shortage of safe and sanitary dwelling accommodations in the rural areas of the State which are available to persons of low and moderate income, particularly senior citizens of low and moderate income, at rentals or prices they can afford;

(b) That the establishment and operation of a sufficient number of new local housing authorities to undertake housing projects on an individual basis in such counties and the cities and towns therein is not feasible at the present time due to geographic and economic circumstances;

(c) That the shortage of low-rent housing facilities in such counties can be partially remedied through state action by the establishment of a state housing authority having the power to undertake housing projects and make mortgage loans for residential housing; and

(d) That it is appropriate for such a state housing authority to issue obligations for the purpose of undertaking housing projects and providing mortgage loans for residential housing and to perform any other function authorized by NRS 315.961 to 315.99874, inclusive ~~†~~, **and sections 38 and 39 of this act.**

**Sec. 44.** NRS 315.962 is hereby amended to read as follows:

315.962 As used in NRS 315.961 to 315.99874, inclusive, **and sections 38 and 39 of this act**, unless the context otherwise requires, the words and terms defined in NRS 315.963 to 315.976, inclusive, have the meanings ascribed to them in those sections.

**Sec. 45.** NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the Authority:

(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the

powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.99874, inclusive, **and sections 38 and 39 of this act**, but not the power to levy and collect taxes or special assessments.

(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.

2. The Authority may:

(a) Sue and be sued.

(b) Have a seal.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association or insured savings bank, or in the Local Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.

(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.

(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.

(h) Enter into agreements or other transactions with, and accept grants from and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive ~~†~~, **and sections 38 and 39 of this act**.

(i) Enter into an agreement with a local government in a county whose population is less than 100,000 to receive a loan of money from the local government in accordance with NRS 354.6118.

(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

**Sec. 46.** 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. 46.5. NRS 432B.6205 is hereby repealed.**

**Sec. 47.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~†~~ ~~46.5~~, inclusive, of this act become effective:

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

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

#### **TEXT OF REPEALED SECTION**

**432B.6205 “Fictive kin” defined. “Fictive kin” means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.**

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 275.

Bill read second time.

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

Amendment No. 532.

AN ACT relating to public health; revising the procedures followed by a county or city board of health or a health authority when isolating, quarantining or treating certain persons; revising provisions governing the investigation of a case or suspected case of a communicable disease and an order for a person with a communicable disease to submit to examination and treatment; revising provisions concerning certain offenses relating to communicable diseases; revising provisions concerning court-ordered testing for a communicable disease; prohibiting the disclosure of information about certain persons investigated by the health authority; requiring the alleged victim of a crime involving sexual penetration to be provided with information concerning sexually transmitted diseases; revising certain terminology used to refer to the human immunodeficiency virus and related matters; reestablishing the Advisory Task Force on HIV Exposure Modernization; setting forth the duties of the Task Force; abolishing certain crimes relating to the human immunodeficiency virus; repealing certain additional provisions relating to communicable diseases; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes state and local health authorities to take certain actions to investigate and control the spread of communicable diseases, including ordering: (1) a person to undergo a medical examination to verify the presence of a disease; and (2) the isolation, quarantine or treatment of a person or group of persons. (NRS 439.360, 439.470, 441A.160) **Sections 1, 2 and 5 of this bill : (1) require any such order to state the reasons that the actions prescribed by the order are the least restrictive means available to prevent, suppress or control a communicable disease; ~~+~~ ; and (2) prescribe certain limitations on the circumstances under which a state or local health authority may take such actions, including a requirement that the communicable disease must pose a risk to the public health.**

Existing law establishes procedures pursuant to which the Chief Medical Officer or a district health officer, or a designee thereof, may isolate, quarantine or treat persons who have been infected with or exposed to a communicable disease. (NRS 441A.510-441A.720) Those procedures: (1) require the Chief Medical Officer or district health officer, or a designee thereof, to provide each person quarantined with a statement of his or her

rights; and (2) require a judicial proceeding if a person is to be quarantined involuntarily for longer than 72 hours. (NRS 441A.510, 441A.550) **Sections 1, 2 and 3.6** of this bill require a city or county board of health to adhere to those procedures when isolating, quarantining or treating a person who has or has been exposed to a communicable disease. **Sections 12.3-12.9** of this bill make conforming changes to clarify that a person isolated, quarantined or treated by a county or city board of health has the same rights as a person isolated, quarantined or treated by the Chief Medical Officer or a district health officer, or a designee thereof.

Existing law authorizes the Chief Medical Officer or a district health officer, or a designee thereof, to investigate a case of a communicable disease and order the person with the communicable disease to submit to examination or testing. (NRS 441A.160) **Section 5** requires such an official to know or suspect that the communicable disease is in an infectious state and poses a risk to the health of the public before taking such action. **Section 5** also requires the State Board of Health and each district board of health to establish a process by which a person may appeal an order to submit to examination or testing.

Existing law, with certain exceptions, prohibits a health authority from ordering involuntary treatment without a court order. (NRS 441A.160) **Section 5** prohibits a court from issuing such an order without clear and convincing evidence that the person: (1) has a communicable disease in an infectious state; and (2) is likely to pose a danger to the health of the public.

Existing law makes it a misdemeanor for a person who has a communicable disease in an infectious state to conduct himself or herself in any manner likely to expose others to the disease or engage in any occupation in which it is likely that the disease will be transmitted to others after receiving a written warning from a health authority. (NRS 441A.180) **Section 3.3** of this bill sets forth legislative findings that the spread of communicable diseases is a public health matter that should not be addressed through criminalization. **Section 6** of this bill prohibits a health authority from warning a person against engaging in an occupation or accessing a place of public accommodation if a similar order from an employer or the place of public accommodation would constitute prohibited discrimination against a person with a disability. **Section 6** makes it a misdemeanor for a person to intentionally transmit a communicable disease to another person under certain circumstances, regardless of whether the person has received a warning from the health authority. **Section 6** prohibits a person from being charged for any offense other than the offenses set forth in **section 6** for exposing or attempting to expose another person to a communicable disease. **Section 6** additionally prohibits the use of the fact that a person has a communicable disease to satisfy any element of an offense other than the offenses set forth in **section 6**. **Section 6** creates an affirmative defense if the person exposed to a communicable disease through prohibited conduct: (1) knew the defendant had the communicable disease; (2) knew the conduct could result in transmission of the communicable disease; and (3) consented to engage in the conduct with that knowledge. **Section 6** additionally provides

an affirmative defense if the defendant used or attempted to use means to prevent the transmission of the communicable disease. **Section 6** also prohibits a person from being charged with certain offenses for transmitting or exposing another person to a communicable disease through the donation of an organ, blood, sperm or tissue or through pregnancy. **Section 24** of this bill repeals a separate provision making it a category B felony for a person who has tested positive for the human immunodeficiency virus to intentionally, knowingly or willfully engage in conduct in a manner that is intended or likely to transmit the disease. (NRS 201.205) Such a person would still be guilty of a misdemeanor if he or she transmitted the virus or engaged in such conduct after a warning from the health authority and the affirmative defenses established by **section 6** do not apply.

Existing law authorizes a court to order a person or decedent to be tested for a communicable disease upon the petition of a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or employee or volunteer thereof if the court determines that there is probable cause to believe that: (1) a transfer of bodily fluids occurred between the person and the petitioner; and (2) a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention. (NRS 441A.195) **Section 7** of this bill revises these provisions to instead authorize a court to order such a test only if the court determines that there is probable cause to believe that the petitioner: (1) was likely exposed to a communicable disease; and (2) testing of the other person or decedent is necessary to determine the appropriate medical treatment of the petitioner.

**Existing law prohibits a person from making public personal identifying information about a person infected with a communicable disease who has been investigated by the health authority without the consent of the person. (NRS 441A.230) Section 9 of this bill instead prohibits a person from making public such information about a person who has been diagnosed with or exposed to a communicable disease and investigated by the health authority without the consent of the person.**

If the alleged victim or a witness to a crime alleges that the crime involved the sexual penetration of the victim's body, existing law requires the testing of the alleged perpetrator for the human immunodeficiency virus and other commonly contracted sexually transmitted diseases. (NRS 441A.320) **Section 24** removes this requirement, and **section 14.5** of this bill instead requires information concerning testing for sexually transmitted diseases to be included in the information provided to victims of sexual assault under the Sexual Assault Survivors' Bill of Rights.

**Section 17** of this bill requires the Legislative Counsel, to the extent practicable, to ensure that: (1) persons living with the human immunodeficiency virus are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder; and (2) duplicative

Senate Bill No. 284 of the 2019 Legislative Session: (1) created the Advisory Task Force on HIV Exposure Modernization; and (2) required the Task Force to conduct a comprehensive examination during the 2019-2020 legislative interim of the statutes and regulations in this State related to the criminalization of exposing a person to the human immunodeficiency virus. (Section 1 of chapter 88, Statutes of Nevada 2019, at page 466) **Section 22** of this bill reestablishes the Task Force for the 2021-2022 legislative interim.

**Section 1.** NRS 439.360 is hereby amended to read as follows:

~~11.1~~ (a) Abate nuisances in accordance with law.

~~[3. Restrain,]~~

**(d) Quarantine** any person or group of persons who ~~have~~ **has been** exposed to any ~~contagious or infectious~~ **communicable** disease that ~~is~~ **is** ~~dangerous~~ **in an infectious state and poses a risk** to the public health. ~~Any order issued to isolate, quarantine, or treat a person or group of persons issued pursuant to this paragraph must state the reasons that each of the~~

~~actions prescribed by the order are the least restrictive means available to prevent, suppress or control the communicable disease. If a county board of health issues an order to isolate, quarantine or treat a person with or exposed to a communicable disease, the county board of health must isolate, quarantine or treat the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive, and section 3.6 of this act.~~

~~4.-(d)~~ (e) Treat any person or group of persons with a communicable disease that is in an infectious state and poses a risk to the public health or who has been exposed to such a communicable disease.

(f) Monitor and treat any person or group of persons with a communicable disease that poses a risk to the public health if there is a risk that the communicable disease will develop into:

(1) A progressed state that endangers the health of the person or persons; or

(2) An infectious state.

~~(g) Appoint quarantine officers when necessary to enforce a quarantine. It shall provide whatever medicines, disinfectants and provisions which may be required, and shall arrange for the payment of all debts or charges so incurred from any funds available, but each patient shall, if the patient is able, pay for his or her food, medicine, clothes and medical attendance.~~

~~5.-(e)~~ (h) Subject to the prior review and approval of the board of county commissioners and except as otherwise provided in NRS 576.128, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from the board pursuant to a law of this state or an ordinance adopted by any political subdivision of this state. Such fees must be for the sole purpose of defraying the costs and expenses of the procedures for issuing licenses and permits, and investigations related thereto, and not for the purposes of general revenue.

2. Any order issued to isolate, quarantine or treat a person or group of persons issued pursuant to subsection 1 must state the reasons that each of the actions prescribed by the order are the least restrictive means available to prevent, suppress or control the communicable disease. If a county board of health issues an order to isolate, quarantine or treat a person pursuant to subsection 1, the county board of health must:

(a) Isolate, quarantine or treat the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive, and section 3.6 of this act.

(b) Provide whatever medicines, disinfectants and provisions may be required and arrange for the payment of all debts or charges so incurred from any funds available, but each patient shall, if the patient is able, pay for his or her food, medicine, clothes and medical attendance.

3. As used in this section, “communicable disease” has the meaning ascribed to it in NRS 441A.040.

Sec. 2. NRS 439.470 is hereby amended to read as follows:

439.470 1. The city board of health may:

~~1-1~~ (a) Abate nuisances in accordance with law.

~~{2.}~~ (b) Establish a temporary isolation hospital or quarantine station when an emergency demands the isolation or quarantine of a person or a group of persons.

~~{3.} Restrain.~~

(c) ~~Isolate~~ ~~from quarantine and disinfect or treat~~ any person or a group of persons ~~sick~~ with a communicable disease that is in an infectious state and poses a risk to the public health. ~~for~~

~~(d) Quarantine any person or group of persons who have has been exposed to any contagious or infectious communicable disease which is dangerous that is in an infectious state and poses a risk to the public health. Any order issued to isolate, quarantine or treat a person or group of persons issued pursuant to this paragraph must state the reasons that the actions prescribed by the order are the least restrictive means available to prevent, suppress or control the communicable disease. If a city board of health issues an order to isolate, quarantine or treat a person with or exposed to a communicable disease, the city board of health must isolate, quarantine or treat the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive, and section 3.6 of this act.~~

~~{4. (d)}~~ (e) Treat any person or group of persons with a communicable disease that is in an infectious state and poses a risk to the public health or who has been exposed to such a communicable disease.

(f) Monitor and treat any person or group of persons with a communicable disease that poses a risk to the public health if there is a risk that the communicable disease will develop into:

(1) A progressed state that endangers the health of the person or persons; or

(2) An infectious state.

~~(g) Appoint quarantine officers when necessary to enforce a quarantine. and shall provide whatever medicines, disinfectants and provisions which may be required. The city council shall pay all debts or charges so incurred, but each patient shall, if able, pay for his or her food, medicine, clothes and medical attendance.~~

~~5. (e)~~ (h) Subject to the prior review and approval of the governing body of the city and except as otherwise provided in NRS 576.128, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from such board pursuant to state law or an ordinance adopted by any political subdivision. Such fees must be for the sole purpose of defraying the costs and expenses of the procedures for issuing licenses and permits, and investigations related thereto, and not for the purposes of general revenue.

2. Any order issued to isolate, quarantine, or treat a person or group of persons issued pursuant to subsection 1 must state the reasons that each of the actions prescribed by the order are the least restrictive means available to prevent, suppress or control the communicable disease. If a city board of



health issues an order to isolate, quarantine or treat a person pursuant to subsection 1, the city board of health must:

(a) Isolate, quarantine or treat the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive, and section 3.6 of this act.

(b) Provide whatever medicines, disinfectants and provisions may be required. The city council shall pay all debts or charges so incurred from any funds available, but each patient shall, if the patient is able, pay for his or her food, medicine, clothes and medical attendance.

3. As used in this section, “communicable disease” has the meaning ascribed to it in NRS 441A.040.

Sec. 3. Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 and 3.6 of this act.

Sec. 3.3. *The Legislature hereby finds and declares that the spread of communicable diseases is best addressed through public health measures rather than criminalization.*

Sec. 3.6. *As used in this section and NRS 441A.510 to 441A.720, inclusive, unless the context otherwise requires, “health authority” has the meaning ascribed to it in NRS 441A.050 and includes a county or city board of health.*

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 441A.160 is hereby amended to read as follows:

441A.160 1. A health authority who knows, suspects or is informed of the existence within the jurisdiction of the health authority of any communicable disease that poses a risk to the health of the public and is in an infectious state ~~and poses a risk to the health of the public~~, at risk of developing into an infectious state or at risk of developing into a progressed state that endangers the health of the person with the communicable disease shall immediately investigate the matter and all circumstances connected with it, and shall take such measures for the prevention, suppression and control of the disease as are required by the regulations of the Board or a ~~Health~~ district board of health.

2. A health authority may:

(a) Enter private property at reasonable hours to investigate any case or suspected case of a communicable disease ~~to determine the danger posed by the case or suspected case to the public, including, without limitation, whether the communicable disease is in an infectious state.~~

(b) Order any person whom the health authority ~~reasonably suspects~~ *has a reasonable factual and medical basis to suspect* has a communicable disease *that is* in an infectious state and poses a risk to the health of the public to submit to any medical examination or test which the health authority ~~believes~~ *determines* is necessary to verify the presence of the disease. The order must be in writing and specify the name of the person to be examined *or tested* and the time and place of the examination and testing, and may ~~include such terms and conditions as the health authority believes are necessary to protect the public health~~ *require the person to take other actions that the*

*health authority has determined are necessary to prevent the spread of the communicable disease.*

(c) Except as otherwise provided in **this paragraph**, subsection ~~5~~ 6 and NRS 441A.210, issue an order requiring the isolation, quarantine or treatment of any person or group of persons if the health authority ~~believes~~ **has a reasonable factual and medical basis to believe** that such action is necessary to protect the public health. The order must be in writing and specify the person or group of persons to be isolated or quarantined, the time during which the order is effective ~~+~~ and the place of isolation or quarantine. ~~and other terms and conditions which~~ **The order may direct the person or group of persons to take other actions that** the health authority ~~believes~~ **has determined** are necessary to ~~protect the public health, except that not~~ **prevent the spread of the communicable disease. The health authority shall not order** isolation or quarantine ~~may take place~~ if the health authority determines that such action may ~~endanger~~ **compromise** the ~~life~~ **health** of a person who is isolated or quarantined.

3. Each order issued pursuant to this section must ~~be~~ :

(a) **Be** served upon each person named in the order by delivering a copy to ~~him or her~~ **the person**; and

(b) **State the reasons that each of the actions prescribed by the order are necessary and are the least restrictive means available to prevent, suppress or control the communicable disease.**

4. **The Board and each district board of health shall adopt regulations to establish a process by which a person may appeal to the health authority an order issued pursuant to paragraph (b) of subsection 2. The health authority shall provide to a person who receives such an order a document stating the rights of the person, including, without limitation, the right to appeal the order, at the time and in the manner prescribed by regulation of the Board or the district board of health, as applicable.**

5. If a health authority issues an order to isolate or quarantine a person with a communicable or infectious disease in a medical facility, the health authority must isolate or quarantine the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive ~~+~~ ~~5~~ , **and section 3.6 of this act.**

6. Except as otherwise provided in NRS 441A.310 and 441A.380, a health authority may not issue an order requiring the involuntary treatment of a person without a court order requiring the person to submit to treatment. **A court shall not order a person to submit to treatment unless the court finds that there is clear and convincing evidence that:**

(a) **The person has a communicable disease in an infectious state; and**

(b) **Because of that disease, the person is likely to pose a risk to the public health.**

Sec. 6. NRS 441A.180 is hereby amended to read as follows:

441A.180 1. ~~A~~ **Except as otherwise provided in this section, a person** who has a communicable disease in an infectious state shall not ~~conduct~~ :

(a) *Conduct* himself or herself in any manner ~~{likely to expose others}~~ *that has a high probability of transmitting the disease to another person*; or ~~{engage}~~

(b) *Engage* in any occupation in which ~~{it is likely}~~ *there is a high probability* that the disease will be transmitted to ~~{others}~~ *other persons*.

2. ~~{A}~~ *Except as otherwise provided in this section, a health authority who has reason to believe that a person is in violation of subsection 1 shall issue a warning to that person, in writing, informing the person of the behavior which constitutes the violation and of the precautions that the person must take to avoid exposing {others} another person to the disease. The warning must be served upon the person by delivering a copy to {him or her} the person. The health authority shall not warn a person against:*

(a) *Engaging in an occupation if the employer of the person would be prohibited from preventing the person from engaging in that occupation by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 613.330.*

(b) *Accessing a place of public accommodation if the place of public accommodation would be prohibited from denying the person access to the place of public accommodation by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 651.050 to 621.120, inclusive.*

3. ~~{A}~~ *Except as otherwise provided in this section, a person who violates the provisions of subsection 1 after service upon {him or her} the person of a warning from a health authority in the manner prescribed by subsection 2 is guilty of a misdemeanor.*

4. *Except as otherwise provided in this section, any person who, after receiving notice that he or she has tested positive for a communicable disease, intentionally conducts himself or herself in a manner that is specifically intended to transmit the disease to another person and has a high probability of transmitting the disease to another person and, as a consequence, transmits the disease to another person is guilty of a misdemeanor. A person shall not be deemed to have acted intentionally solely because the person failed to use or attempt to use means to prevent transmission.*

5. *It is an affirmative defense to an offense charged pursuant to this section that a person who was subject to exposure to a communicable disease as a result of conduct prohibited by a warning issued pursuant to subsection 2 or conduct described in subsection 4:*

(a) *Knew the defendant had the communicable disease;*

(b) *Knew the conduct could result in the transmission of the communicable disease; and*

(c) *Consented to engage in the conduct with that knowledge.*

6. *It is an affirmative defense to an offense charged pursuant to this section that the defendant used or attempted to use means to prevent the transmission of the communicable disease.*

7. *A person who has tested positive for a communicable disease is not in violation of subsection 1 or 4 because the person:*

*(a) Donates or attempts to donate an organ, blood, sperm or tissue and thereby exposes another person to the communicable disease or transmits the communicable disease; or*

*(b) Becomes pregnant and exposes the unborn child to the communicable disease or transmits the communicable disease to the unborn child.*

8. *Before imposing a fine or a sentence of imprisonment upon a person who violates subsection ~~1~~ 3 or 4, a court must consider all alternative means to advance the public health.*

9. *A person must not be charged for any offense other than the offenses set forth in this section if the person is alleged to have exposed another person to a communicable disease or attempted to expose another person to a communicable disease. The fact that a person has a communicable disease must not be used to satisfy any element of an offense other than the offenses set forth in this section.*

10. *For the purposes of subsections 1 and 4, the likelihood of transmitting a communicable disease to another person must be determined using current medical or epidemiological evidence. The Board shall adopt regulations prescribing requirements for determining the sufficiency and legitimacy of medical or epidemiological evidence pursuant to this subsection.*

11. *As used in this section, “means to prevent transmission” means any method, device, behavior or activity scientifically demonstrated to measurably limit, reduce or eliminate the risk of transmitting a communicable disease.*

Sec. 7. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. Except as otherwise provided in NRS 259.047, a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if ~~the person or decedent may have exposed the~~ :

*(a) The officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency was likely exposed to a communicable disease* ~~†~~ ; and

*(b) Testing of the person or decedent is necessary to determine the appropriate treatment for the officer, emergency medical attendant, firefighter, county coroner, medical examiner, employee or volunteer.*

2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the ~~possible~~ **likely** exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify ~~possible~~ **likely** exposure to communicable diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer or public agency to document and verify ~~possible~~ **likely** exposure to communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a ~~possible~~ **likely** transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who ~~possibly~~ **likely** exposed him or her to a communicable disease. If the court determines that **such** probable cause exists, ~~to believe that a possible transfer of blood or other bodily fluids occurred and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention,~~ the court shall:

(a) Order the person who ~~possibly~~ **likely** exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or

(b) Order that two appropriate specimens be taken from the decedent who ~~possibly~~ **likely** exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.

➡ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify ~~possible~~ **likely** exposure to a communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.

5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.

6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.

7. The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test pursuant to subsection 3.

8. As used in this section:

(a) “Agency of criminal justice” has the meaning ascribed to it in NRS 179A.030.

(b) “Emergency medical attendant” means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

**Sec. 8.** NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease or drug overdose, or by any person who has a communicable disease or has suffered a drug overdose, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except:

1. As otherwise provided in NRS 439.538.
2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.
3. In a prosecution for a violation of this chapter.
4. In a proceeding for an injunction brought pursuant to this chapter.
5. In reporting the actual or suspected abuse or neglect of a child or elderly person.

6. To any person who has a medical need to know the information for his or her own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

7. If the person who is the subject of the information consents in writing to the disclosure.

8. Pursuant to ~~subsection 4 of NRS 441A.320 or~~ NRS 629.069.

9. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed ~~as having acquired immunodeficiency syndrome or an illness related to~~ **with**

the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

10. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

11. If the disclosure is authorized or required by NRS 239.0115 or another specific statute.

**Sec. 9.** NRS 441A.230 is hereby amended to read as follows:

441A.230 Except as otherwise provided in this chapter and NRS 439.538, a person shall not make public the name of, or other personal identifying information about, a person ~~infected~~ who has been diagnosed with or exposed to a communicable disease ~~who has been~~ and investigated by the health authority pursuant to this chapter without the consent of the person.

**Sec. 10.** NRS 441A.240 is hereby amended to read as follows:

441A.240 ~~1.~~ The health authority shall control, prevent, treat and, whenever possible, ensure the cure of sexually transmitted diseases.

~~2. The health authority shall provide the materials and curriculum necessary to conduct the educational program provided for in NRS 209.385 and establish a program for the certification of persons qualified to provide instruction for the program.~~

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** NRS 441A.330 is hereby amended to read as follows:

441A.330 The health authority may establish such dispensaries, pharmacies or clinics for outpatient care as it believes are necessary for the care and treatment of persons who have ~~acquired immune deficiency syndrome or a~~ been diagnosed with the human immunodeficiency virus, ~~related disease,~~ and provide those institutions with financial or other assistance. Dispensaries, pharmacies or clinics which accept financial or other assistance pursuant to this section shall comply with all conditions prescribed by the Board relating to the use of that assistance.

**Sec. 12.3.** NRS 441A.510 is hereby amended to read as follows:

441A.510 1. If a health authority isolates, quarantines or treats a person or group of persons infected with, exposed to, or reasonably believed by a health authority to have been infected with or exposed to a communicable disease, the authority must isolate, quarantine or treat the person or group of persons in the manner set forth in NRS 441A.510 to 441A.720, inclusive ~~1~~, and section 3.6 of this act.

2. A health authority shall provide each person whom it isolates or quarantines pursuant to NRS 441A.510 to 441A.720, inclusive, and section 3.6 of this act with a document informing the person of his or her rights. The Board shall adopt regulations:

(a) Setting forth the rights of a person who is isolated or quarantined that must be included in the document provided pursuant to this subsection; and

(b) Specifying the time and manner in which the document must be provided pursuant to this subsection.

**Sec. 12.6.** NRS 441A.520 is hereby amended to read as follows:

441A.520 1. A person who is isolated or quarantined pursuant to NRS 441A.510 to 441A.720, inclusive, **and section 3.6 of this act** has the right:

(a) To make a reasonable number of completed telephone calls from the place where the person is isolated or quarantined as soon as reasonably possible after his or her isolation or quarantine; and

(b) To possess and use a cellular phone or any other similar means of communication to make and receive calls in the place where the person is isolated or quarantined.

2. If a person who is isolated or quarantined pursuant to NRS 441A.510 to 441A.720, inclusive, **and section 3.6 of this act** is unconscious or otherwise unable to communicate because of mental or physical incapacity, the health authority that isolated or quarantined the person must notify the spouse or legal guardian of the person by telephone and certified mail. If a person described in this subsection is isolated or quarantined in a medical facility and the health authority did not provide the notice required by this subsection, the medical facility must provide the notice. If the case of a person described in this subsection is before a court and the health authority, and medical facility, if any, did not provide the notice required by this subsection, the court must provide the notice.

**Sec. 12.9.** NRS 441A.530 is hereby amended to read as follows:

441A.530 A person who is isolated or quarantined pursuant to NRS 441A.510 to 441A.720, inclusive, **and section 3.6 of this act** has the right to refuse treatment and may not be required to submit to involuntary treatment unless a court issues an order requiring the person to submit to treatment.

**Sec. 13.** NRS 453A.050 is hereby amended to read as follows:

453A.050 “Chronic or debilitating medical condition” means:

1. ~~Acquired immune deficiency syndrome;~~
- ~~2.~~ An anxiety disorder;
- ~~3.~~ 2. An autism spectrum disorder;
- ~~4.~~ 3. An autoimmune disease;
- ~~5.~~ 4. Cancer;
- ~~6.~~ 5. Dependence upon or addiction to opioids;
- ~~7.~~ 6. Glaucoma;
- ~~8.~~ 7. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
  - (a) Anorexia or cachexia;
  - (b) Muscle spasms, including, without limitation, spasms caused by multiple sclerosis;
  - (c) Seizures, including, without limitation, seizures caused by epilepsy;
  - (d) Severe nausea; or
  - (e) Severe or chronic pain;
- ~~9. A~~



8. *The human immunodeficiency virus and any* medical condition related to ~~the human immunodeficiency virus or~~ the human immunodeficiency virus;

~~10.~~ 9. A neuropathic condition, whether or not such condition causes seizures; or

~~11.~~ 10. Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the Division; or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

**Sec. 14.** NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to ~~the human immunodeficiency virus~~ or suffering from ~~the human immunodeficiency virus or~~ any ~~other~~ disease that is not known to be transmitted through occupancy of the property,   
↪ is not material to the transaction.

2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in NRS 179D.095, resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3. In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.

4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.

5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and that person's agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.

6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound,

mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or

(b) The property has been deemed safe for habitation by the board of health.

7. As used in this section:

(a) “Board of health” has the meaning ascribed to it in NRS 439.4797.

(b) “Facility for transitional living for released offenders” has the meaning ascribed to it in NRS 449.0055.

**Sec. 14.5.** NRS 178A.270 is hereby amended to read as follows:

178A.270 1. The Office of the Attorney General shall:

(a) Develop a document that explains the rights of a survivor pursuant to the Sexual Assault Survivors’ Bill of Rights and other relevant law; and

(b) Make the document available to medical providers, law enforcement officials and prosecutors.

2. The document must be in clear language that is comprehensible to a person proficient in English at the reading level of a fifth grader, accessible to persons with visual disabilities and available in all major languages of this State.

3. The document must include, without limitation:

(a) A clear statement that the survivor is not required to participate in the criminal justice system or to receive a forensic medical examination in order to retain the rights provided by the Sexual Assault Survivors’ Bill of Rights and other relevant law;

(b) Means of contacting, by telephone or Internet, nearby sexual assault victims’ advocates and centers for support for victims of sexual assault;

(c) Information about the availability of temporary and extended orders of protection pursuant to NRS 200.378;

(d) Instructions for requesting the results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

(e) Information concerning state and federal funds for compensation for medical and other costs associated with the sexual assault; ~~and~~

(f) Information concerning any municipal, state or federal right to restitution for survivors in the event of a criminal trial ~~to~~; *and*

*(g) Information concerning testing for the human immunodeficiency virus and other common sexually transmitted diseases.*

**Sec. 15.** NRS 202.876 is hereby amended to read as follows:

202.876 “Violent or sexual offense” means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
- ~~13. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.~~
- ~~14. Open or gross lewdness pursuant to NRS 201.210.~~
- ~~15. Lewdness with a child pursuant to NRS 201.230.~~
- ~~16. An offense involving pandering or sex trafficking in violation of NRS 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in violation of NRS 201.395.~~
- ~~17. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.~~
- ~~18. An attempt, conspiracy or solicitation to commit an offense listed in this section.~~

**Sec. 16.** NRS 213.1088 is hereby amended to read as follows:

213.1088 1. The Department of Public Safety in conjunction with the Department of Corrections shall establish a program of orientation that:

(a) Each member of the Board shall attend upon appointment to a first term; and

(b) Each person named by the Board to the list of persons eligible to serve as a case hearing representative pursuant to NRS 213.135 shall attend upon being named to the list. A person named to the list may not serve as a case hearing representative until the person completes the program of orientation.

2. The program of orientation must include a minimum of 40 hours of training. The information presented during the program of orientation must include, but is not limited to:

(a) A historical perspective of parole, including the objectives of and reasons for using parole within the criminal justice system;

(b) The role and function of the Board within the criminal justice system;

(c) The responsibilities of members of the Board and case hearing representatives;

- (d) The goals and objectives of the Board;
- (e) The programs administered by the Board;
- (f) The policies and procedures of the Board; and
- (g) The laws and regulations governing parole, including the standards for granting, denying, revoking and continuing parole.

3. The Chair of the Board shall develop a written plan for the continuing education of members of the Board and case hearing representatives. The plan must require that:

(a) Each member of the Board shall attend not less than 16 hours of courses for continuing education during each year of the member's term.

(b) Each case hearing representative shall attend not less than 16 hours of courses for continuing education during each year that the representative is on the list of persons eligible to serve as a case hearing representative.

4. A member of the Board or a case hearing representative may meet the requirement for continuing education by successfully completing courses in any combination of the following subjects:

- (a) The role and function of the Board within the criminal justice system;
- (b) Changes in the law, including judicial decisions affecting parole;
- (c) Developing skills in communicating, making decisions and solving problems;
- (d) The interpretation and use of research, data and reports;
- (e) Correctional policies and programs, including programs for the treatment of prisoners and parolees;
- (f) Alternative punishments for disobedience;
- (g) The selection of prisoners for parole;
- (h) The supervision of parolees;
- (i) The designation of and programs for repeating or professional offenders;
- (j) Problems related to gangs;
- (k) Alcohol and other substance use disorders;
- (l) The ~~acquired immune deficiency syndrome;~~ **human immunodeficiency virus;**
- (m) Domestic violence; and
- (n) Mental illness and intellectual disabilities.

5. The Board shall, within the limits of legislative appropriations, pay the expenses of members of the Board and case hearing representatives attending courses for continuing education.

**Sec. 17.** NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability as follows:

(a) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with disabilities," "persons with mental

illness,” “persons with developmental disabilities,” “persons with intellectual disabilities” and other words and terms that are structured in a similar manner.

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, “disabled,” “handicapped,” “mentally disabled,” “mentally ill,” “mentally retarded” and other words and terms that tend to equate the disability with the person.

2. The Legislative Counsel shall, to the extent practicable, ensure that terms related to persons affected by addictive disorders are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder as follows:

(a) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, “addictive disorder,” “persons with addictive disorders,” “person with an addictive disorder,” “person with an addictive disorder related to gambling” and “substance use disorder.”

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, “addict,” “alcoholic,” “alcohol abuse,” “alcohol abuser,” “alcohol and drug abuser,” “drug abuse,” “drug addict,” “problem gambler,” “substance abuse” and “substance abuser.”

3. *The Legislative Counsel shall, to the extent practicable, ensure that:*

*(a) Terms related to persons living with the human immunodeficiency virus are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to the human immunodeficiency virus as follows:*

*(1) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, “person living with the human immunodeficiency virus” and “person diagnosed with the human immunodeficiency virus.”*

*(2) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, “HIV positive” and “human immunodeficiency virus positive.”*

*(b) The human immunodeficiency virus is referred to in Nevada Revised Statutes using language that refers only to the human immunodeficiency virus or HIV rather than using duplicative references to both the human immunodeficiency virus or HIV and acquired immunodeficiency syndrome, acquired immune deficiency syndrome or AIDS.*

*(c) Duplicative references to both communicable diseases and the human immunodeficiency virus or HIV are not used in Nevada Revised Statutes.*

**Sec. 18.** NRS 233B.062 is hereby amended to read as follows:

233B.062 1. It is the policy of this State that every regulation of an agency be made easily accessible to the public and expressed in clear and concise language. To assist in carrying out this policy:

(a) The Attorney General must develop guidelines for drafting regulations; and

(b) Every permanent regulation must be incorporated, excluding any forms used by the agency, any publication adopted by reference, the title, any signature and other formal parts, in the Nevada Administrative Code, and every emergency or temporary regulation must be distributed in the same manner as the Nevada Administrative Code.

2. It is the policy of this State that:

(a) Persons with physical, mental or cognitive disabilities *and persons living with the human immunodeficiency virus* are to be referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to the person's disability ~~to, and~~ *or the human immunodeficiency virus, as applicable;*

(b) Terms related to persons affected by addictive disorders are referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder ~~to, and~~ *and*

(c) *References to only the human immunodeficiency virus or HIV should be used in the Nevada Administrative Code instead of duplicative references to both human immunodeficiency virus or HIV and acquired immunodeficiency syndrome, acquired immune deficiency syndrome or AIDS,*

↪ in the same manner as provided in NRS 220.125 for Nevada Revised Statutes.

3. The Legislative Counsel shall:

(a) Include each permanent regulation in the Nevada Administrative Code; and

(b) Distribute in the same manner as the Nevada Administrative Code each emergency or temporary regulation,

↪ that is required to be adopted pursuant to the provisions of this chapter and which is adopted by an entity other than an agency.

4. The Legislative Commission may authorize inclusion in the Nevada Administrative Code of the regulations of an agency otherwise exempted from the requirements of this chapter.

**Sec. 19.** NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of a school district shall establish a course or unit of a course of:

(a) Factual instruction concerning ~~acquired immune deficiency syndrome;~~ *the human immunodeficiency virus;* and

(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.

2. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; and

(b) Four representatives, one from each of four of the following professions or occupations:

- (1) Medicine or nursing;
- (2) Counseling;
- (3) Religion;
- (4) Pupils who attend schools in the district; or
- (5) Teaching.

↪ This committee shall advise the district concerning the content of and materials to be used in a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course is offered. The final decision on these matters must be that of the board of trustees.

3. The subjects of the courses may be taught only by a teacher or school nurse whose qualifications have been previously approved by the board of trustees.

4. The parent or guardian of each pupil to whom a course is offered must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course offered pursuant to this section is not a requirement for graduation.

5. All instructional materials to be used in a course must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

**Sec. 20.** NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager or health maintenance organization, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus , ~~for acquired immunodeficiency syndrome,~~

including, without limitation, ~~protease inhibitors and~~ antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation, any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager and contracts with a health maintenance organization; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

**Sec. 21.** NRS 678C.030 is hereby amended to read as follows:

678C.030 “Chronic or debilitating medical condition” means:



1. ~~Acquired immune deficiency syndrome;~~
- ~~2.~~ An anxiety disorder;
- ~~3.~~ 2. An autism spectrum disorder;
- ~~4.~~ 3. An autoimmune disease;
- ~~5.~~ 4. Anorexia nervosa;
- ~~6.~~ 5. Cancer;
- ~~7.~~ 6. Dependence upon or addiction to opioids;
- ~~8.~~ 7. Glaucoma;
- ~~9.~~ 8. A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

- (a) Cachexia;
- (b) Muscle spasms, including, without limitation, spasms caused by multiple sclerosis;
- (c) Seizures, including, without limitation, seizures caused by epilepsy;
- (d) Nausea; or
- (e) Severe or chronic pain;

~~10.—A~~

9. *The human immunodeficiency virus and any* medical condition related to the human immunodeficiency virus;

~~11.~~ 10. A neuropathic condition, whether or not such condition causes seizures; or

~~12.~~ 11. Any other medical condition or treatment for a medical condition that is:

- (a) Classified as a chronic or debilitating medical condition by regulation of the Division; or
- (b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 678C.810.

**Sec. 22.** 1. The Advisory Task Force on HIV Exposure Modernization created by section 1 of chapter 88, Statutes of Nevada 2019, at page 466, is hereby reestablished. The Task Force consists of not more than fifteen members appointed pursuant to subsection 2.

2. The Governor shall:

(a) To the extent practicable, reappoint to the Task Force the members appointed pursuant to section 1 of chapter 88, Statutes of Nevada 2019, at page 466;

(b) Solicit applications for additional appointments to the Task Force; and

(c) After considering each application received pursuant to this subsection, appoint additional members to the Task Force who are members of the lesbian, gay, bisexual, transgender, questioning and queer community, women, persons living with the human immunodeficiency virus (HIV) and sex workers.

3. At the first meeting of the Task Force after the effective date of this act, the members of the Task Force shall elect a Chair and a Vice Chair by majority vote.

4. A vacancy occurring in the appointed membership of the Task Force must be filled in the same manner as the original appointment.

5. The Task Force shall solicit input from persons and nongovernmental agencies with expertise in matters relevant to the Task Force in carrying out its duties pursuant to this section, including, without limitation, persons, organizations and communities that are directly affected by the current statutes and regulations of this State that criminalize exposure to HIV or mandate HIV testing or disclosure as part of any civil or criminal law, or are likely to be affected by any law or policy recommended by the Task Force.

6. The Department of Health and Human Services shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

7. The members of the Task Force serve without compensation or per diem allowance. A member may receive reimbursement for travel expenses if sufficient money collected pursuant to subsection 8 for the Task Force to carry out its duties is available.

8. The Task Force may apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.

9. The Task Force shall:

(a) Research the implementation and impact of such statutes and regulations of this State that criminalize exposure to HIV, including, without limitation, quantifying their impact through the analysis of records, information and data relevant to this State to the extent possible;

(b) Identify any disparities in arrests, prosecutions or convictions under such statutes or regulations related to race, color, sex, sexual orientation, gender identity or expression, age or national origin;

(c) Evaluate current medical and scientific research with respect to the modes of HIV transmission implicated by such statutes and regulations; and

(d) Identify any court decisions enforcing or challenging such statutes and regulations.

10. The Task Force may make recommendations concerning any matter relating to the duties performed pursuant to subsection 9, including, without limitation, recommendations concerning proposed legislation, proposed regulations and policies.

11. The Task Force shall, on or before September 1, 2022, prepare and submit a report of the activities, findings and recommendations of the Task Force to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

**Sec. 23.** The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes in 2021, appropriately change any words and terms in the Nevada Revised Statutes in the manner that the Legislative Counsel determines necessary to conform those words and terms to the provisions of NRS 220.125, as amended by section 17 of this act.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any words and terms in the Nevada Administrative Code in the manner that the Legislative Counsel determines necessary to conform those words and terms to the provisions of subsection 2 of NRS 233B.062, as amended by section 18 of this act.

**Sec. 24.** NRS 201.205, 201.356, 201.358, 209.385, 441A.300 and 441A.320 are hereby repealed.

**Sec. 25.** This act becomes effective upon passage and approval.

#### LEADLINES OF REPEALED SECTIONS

**201.205** Penalty; affirmative defense.

**201.356** Test for exposure to human immunodeficiency virus required; payment of costs; notification of results of test.

**201.358** Engaging in prostitution or solicitation for prostitution after testing positive for exposure to human immunodeficiency virus: Penalty; definition.

**209.385** Testing offenders for exposure to human immunodeficiency virus; disclosure of name of offender whose tests are positive; segregation of offender; duties of Director.

**441A.300** Confinement of person whose conduct may spread acquired immunodeficiency syndrome.

**441A.320** Testing of person alleged to have committed sexual offense; disclosure of results of test; assistance to victim; payment of expenses; regulations.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 329.

Bill read second time.

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

Amendment No. 614.

AN ACT relating to health care; requiring a hospital or physician group practice, **, or a person who owns all or substantially all of a physician group practice,** to notify the Department of Health and Human Services of certain transactions; prohibiting a provider of health care from **willfully** entering into a contract that contains certain provisions; authorizing the use of certain fees to investigate such prohibited contracting practices; authorizing certain civil actions; authorizing the imposition of a civil penalty; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that the Department of Health and Human Services is the agency of this State for health planning and development. (NRS 439A.081)

**Section 1** of this bill requires a hospital to notify the Department of any merger, acquisition or similar transaction involving the hospital. **Section 1** additionally requires a physician group practice or a person who owns all or substantially all of a physician group practice to report certain similar transactions ~~[involving the physician group practice]~~ if: (1) the physician group practices that are parties to the transaction or owned by parties to the transaction represent at least 20 percent of the physicians who practice any specialty in a primary service area; and (2) the physician group practice represents the largest number of physicians of any physician group practice that is a party to the transaction ~~[.]~~ or owned by a party to the transaction. **Section 1** requires the Department to post the information contained in those notices on the Internet and publish an annual report based on that information.

Existing law prohibits certain unfair trade practices. (NRS 598A.060) **Section 20.9** of this bill prohibits a provider of health care, including a facility that provides health care, from willfully entering into, willfully offering to enter into or willfully soliciting a contract that: (1) prohibits a third party insurer from steering covered persons to certain providers of health care or placing providers of health care in tiers; or (2) that places certain other restrictions on the third party insurer. The Attorney General or a person injured by a violation of **section 20.9** would be authorized to bring a civil action against a provider of health care who commits such a violation. (NRS 598A.160, 598A.180-598A.210) **Sections 20.9 and 20.95 of this bill also make such a violation a misdemeanor.** Additionally, a provider of health care or third party insurer who commits such a violation would be subject to a civil penalty ., [and guilty of a category D felony.] (NRS ~~[598A.170, 598A.280])~~ **598A.170)**

Existing law requires certain business entities that have had a total of five or more investigations commenced against the entity for unfair trade practices which resulted in the imposition of certain penalties or other requirements during a 5-year period to submit to the Secretary of State: (1) a statement concerning each such investigation; and (2) a fee. Existing law requires the Attorney General to use that fee for the purposes of investigating unfair trade practices. (NRS 78.153, 80.115, 86.264, 86.5462, 87A.295, 87A.565, 88.397, 88.5915) **Sections 20.1-20.8** of this bill authorize the Attorney General to use those fees to investigate contracting practices prohibited by **section 20.9**.

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

**Section 1.** Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

**1. A hospital shall notify the Department of any merger, acquisition or joint venture with any entity, including, without limitation, a physician**

group practice, to which the hospital is a party or any contract for the management of the hospital not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable.

2. A physician group practice or a person who owns all or substantially all of a physician group practice shall notify the Department of a transaction described in subsection 3 to which the physician group practice or person, as applicable, is a party or any contract for the management of ~~the~~ the physician group practice not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable, if:

(a) The physician group practices that are parties to the transaction or contract for management or that are owned by those parties represent at least 20 percent of the physicians who practice any specialty in a primary service area; and

(b) The physician group practice represents the largest number of physicians of any physician group practice that is a party to or owned by a party to the transaction or contract for management.

3. Notice must be provided pursuant to subsection ~~1~~ or 2 for any:

(a) Merger of, consolidation of or other affiliation between physician group practices ~~or~~, persons who own physician group practices or any combination thereof;

(b) The acquisition of all or substantially all of the properties and assets of a physician group practice;

(c) The acquisition of all or substantially all of the capital stock, membership interests or other equity interests of a physician group practice;

(d) The employment of all or substantially all of the physicians in a physician group practice; or

(e) The acquisition of an insolvent physician group practice.

4. Notice pursuant to subsection 1 or 2 must be provided in the form prescribed by the Department and must include, without limitation:

(a) The name of each party to the transaction or contract for management, as applicable;

(b) A description of the nature of the proposed relationship of the parties to the transaction or contract for management, as applicable;

(c) The names and any specialties of each physician who is a party or employed by or affiliated with a physician group practice that is a party to or is owned by a party to the transaction or contract for management, as applicable;

(d) The name and address of each business entity that will provide health services after the transaction or contract for management, as applicable;

(e) A description of the health services to be provided at each location of a business entity described in paragraph (d); and

(f) The primary service area to be served by each location of a business entity described in paragraph (d).

5. The Department shall:

*(a) Post the information contained in the notices provided pursuant to subsections 1 and 2 on an Internet website maintained by the Department; and*

*(b) Annually prepare a report regarding market transactions and concentration in health care based on the information in the notices and post the report on an Internet website maintained by the Department.*

**6. As used in this section:**

*(a) “Physician group practice” means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.*

*(b) “Primary service area” means an area comprising the smallest number of zip codes from which the hospital or physician group practice draws at least 75 percent of patients.*

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** (Deleted by amendment.)

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** (Deleted by amendment.)

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** (Deleted by amendment.)

**Sec. 13.** (Deleted by amendment.)

**Sec. 14.** (Deleted by amendment.)

**Sec. 15.** (Deleted by amendment.)

**Sec. 16.** (Deleted by amendment.)

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** (Deleted by amendment.)

**Sec. 19.** (Deleted by amendment.)

**Sec. 20.** (Deleted by amendment.)

**Sec. 20.1.** NRS 78.153 is hereby amended to read as follows:

78.153 1. At the time of submitting any list required pursuant to NRS 78.150, a corporation that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A corporation must submit a statement pursuant to this section if the corporation, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this State for any product sold or distributed by the corporation within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the corporation, its parent or its subsidiaries in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the corporation being fined or otherwise penalized or which resulted in the corporation being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A corporation that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the corporation and whether the corporation was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~+~~ **and subsection 1 of section 20.9 of this act.**

**Sec. 20.2.** NRS 80.115 is hereby amended to read as follows:

80.115 1. At the time of submitting any list required pursuant to NRS 80.110, a corporation that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A corporation must submit a statement pursuant to this section if the corporation, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this State for any product sold or distributed by the corporation within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the corporation, its parent or its subsidiaries

in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the corporation being fined or otherwise penalized or which resulted in the corporation being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A corporation that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the corporation and whether the corporation was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~†~~ **and subsection 1 of section 20.9 of this act.**

**Sec. 20.3.** NRS 86.264 is hereby amended to read as follows:

86.264 1. At the time of submitting any list required pursuant to NRS 86.263, a limited-liability company that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A limited-liability company must submit a statement pursuant to this section if the limited-liability company, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this State for any product sold or distributed by the limited-liability company within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the limited-liability company, its parent or



its subsidiaries in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the limited-liability company being fined or otherwise penalized or which resulted in the limited-liability company being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A limited-liability company that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the limited-liability company and whether the limited-liability company was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~†~~ **and subsection 1 of section 20.9 of this act.**

**Sec. 20.4.** NRS 86.5462 is hereby amended to read as follows:

86.5462 1. At the time of submitting any list required pursuant to NRS 86.5461, a foreign limited-liability company that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A foreign limited-liability company must submit a statement pursuant to this section if the foreign limited-liability company, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this State for any product sold or distributed by the foreign limited-liability company within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the foreign limited-liability company, its

parent or its subsidiaries in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the foreign limited-liability company being fined or otherwise penalized or which resulted in the foreign limited-liability company being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A foreign limited-liability company that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the foreign limited-liability company and whether the foreign limited-liability company was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~and~~ **subsection 1 of section 20.9 of this act.**

**Sec. 20.5.** NRS 87A.295 is hereby amended to read as follows:

87A.295 1. At the time of submitting any list required pursuant to NRS 87A.290, a limited partnership that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A limited partnership must submit a statement pursuant to this section if the limited partnership, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this State for any product sold or distributed by the limited partnership within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the limited partnership, its parent or its

subsidiaries in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the limited partnership being fined or otherwise penalized or which resulted in the limited partnership being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A limited partnership that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the limited partnership and whether the limited partnership was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~†~~ **and subsection 1 of section 20.9 of this act.**

**Sec. 20.6.** NRS 87A.565 is hereby amended to read as follows:

87A.565 1. At the time of submitting any list required pursuant to NRS 87A.560, a foreign limited partnership that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A foreign limited partnership must submit a statement pursuant to this section if the foreign limited partnership, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this State for any product sold or distributed by the foreign limited partnership within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the foreign limited partnership, its parent or

its subsidiaries in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the foreign limited partnership being fined or otherwise penalized or which resulted in the foreign limited partnership being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A foreign limited partnership that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the foreign limited partnership and whether the foreign limited partnership was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~†~~ **and subsection 1 of section 20.9 of this act.**

**Sec. 20.7.** NRS 88.397 is hereby amended to read as follows:

88.397 1. At the time of submitting any list required pursuant to NRS 88.395, a limited partnership that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A limited partnership must submit a statement pursuant to this section if the limited partnership, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this State for any product sold or distributed by the limited partnership within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the limited partnership, its parent or its subsidiaries in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the limited partnership being fined or otherwise penalized or which resulted in the limited partnership being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A limited partnership that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the limited partnership and whether the limited partnership was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~††~~ **and subsection 1 of section 20.9 of this act.**

**Sec. 20.8.** NRS 88.5915 is hereby amended to read as follows:

88.5915 1. At the time of submitting any list required pursuant to NRS 88.591, a foreign limited partnership that meets the criteria set forth in subsection 2 must submit:

(a) The statement required pursuant to subsection 3, accompanied by a declaration under penalty of perjury attesting that the statement does not contain any material misrepresentation of fact; and

(b) A fee of \$100,000, to be distributed in the manner provided pursuant to subsection 4.

2. A foreign limited partnership must submit a statement pursuant to this section if the foreign limited partnership, including its parent and all subsidiaries:

(a) Holds 25 percent or more of the share of the market within this state for any product sold or distributed by the foreign limited partnership within this State; and

(b) Has had, during the previous 5-year period, a total of five or more investigations commenced against the foreign limited partnership, its parent or its subsidiaries in any jurisdiction within the United States, including all state and federal investigations:

(1) Which concern any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060, or which concern similar activities prohibited by a substantially similar law of another jurisdiction; and

(2) Which resulted in the foreign limited partnership being fined or otherwise penalized or which resulted in the foreign limited partnership being required to divest any holdings or being unable to acquire any holdings as a condition for the settlement, dismissal or resolution of those investigations.

3. A foreign limited partnership that meets the criteria set forth in subsection 2 shall submit a statement which includes the following information with respect to each investigation:

(a) The jurisdiction in which the investigation was commenced.

(b) A summary of the nature of the investigation and the facts and circumstances surrounding the investigation.

(c) If the investigation resulted in criminal or civil litigation, a copy of all pleadings filed in the investigation by any party to the litigation.

(d) A summary of the outcome of the investigation, including specific information concerning whether any fine or penalty was imposed against the foreign limited partnership and whether the foreign limited partnership was required to divest any holdings or was unable to acquire any holdings as a condition for the settlement, dismissal or resolution of the investigation.

4. The fee collected pursuant to subsection 1 must be deposited in the Attorney General's Administration Budget Account and used solely for the purpose of investigating any alleged contract, combination or conspiracy in restraint of trade, as described in subsection 1 of NRS 598A.060 ~~††~~ **and subsection 1 of section 20.9 of this act.**

**Sec. 20.9.** Chapter 598A of NRS is hereby amended by adding thereto a new section to read as follows:

**1. A violation of this subsection constitutes a contract in restraint of trade. A provider of health care shall not willfully enter into, willfully offer to enter into or willfully solicit a contract with a third party that directly or indirectly:**

**(a) Restricts the third party from offering incentives to a covered person to use specific providers of health care or otherwise steering a covered person to a specific provider of health care;**

**(b) Restricts the third party from assigning providers of health care into tiers for the purpose of encouraging the use of certain providers of health care;**

**(c) Requires the third party to place all providers of health care affiliated with a business entity in the same tier;**

**(d) Requires the third party to contract with a business entity affiliated with a provider of health care as a condition of entering into a contract with the provider of health care; or**

(e) Prohibits the third party from contracting with a provider of health care that is not a party to the contract or penalizes the third party for entering into such a contract.

2. A contract between a provider of health care and a third party may include any provisions not expressly prohibited by subsection 1 or otherwise prohibited by law.

3. The provisions of this section do not authorize a third party to subcontract for the performance of obligations under a contract with a provider of health care or delegate such obligations in a manner that is inconsistent with the terms of the contract.

4. Any provision of a contract that ~~violates the provisions~~ is described in paragraphs (a) to (e), inclusive, of subsection 1 is void and severable from the contract.

~~4.1~~ 5. Any person who conspires to, or does, violate any of the provisions of this section is guilty of a misdemeanor.

6. As used in this section:

(a) “Affiliated” means any entity or person who directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with a specified entity or person.

(b) “Covered person” means a policyholder, subscriber, enrollee or other person covered by a third party.

~~(b)~~ (c) “Provider of health care” means:

(1) A physician or other health care practitioner who is licensed or otherwise authorized in this State to furnish any health care service; or

(2) An institution providing health care services or other setting in which health care services are provided, including, without limitation, a hospital, surgical center for ambulatory patients, facility for skilled nursing, residential facility for groups, laboratory and any other such licensed facility.

~~(c)~~ (d) “Third party” means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.

**Sec. 20.95. NRS 598A.280 is hereby amended to read as follows:**

598A.280 ~~[A]~~ Except as otherwise provided in section 20.9 of this act, a person who conspires to, or does, violate any of the provisions of this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

**Sec. 21.** The amendatory provisions of section 20.9 of this act do not apply to any contract existing on October 1, 2021, but apply to any renewal of such a contract.

**Sec. 22.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 21, inclusive, of this act become effective:

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

(b) On October 1, 2021, for all other purposes.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 368.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time.

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

Amendment No. 613.

AN ACT relating to prescription drugs; authorizing public agencies of this State to enter into agreements with certain entities in other jurisdictions for the collaborative purchasing of prescription drugs; ~~for exempting a contract between the Department of Health and Human Services and a pharmacy benefit manager or health maintenance organization entered into pursuant to such an agreement from certain requirements;~~ and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a public agency of this State to enter into a joint or cooperative agreement with a public agency of this State or another state or the Federal Government to exercise any power, privilege or authority of the public agency. (NRS 277.110) Existing law additionally authorizes state agencies to cooperate with other public entities within or outside of this State to purchase prescription drugs, pharmaceutical services, or medical supplies and related services. (NRS 333.435) **Sections 3.3 and 3.6** of this bill additionally authorize public agencies in this State to enter into agreements for the purchase of prescription drugs, pharmaceutical services, or medical supplies and related services with private entities within or outside of this State. **Sections 1 and 2** of this bill authorize the Department of Health and Human Services to enter into such an agreement for the purchase of prescription drugs for Medicaid or the Children's Health Insurance Program.

~~[Existing law imposes certain requirements concerning transparency, rebates and auditing on any contract between the Department and a pharmacy benefit manager or health maintenance organization to manage, direct and coordinate payments and rebates for prescription drugs or other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program. (NRS 422.4053, 422.4056) Sections 2 and 3 of this bill exempt a contract between the Department and a pharmacy benefit manager or health maintenance organization entered into pursuant to an agreement for the collaborative purchasing of prescription drugs from those requirements.]~~



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

**Section 1.** NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, ~~for~~ health maintenance organization ~~for~~ **or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States**, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation, any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made

available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, ~~and~~ contracts with a health maintenance organization ~~and~~ ***and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States;*** and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

**Sec. 2.** NRS 422.4053 is hereby amended to read as follows:

422.4053 1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

2. The Department may enter into a contract with:

(a) A pharmacy benefit manager for the provision of any services described in subsection 1.

(b) A health maintenance organization pursuant to NRS 422.273 for the provision of any of the services described in subsection 1 for recipients of Medicaid or recipients of insurance through the Children's Health Insurance Program who receive coverage through a Medicaid managed care program.

(c) ***One or more public or private entities from this State, the District of Columbia or other states or territories of the United States for the collaborative purchasing of prescription drugs in accordance with subsection 3 of NRS 277.110. ~~If such a contract requires the Department to enter into a contract with a pharmacy benefit manager or health maintenance organization for the provision of any of the services described~~***

~~in subsection 1, the contract is not subject to the provisions of subsection 3, paragraph (b) of subsection 4 or NRS 422.4056.~~

3. △ ~~Except as otherwise provided in paragraph (c) of subsection 2, a~~ contract entered into pursuant to *paragraph (a) or (b) of subsection 2* must:

(a) Include the provisions required by NRS 422.4056; and

(b) Require the pharmacy benefit manager or health maintenance organization, as applicable, to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs, rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager or health maintenance organization pursuant to the contract.

4. In addition to meeting the requirements of subsection 3, a contract entered into pursuant to:

(a) Paragraph (a) of subsection 2 may require the pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, to the Department.

(b) Paragraph (b) of subsection 2 must ~~except as otherwise provided in paragraph (c) of subsection 2,~~ require the health maintenance organization to provide to the Department the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, less an administrative fee in an amount prescribed by the contract. The Department shall adopt policies prescribing the maximum amount of such an administrative fee.

Sec. 3. ~~NRS 422.4056 is hereby amended to read as follows:~~

~~422.4056 1. [Any] Except as otherwise provided in paragraph (c) of subsection 2 of NRS 422.4053, any contract between the Department and a pharmacy benefit manager or health maintenance organization entered into pursuant to NRS 422.4053 must require the pharmacy benefit manager or health maintenance organization, as applicable, to:~~

~~(a) Submit to and cooperate with an annual audit by the Department to evaluate the compliance of the pharmacy benefit manager or health maintenance organization with the agreement and generally accepted accounting and business practices. The audit must analyze all claims processed by the pharmacy benefit manager or health maintenance organization pursuant to the agreement.~~

~~(b) Obtain from an independent accountant, at the expense of the pharmacy benefit manager or health maintenance organization, as applicable, an annual audit of internal controls to ensure the integrity of financial transactions and claims processing.~~

~~2. The Department shall post the results of any audit conducted pursuant to paragraph (a) of subsection 1 on an Internet website maintained by the Department.~~ (Deleted by amendment.)

**Sec. 3.3.** NRS 277.110 is hereby amended to read as follows:

277.110 Except as limited by NRS 280.105 and 711.175:

1. Any power, privilege or authority exercised or capable of exercise by a public agency of this State, including, but not limited to, law enforcement, may be exercised jointly with any other public agency of this State, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise. Any agency of this State when acting jointly with any other public agency may exercise all the powers, privileges and authority conferred by NRS 277.080 to 277.180, inclusive, upon a public agency.

2. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of NRS 277.080 to 277.170, inclusive.

3. ***A public agency may enter into an agreement with any other public agency or private entity in this State, the District of Columbia or any other state or territory of the United States or any agency of the United States for the purchase of prescription drugs, pharmaceutical services, or medical supplies and related services to the extent that the laws applicable to each participating agency and entity permit such an agreement.***

4. If it is reasonably foreseeable that a participating public agency will be required to:

(a) Expend more than \$25,000 to carry out ~~such~~ an agreement ~~to~~ ***described in this section***, the agreement:

(1) Must be in writing.

(2) Becomes effective only upon ratification by appropriate ordinance, resolution or otherwise pursuant to law on the part of the governing bodies of the participating public agencies.

(b) Expend \$25,000 or less to carry out such an agreement, each participating public agency shall maintain written documentation of the terms of the agreement for at least 3 years after the date on which the agreement was entered into.

**Sec. 3.6.** NRS 333.435 is hereby amended to read as follows:

333.435 1. Except as otherwise provided in subsection 2, a using agency shall purchase prescription drugs, pharmaceutical services, or medical supplies and related services, or any combination thereof, only through the Purchasing Division.

2. A using agency may, on its own behalf or in cooperation with one or more other using agencies or, ***in accordance with the provisions of subsection 3 of NRS 277.110***, other governmental entities ***or private entities*** within or outside this State, purchase prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division if the using agency or using agencies or other governmental entities, as applicable, can obtain the best value for prescription drugs, pharmaceutical services, or medical supplies and related services from the other entity and the

Purchasing Division is unable to match or exceed that best value in a timely manner.

3. If a using agency purchases prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division pursuant to subsection 2, the using agency shall report to the Purchasing Division, within 10 days after the initial purchase:

(a) The purchase price for the prescription drugs, pharmaceutical services, or medical supplies and related services; and

(b) The name, address and telephone number of the entity that sold the using agency the prescription drugs, pharmaceutical services, or medical supplies and related services.

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 6.** This act becomes effective upon passage and approval.

Assemblywoman Nguyen moved the adoption of the amendment.

Remarks by Assemblywoman Nguyen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 404.

Bill read second time.

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

Amendment No. 517.

AN ACT relating to cannabis; authorizing the State Sealer of Consumer Equitability to adopt and enforce regulations relating to cannabis weighing and measuring equipment; requiring the State Sealer of Consumer Equitability to ensure that cannabis weighing and measuring equipment is suitable for its intended use, properly installed, accurate and maintained by its owner or user; requiring the State Sealer of Consumer Equitability to inspect and test certain cannabis weighing and measuring equipment; authorizing the State Sealer of Consumer Equitability to establish an annual fee for ~~that~~ certain cannabis weighing and measuring equipment; prohibiting a person from having or in his or her possession or selling or offering to sell an incorrect weight or measure for use in a cannabis establishment; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the State Sealer of Consumer Equitability to adopt regulations for the submission for approval of types and designs of weights and measures and commercial weighing and measuring equipment. (NRS 581.050) **Section 5** of this bill authorizes the State Sealer of Consumer Equitability to adopt such regulations for cannabis weighing and measuring equipment, which is defined by **section 3** of this bill as weights, measures,

weighing devices and measuring devices used in cannabis establishments. **Section 4** of this bill makes a conforming change to indicate the placement of **sections 2 and 3** of this bill in the Nevada Revised Statutes. **Section 6** of this bill authorizes the Sealer of Consumer Equitability to enforce such regulations. **Section 7** of this bill requires the State Sealer of Consumer Equitability to ensure that cannabis weighing and measuring equipment is suitable for its intended use, is properly installed and accurate and is so maintained by its owner or user. **Section 8** of this bill requires the State Sealer of Consumer Equitability to inspect and test, to ascertain if it is correct, all cannabis weighing and measuring equipment ~~that~~, **other than equipment that is used for a noncommercial purpose by a cannabis independent testing laboratory.** **Section 9** of this bill authorizes the State Sealer of Consumer Equitability to establish an annual license fee for ~~all~~ cannabis weighing and measuring equipment ~~that~~ **required to be inspected and tested by the State Sealer of Consumer Equitability.** **Section 10** of this bill prohibits a person from having an incorrect weight or measure in his or her possession in a cannabis establishment. **Section 10** additionally prohibits a person from selling or offering for sale an incorrect weight or measure for use in a cannabis establishment.

**Existing law requires an applicant for a license to operate a cannabis independent testing laboratory to agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure. Section 10.5 of this bill requires such an accreditation to be issued by an impartial organization that operates in accordance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.**

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

**Section 1.** Chapter 581 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *“Cannabis establishment” has the meaning ascribed to it in NRS 678A.095.*

**Sec. 3.** *“Cannabis weighing and measuring equipment” means weights, measures, weighing devices and measuring devices used in cannabis establishments.*

**Sec. 4.** NRS 581.001 is hereby amended to read as follows:

581.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 581.002 to 581.022, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 581.050 is hereby amended to read as follows:

581.050 1. The State Sealer of Consumer Equitability may:

(a) Adopt regulations necessary to carry out the provisions of this chapter.

(b) Ensure that those regulations comply, insofar as practicable, with the specifications, tolerances and regulations recommended by the National Institute of Standards and Technology.

(c) Adopt regulations for the submission for approval of types and designs of weights and measures , ~~and~~ commercial weighing and measuring equipment ~~+~~ **and cannabis weighing and measuring equipment.**

2. The State Sealer of Consumer Equitability shall adopt regulations which prescribe the:

(a) Standards for weighing and measuring devices;

(b) Requirements for the issuance of a certificate of registration pursuant to NRS 581.103; and

(c) Standards for the equipment used to repair or adjust weighing or measuring devices.

**Sec. 6.** NRS 581.057 is hereby amended to read as follows:

581.057 The State Sealer of Consumer Equitability may, if necessary for the enforcement of this chapter and any regulations adopted pursuant thereto:

1. Enter any commercial premises **or cannabis establishment** during normal business hours upon presenting his or her credentials.

2. Issue stop-use, hold and removal orders for any weights and measures commercially used ~~+~~ **or used in a cannabis establishment**, and issue stop-sale, hold and removal orders for any packaged commodities or bulk sale commodities that are kept, offered or exposed for sale.

3. Seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered or exposed for sale, or sold in violation of any provision of this chapter or any regulation adopted pursuant thereto.

4. Stop any commercial vehicle and, after presentation of his or her credentials, inspect the contents of the vehicle, require the person in charge of the vehicle to produce any documents in the person's possession concerning the contents of the vehicle, and require that person to proceed with the vehicle to some specified place for inspection.

**Sec. 7.** NRS 581.065 is hereby amended to read as follows:

581.065 The State Sealer of Consumer Equitability shall:

1. Ensure that weights and measures used in commercial services **and cannabis establishments** within this state are suitable for their intended use, are properly installed and accurate, and are so maintained by their owner or user.

2. Prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within this state.

3. Make available to all users of physical standards, or of weighing and measuring equipment, the precision calibration and related metrological certification capabilities of the facilities of the Division.

4. Promote uniformity, to the extent practicable and desirable, between the requirements relating to weights and measures of this state and similar requirements of other states and federal agencies.

5. Adopt regulations establishing such requirements relating to weights and measures as are necessary to ensure equity between buyers and sellers, and thereby encourage desirable economic growth while protecting consumers.

**Sec. 8.** NRS 581.067 is hereby amended to read as follows:

581.067 The State Sealer of Consumer Equitability shall:

1. Adopt regulations establishing such primary standards and secondary standards for weights and measures for use in this State as the State Sealer of Consumer Equitability determines appropriate.

2. Maintain traceability of the state standards to the national standards of the National Institute of Standards and Technology.

3. Enforce the provisions of this chapter.

4. Adopt other reasonable regulations for the enforcement of this chapter.

5. Establish requirements for:

(a) Labeling;

(b) The presentation of information relating to cost per unit;

(c) Standards of weight, measure or count, and reasonable standards of fill, for any packaged commodity; and

(d) Information relating to open dating of packaged food.

6. Grant such exemptions from the provisions of this chapter or any regulations adopted pursuant thereto as the State Sealer of Consumer Equitability determines appropriate to the maintenance of good commercial practices within this State.

7. Conduct investigations to ensure compliance with this chapter.

8. Delegate to appropriate personnel any of the responsibilities of the Division as needed for the proper administration of the Division.

9. Adopt regulations establishing a schedule of civil penalties for any violation of NRS 581.415 and for any point-of-sale system or cash register determined not to be in compliance with the provisions of subsection ~~19~~ 20.

10. Inspect and test commercial weights and measures that are kept, offered or exposed for sale.

11. Inspect and test, to ascertain if they are correct, weights and measures that are commercially used to:

(a) Determine the weight, measure or count of commodities or things that are sold, or offered or exposed for sale, on the basis of weight, measure or count; or

(b) Compute the basic charge or payment for services rendered on the basis of weight, measure or count.

**12. *Inspect and test, to ascertain if it is correct, all cannabis weighing and measuring equipment ~~that~~ other than equipment that is used for a noncommercial purpose by a cannabis independent testing laboratory, as defined in NRS 678A.115.***



~~12-1~~ 13. Test all weights and measures used in checking the receipt or disbursement of supplies by entities funded by legislative appropriations.

~~13-1~~ 14. Approve for use such commercial weights and measures *and cannabis weighing and measuring equipment* as the State Sealer of Consumer Equitability determines are correct and appropriate. ~~1-1~~ *other than equipment that is used for a noncommercial purpose by a cannabis independent testing laboratory, as defined in NRS 678A.115.* The State Sealer of Consumer Equitability may mark such commercial weights and measures ~~1-1~~ *and cannabis weighing and measuring equipment*. The State Sealer of Consumer Equitability shall reject and order to be corrected, replaced or removed any commercial weights and measures *and cannabis weighing and measuring equipment* found to be incorrect. Weights and measures that have been rejected may be seized if they are not corrected within the time specified or if they are used or disposed of in a manner not specifically authorized. The State Sealer of Consumer Equitability shall remove from service and may seize weights and measures found to be incorrect that are not capable of being made correct.

~~14-1~~ 15. Weigh, measure or inspect packaged commodities that are kept, offered or exposed for sale, sold or in the process of delivery to determine whether the packaged commodities contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or the regulations adopted pursuant thereto. In carrying out the provisions of this subsection, the State Sealer of Consumer Equitability shall employ recognized sampling procedures, including, without limitation, sampling procedures adopted by the National Conference on Weights and Measures.

~~15-1~~ 16. Adopt regulations prescribing the appropriate term or unit of weight or measure to be used whenever the State Sealer of Consumer Equitability determines that an existing practice of declaring the quantity of a commodity, or of setting charges for a service by weight, measure, numerical count or time, or any combination thereof, does not facilitate value comparisons by consumers or may confuse consumers.

~~16-1~~ 17. Allow reasonable variations from the stated quantity of contents that entered intrastate commerce, which must include those variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices.

~~17-1~~ 18. Provide for the training of persons employed by any governmental entity within this State, including, without limitation, state, county and municipal personnel, who enforce the provisions of this chapter and chapter 582 of NRS, and any regulations adopted pursuant thereto, relating to weights and measures. The State Sealer of Consumer Equitability may establish by regulation minimum training and performance requirements which must be met by all such persons.

~~18-1~~ 19. Verify advertised prices and price representations, as necessary, to determine their accuracy.

~~{19-}~~ 20. Without charging and collecting a fee, conduct random tests of point-of-sale systems and cash registers to determine the accuracy of prices, including advertised prices and price representations, and computations and the correct use of the equipment, and, if such systems utilize scanning or coding means in lieu of manual entry, the accuracy of prices printed or recalled from a database.

~~{20-}~~ 21. Employ recognized procedures for making verifications and determinations of accuracy, including, without limitation, any appropriate procedures designated by the National Institute of Standards and Technology.

~~{21-}~~ 22. Adopt regulations and issue orders regarding standards for the accuracy of advertised prices and automated systems for retail price charging, point-of-sale systems and cash registers, and for the enforcement of those standards.

~~{22-}~~ 23. Conduct investigations to ensure compliance with the regulations adopted pursuant to subsection ~~{21-}~~ 22.

Sec. 9. NRS 581.075 is hereby amended to read as follows:

581.075 The State Sealer of Consumer Equitability may establish:

1. A schedule of fees for any tests of weighing and measuring devices that the State Sealer of Consumer Equitability determines to be necessary.

2. An annual fee for the issuance of a certificate of registration pursuant to NRS 581.103.

3. An annual license fee for all commercial weighing and measuring equipment.

4. ***An annual license fee for all cannabis weighing and measuring equipment ~~that is required to be inspected and tested by the State Sealer of Consumer Equitability by NRS 581.067.~~***

Sec. 10. NRS 581.415 is hereby amended to read as follows:

581.415 1. A person shall not:

(a) Use in commerce, or have in his or her possession for use in commerce ~~or in a cannabis establishment~~, any incorrect weight or measure;

(b) Sell or offer for sale for use in commerce ***or for use in a cannabis establishment*** any incorrect weight or measure;

(c) Remove any tag, seal or mark from any weight or measure without specific written authorization from the proper authority;

(d) Hinder or obstruct any inspector of the Division in the performance of the inspector's duties; or

(e) Violate any provisions of this chapter or any regulation adopted pursuant thereto.

2. A person who violates any provision of this section is, in addition to any criminal penalty that may be imposed, subject to a civil penalty in accordance with the schedule of civil penalties established by the State Sealer of Consumer Equitability pursuant to subsection 9 of NRS 581.067.

***Sec. 10.5. NRS 678B.290 is hereby amended to read as follows:***

678B.290 1. The Board shall establish standards for and certify one or more cannabis independent testing laboratories to:

(a) Test cannabis for adult use and adult-use cannabis products that are to be sold in this State;

(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State; and

(c) In addition to the testing described in paragraph (a) or (b), test commodities or products containing hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment.

2. Such a cannabis independent testing laboratory must be able to:

(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

(1) The concentration therein of THC and cannabidiol.

(2) The presence and identification of microbes, molds and fungi.

(3) The composition of the tested material.

(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 678B.210 or 678B.250, as applicable.

(b) Pay the fees required pursuant to NRS 678B.390.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure ~~by~~ **by an impartial organization that operates in accordance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.**

**Sec. 11.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

**Sec. 12.** This act becomes effective on July 1, 2021.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:10 p.m.

#### ASSEMBLY IN SESSION

At 4:57 p.m.

Mr. Speaker presiding.

Quorum present.

#### IN JOINT SESSION

At 4:57 p.m.

Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Brooks, Hansen, Kieckhefer, and Pickard, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblywomen Benitez-Thompson, Black, Carlton, Dickman, Hansen, Jauregui, and Monroe-Moreno, who were excused.

Senator Catherine Cortez Masto delivered her pre-recorded message as follows:

#### MESSAGE TO THE LEGISLATURE OF NEVADA EIGHTY-FIRST SESSION, 2021

Hello. I want to thank you all for the important work that you are doing right now. Nevadans have had an incredibly difficult year, facing a once-in-a-century pandemic that kept our families apart and hurt our small businesses. But they have had allies they can depend on in you. And I have been so proud to work alongside you as a partner to help Nevada weather the storm. The stakes have never been higher, and we still have a lot of work to do, so I will be brief.

Throughout the COVID-19 pandemic, I have worked hard to make sure that everything happening on the federal level benefits Nevada. I have depended on outreach from our constituents and advice from so many of you. We all saw what happened to our state in the wake of the mortgage crisis. I know that to protect Nevada families and speed our recovery from an economic downturn, we need to act quickly and decisively. And we need to work together.

The pandemic's impact has been historic, and our response had to be historic as well. When Nevadans were first told to shelter in place, I worked across the aisle in the Republican-controlled Senate to take bold action and help keep our businesses afloat. We passed the CARES [Coronavirus Aid, Relief, and Economic Security] Act, and we secured additional funding for the Paycheck Protection Program, which helped people like Juan Vazquez in Las Vegas. His beloved restaurant, Juan's Flaming Fajitas, was able to stay open and keep its workers on the payroll because my colleagues and I teamed up to help our economy bounce back.

But Nevada still needed more help. I was incredibly proud to help deliver a Democratic Senate majority to help President Joe Biden confront this crisis head-on. Together, we passed the most comprehensive relief package in our nation's history—the American Rescue Plan—which is helping pave the way back for our state. We are getting shots in arms, we are helping people get back to work, and we are strengthening our small businesses while building back our vibrant tourism economy. I had a chance to shape that bill and make sure it would specifically address the challenges facing Nevada. I secured \$750 million so the Economic Development

Administration could help states like Nevada that have been especially hurt by the drop in tourism during the pandemic—funds that can support our outdoor recreation industry in particular.

I also worked to make sure that we extended and expanded the employee retention tax credit, so the hardest-hit businesses, like those in Nevada, could access it. I pushed for \$2 billion in funding to help modernize unemployment insurance systems across the country and speed up the delivery of benefits to those in need. I also worked to secure more than \$18 billion across all relief packages for quality broadband access, which has been a key priority for me since coming to the Senate. That funding allowed the Silver State to bring school online for students in every corner of the state.

To protect the many workers in our hospitality industry with good benefits, I made sure that the relief package included 100 percent subsidy so unemployed or furloughed workers could stay on their insurance through COBRA [Consolidated Omnibus Budget Reconciliation Act]. This was a big priority for people like Mario Sandoval, a union member and cancer survivor who lost his job in Las Vegas during the pandemic. Mario would have faced COBRA costs of \$885 a month without subsidies for the insurance that covered his lifesaving medication. Mario and so many others needed federal help, and I was proud to help secure it for him.

I have to tell you, from the start of this pandemic, one message has been clear from both state and local government leaders in Nevada: We need help. To ensure that Nevada and other states could keep educators, health care workers, and first responders on the job, I worked with colleagues to make sure that the legislation included funds to support state and local governments, including nearly \$4 billion for Nevada—\$155 million of that for our rural towns and counties alone, which have been priorities for me.

We all understand that there is more work to be done to make sure this and other relief gets used wisely, to invest in our people and our economy and to spark a meaningful recovery. Clark County has faced a devastating suicide crisis, and as I know from talking with students in Washoe County earlier in May, mental health challenges continue to affect students in every corner of our state. The stress of the pandemic has had an impact not just on students but on seniors, as well, and every age group in between. I hear it in nearly every conversation I have with Nevadans, no matter what we are meeting about. So I am leading efforts in the Senate to make sure we are listening to these voices and getting them the care they need.

Nevadans continue to feel the effects of this pandemic. They have told me. And it is going to take all of us to support them. I am proud to partner with you to help do that over the coming years. I trust you to tell me where we are falling short as well as where we are excelling. And I trust that you will bring this same commitment to Nevadans and willingness to find common ground to your own remaining work.

Thank you so much, and I hope you have a productive rest of your session.

Senator Jacky Rosen delivered her pre-recorded message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA  
EIGHTY-FIRST SESSION, 2021

Hello, everyone. I want to thank Governor Sisolak, Lieutenant Governor Marshall, members of the State Supreme Court, Majority Leader Cannizzaro, Speaker Frierson, Minority Leaders Settelmeyer and Hardy, all of the constitutional officers, and all of the members of our Nevada State Senate and Assembly for giving me this opportunity to speak with you today.

Before I begin, I would like to recognize Assembly Speaker Jason Frierson for the work he has done to raise awareness for prostate cancer—an all-too-common health issue, one that is not discussed enough and one that has affected him personally. Thank you for your bravery in sharing your personal story. By raising awareness, Speaker Frierson is helping to combat this deadly disease and inspiring Nevadans across our communities to receive checkups and protect their health. Mr. Speaker, I know I speak for everyone when I say, Thank you, and we are here for you on your journey and hoping for a full recovery.

It is truly an honor to represent our great state of Nevada in the United States Senate, and it is a privilege to speak to you tonight. Two years ago, when I last addressed a joint session of our state's Legislature, I came to discuss the history-making progress we had achieved. We had become the first-ever state to elect a female-majority legislature. And I am proud to say that since

then, Nevada's female-majority Legislature has grown. I know that the women and men in our state's Legislature will continue to achieve great things and help us to overcome the challenges we face. Because over the last year, Nevada has unfortunately seen turbulent times, which have put the Silver State's resilience to the test.

Before COVID, Nevada's economy was not just stable, it was thriving. Unemployment was at near historic lows, and we were working to do right by Nevada's families and the communities that make up our state. We were building up cutting-edge industries in areas like technology, advanced manufacturing, and clean energy, bringing companies and good-paying jobs to our state. We were taking steps to invest in our education and in our health. People were coming to Nevada to find work, to build businesses, to make a life for themselves, to start families, and build community. But as the pandemic hit, our state suffered. We all suffered.

Over the last year, we have seen hardworking Nevadans who, through no fault of their own, have been left to worry about where their next paycheck will come from, if they will be able to pay their bills, if they will be able to keep a roof over their heads, and if they will be able to put food on the table. Over the last year, we have seen Nevada businesses—the lifeblood of our community—forced to make impossible decisions just to get by, and some have sadly had to close their doors permanently. During the pandemic's peak, we saw nearly 30 percent unemployment, the highest rate in our state's history. We have also seen hospitals, doctors' offices, medical facilities, frontline workers, and essential workers pushed to the brink. More than 300,000 Nevadans have tested positive for COVID, with some facing health impacts that may last a lifetime as a result. Sadly, we have seen this and so much more.

Most heartbreaking of all is the many lives—the loved ones—we have lost to COVID-19. Over 5,400 Nevadans have been taken from us—moms and dads, sons and daughters, siblings and loved ones, friends and neighbors. We grieve both personally and as a community, as a state, as a country, and the world shares in our collective mourning. But we must remain strong, and we must remain resilient because we can honor the lives and the memories of those we have lost by beating this pandemic. COVID-19 has brought so much hardship. It has caused a health and an economic crisis, but these are crises that we can—and we will—overcome, together as one Nevada family.

In these tough times, state, local, and tribal leaders have worked to mitigate the spread of this virus, to protect Nevadans' health and well-being, and to prevent critical state industries and institutions from failing. From Governor Sisolak to those here today and all those across our state, to those who have been on the front lines of this battle, your commitment to public service and to the people of our state is remarkable. I am proud to partner with you in our shared goal of protecting the lives and livelihoods of all those we represent in the state we love and are proud to call home. And I am here to tell you that we are at a turning point in this fight. And I am here to say that hope and help are on the way.

In March, Congress passed the American Rescue Plan, and President Biden signed it into law. This comprehensive relief package has greatly strengthened our efforts to overcome COVID-19. As a result of the American Rescue Plan, Nevadans can expect to see, and are already seeing, direct payments to over 1.8 million Nevada adults and over 750,000 Nevada children. We are seeing extended and enhanced unemployment benefits for over 178,000 Nevadans who lost their jobs due to COVID. We are seeing millions of dollars in emergency rental assistance so that Nevada families can keep a roof over their heads. We are seeing Nevadans getting 100 percent of their COBRA [Consolidated Omnibus Budget Reconciliation Act] health insurance premiums paid for, something Senator Cortez Masto and I championed. We are seeing funding to cover the cost of PPE [personal protective equipment] for Nevada workers. We are seeing billions in support for our small businesses and our state's travel, tourism, and hospitality industries, including Nevada gaming businesses who were finally—finally—included in PPP [Paycheck Protection Program] relief after I successfully fought for a change in policy last year.

The American Rescue Plan provides over \$4.1 billion in funding for Nevada's state and local governments who have exhausted their budgets fighting the pandemic. The American Rescue Plan provides funding for K through 12 education in Nevada, and it provides the single largest infusion of dedicated resources to tribal governments and Native communities in United States history. The American Rescue Plan also provides relief to our frontline workers who have been keeping our state running. It supercharges our efforts to ensure that everyone in Nevada is able to

receive a vaccine, something that is key to beating this pandemic, which every adult in our state is now eligible to receive.

Since the ARP's [American Rescue Plan's] passage, I have been proud to work with the Biden Administration to enhance the aid coming to Nevada, including helping to lift the caps on emergency loans to small businesses from \$150,000 to \$2 million. And I have worked with colleagues on both sides of the aisle to extend the authorization of the Paycheck Protection Program so that Nevada's small businesses can continue to get relief.

I am proud to have helped secure this aid for the Silver State, but we cannot stop here. We must continue our work to see that every Nevadan has the resources they need to get through this pandemic. We must take steps to ensure that we can fully reopen our state safely, and we must keep up the fight to defeat this disease. That means making sure that our children can go back, in person, to school and receive a quality education in our state. Not only does the American Rescue Plan help to do this, but I have recently joined my colleagues in urging increased federal funding to see that this happens. But we cannot stop there. We must address the health disparities that have long existed in our health system, which COVID-19 has shined a new light on.

It is time to ensure that underserved communities in our state, in our urban and rural communities, receive the access to care that they need and deserve. It also means making fixes at the federal level to support, enhance, and upgrade our unemployment system so that we can get benefits out swiftly and accurately to those who need it the most. We cannot simply rebuild our state as it was before. We must build Nevada back and then continue building it up toward new and greater heights. We can take steps to revolutionize workplace safety and restore consumer confidence. We can make smart investments in our infrastructure, investments that increase our clean energy use and decrease our commute times. We can develop a workforce that is highly skilled and highly employable for the jobs of the 21st century. We can support traditional Nevada industries and encourage new economic diversity in our state. Through bold ideas and actions, we can better the life of every man, woman, and child who calls Nevada home.

I know we can accomplish these things and so much more because we are innovative and imaginative. We are Battle Born, and it would be a mistake for anyone—anyone—to bet against us. Together, whether we are Democrats, Republicans, or Independents, we are all—each of us—Nevadans. Together, we can and we will chart a path forward for our state. Nevada's future is bright, and by working together, we will all have a hand in building and shaping Nevada's future. Now, let us get to work.

Thank you. God bless Nevada, and God bless the United States of America.

Representative Susie Lee delivered her pre-recorded message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA  
EIGHTY-FIRST SESSION, 2021

Thank you, Speaker Frierson and Leader Cannizzaro, for inviting me to speak with all of you today—although, of course, I wish I could be with you in person in Carson City.

I want to recognize the staff behind the scenes—the Legislative Counsel Bureau, committee staff, the Sergeant at Arms—everyone who has managed to keep this ship running despite the extraordinarily difficult circumstance. And, of course, I want to take a moment to remember Robin Bates, the Sergeant at Arms for the Nevada Assembly who died of COVID-19 as the session began. Robin Bates is one of more than 5,500 Nevadans who lost their lives due to COVID-19.

This has been such a tough year for everyone in this country. I want to thank each and every one of you for everything that you have done to help keep Nevada families afloat, even while caring for your own families and communities in the midst of this pandemic. You all have shown true perseverance and have acted nimbly. Like all of you, crushing the COVID-19 pandemic has been my number one priority over the past year. We are making tremendous progress because of our work both on the state and the federal level. More than two million Nevadans have been vaccinated now, cases have fallen dramatically, kids are back in schools, and we are getting people back to work. There is light at the end of the tunnel.

In Washington, we have passed multiple relief bills that included SBA [Small Business Administration] loans for our small businesses. The American Rescue Plan has kick-started our economy, especially our travel and tourism economy in southern Nevada. But all of you went

above and beyond. You saw Nevadans suffering and you stepped up to the plate, implementing state-run relief programs, too, like the Pandemic Emergency Technical Support Grant program, also known as PETS grants. These grants, alongside federal relief, have kept so many small businesses and restaurants open.

Another key provision of the American Rescue Plan was the direct aid to state and local governments. As our travel and tourism economy came to a halt last year, the State of Nevada was facing a massive budget shortfall of \$500 million. But now, more than \$4 billion is going to state and local governments here in Nevada to make up for these budget shortfalls and prevent layoffs to key workers, like our teachers and our first responders.

Because our state was hit so hard, it really showed the importance of diversifying our economy, especially in southern Nevada. While there is much more to be done, we are on the right track. The UNLV [University of Nevada, Las Vegas] School of Medicine just held its graduation for its first-ever graduating class. This is a huge step for our region. Nevada has consistently ranked among the lowest rates of doctors per capita. And before this class, Las Vegas was the largest metropolitan area in the nation without a medical school capable of bestowing MD [doctor of medicine] degrees. These graduates are pioneers in providing for the health of our communities.

Of course, there is so much more to be done to diversify our economy and rebuild from this pandemic stronger than ever. That is why I am excited about the President's proposed American Jobs Plan, which will be a priority for us in Washington over the next few months. A key piece of the American Jobs Plan is investment in renewable energy. Nevada is, of course, already a leader in renewable energy, with more than 33,000 Nevadans working in the field. The American Jobs Plan would create even more good-paying union jobs by extending and expanding tax credits for clean energy generation, carbon capture, and more. Clean energy, building roads and bridges, building schools, investing in broadband—all of this will help diversify our economy and rebuild stronger than ever. And as we think about diversifying our economy, we absolutely must prioritize investment in education. After all, education is the real key to diversifying our economy.

Speaking of education, I am incredibly proud of our newest National Teacher of the Year, Nevada's very own Juliana Urtubey. After meeting Juliana, I came back to Washington reinvigorated and more ready than ever to fight for our educators and our students. We have a lot of ground to make up. While our teachers have done an incredible job at adapting to distance learning, we know that for so many students, it simply did not work. Our most disadvantaged students have undoubtedly suffered tremendous learning loss. That is why I was so proud to support S.B. 173, the "back on track act," led by Senator Marilyn Dondero Loop. This bill—which would be paid for with American Rescue Plan funds—would provide free summer school to K through 12 students, helping them make up for lost learning time during this pandemic.

I came to Congress to champion education. Earlier this year, I teamed up with my colleague in the Senate, Senator Van Hollen, to reintroduce the Keep Our PACT [Promise to America's Children and Teachers] Act. This bill would fully fund Title I and Individuals with Disabilities Education Act, IDEA, on a mandatory basis over the next ten years. This funding is a critical tool to ensure that every child, no matter their ZIP Code or their learning differences, has access to quality education. However, these programs have never been fully funded, and it is simply a disgrace. This has led to an increase in the struggles our schools face: larger class sizes; fewer experienced teachers; and a lack of libraries, science equipment, technology, mental health resources, and guidance counselors, just to name a few.

Speaking of mental health, we must continue to prioritize mental health as primary health care and not just during this pandemic. I was proud to work with Senator Catherine Cortez Masto to introduce the Virtual Peer Support Act, which would boost the capacity and accessibility of behavioral health support programs by helping service providers expand their services to online platforms.

While COVID relief and education have been my priorities, there is certainly so much more to be done. With my new role on the Appropriations Committee, sitting on the Energy and Water Subcommittee, I will fight tooth and nail to ensure that Yucca Mountain does not become the nation's dumping ground for nuclear waste. In fact, in a recent hearing, I spoke with Energy Secretary Granholm about this very issue, and she committed to consent-based alternatives to Yucca Mountain. But, of course, we need to end the fight over Yucca Mountain once and for all.



That is why I am co-chairing the bipartisan nuclear waste caucus so we can come together to determine more long-term solutions to storing our country's nuclear waste.

As the Las Vegas Valley continues to grow, I am also working to find common ground to conserve our pristine desert habitats while also allowing for much-needed development. I was proud to work with the rest of the Nevada federal delegation to introduce the Clark County lands bill, which will do just that.

I am also working to pass stronger gun laws to keep our communities safe. Here in Nevada, we know the horror of gun violence all too well. The House has passed gun safety laws that are supported by the vast majority of the American people. Now, we are waiting on the Senate to muster up the courage to act on those bills. And, of course, no one is a greater champion for gun safety than our very own Assemblywoman Sandra Jauregui, who is always fighting to make Nevada safer for all of us.

Nevada continues to be a leader in this country, thanks to all of your hard work and determination. Not to mention, the Nevada State Legislature was the first-ever state legislature to be majority female—I am sure that does not hurt when it comes to getting things done. It is because of Nevada's leadership and our diversity that I believe Nevada should get to vote first when it comes to presidential elections. Nevada deserves to be the new first in the nation.

Let me close by saying this: I believe in Nevada. I believe in the grit and determination of our hardworking men and women across this great state—the nurses and health care workers, casino employees, and small business owners. I believe in our kids—our most precious resource—coming out of virtual learning and headed on the right track to a better education. We can ensure a brighter future for our kids by getting their teachers and school leaders the resources they need to succeed. And I believe we will come out of this pandemic stronger than ever. It is going to take hard work, but I have no doubt that we stand ready to meet the challenge because as Nevadans, we always rise to the occasion.

Thank you for everything you are doing to make this state a better home for all of us in the years to come.

Assemblyman Yeager moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senators Catherine Cortez Masto and Jacky Rosen and Representative Susie Lee for their timely, able, and constructive messages.

Motion carried.

Assemblywoman Titus moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:35 p.m.

#### ASSEMBLY IN SESSION

At 5:35 p.m.

Mr. Speaker presiding.

Quorum present.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2021

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 410, 411, 412, 413, 414, 418, 423, 425, 426, 427, 429, 431, 432, 433, 434, 435, 436, 438, 443, 444.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 415, 428.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 501 to Senate Bill No. 9.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 410.

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

Motion carried.

Senate Bill No. 411.

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

Motion carried.

Senate Bill No. 412.

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

Motion carried.

Senate Bill No. 413.

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

Motion carried.

Senate Bill No. 414.

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

Motion carried.

Senate Bill No. 415.

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

Motion carried.

Senate Bill No. 418.

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

Motion carried.

Senate Bill No. 423.

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

Motion carried.

Senate Bill No. 425.

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

Motion carried.

Senate Bill No. 426.

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

Motion carried.

Senate Bill No. 427.

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

Motion carried.

Senate Bill No. 428.

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

Motion carried.

Senate Bill No. 429.

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

Motion carried.

Senate Bill No. 431.

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

Motion carried.

Senate Bill No. 432.

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

Motion carried.

Senate Bill No. 433.

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

Motion carried.

Senate Bill No. 434.

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

Motion carried.

Senate Bill No. 435.

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

Motion carried.

Senate Bill No. 436.

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

Motion carried.

Senate Bill No. 438.

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

Motion carried.

Senate Bill No. 443.

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

Motion carried.

Senate Bill No. 444.

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

Motion carried.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 6, 18, 27, 30, 31, 33, 34, 43, 54, 60, 64, 72, 74, 75, 118, 413, 420, 437; Assembly Joint Resolutions Nos. 2, 4; Assembly Joint Resolutions No. 10 of the 80th Session.

##### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 37, 149, 459, and 463; Senate Bills Nos. 12, 14, 15, 16, 28, 37, 38, 47, 61, 72, 112, 127, 138, 145, 168, 173, 177, 251, 253, 305, 309, 311, 332, 357, 364, 372, 376, 379, 391, 398, 400, and 408 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

##### REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Wednesday, May 19, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:50 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*