

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 27, 2021

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Martinez, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Here we are, Lord, and it's already Thursday. In the time that I was waiting, I was curious about that name, Thursday. Evidently, the day is named after the Norse God of thunder, Thor. Now he's viewed as a superhero. Yet, today, and every day, we begin our session by turning to You, our Creator, our God, our ever-present Father. Please bless our Assembly and what we are doing.

I pray in Your precious and Holy 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.

IN JOINT SESSION

At 11:33 a.m.

Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Hansen, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblywoman Martinez, who was excused.

Representative Steven Horsford delivered his pre-recorded message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-FIRST SESSION, 2021

Hello, it is an honor to be with you today. I realize this is the final week of the session and you are busy doing the hard, but necessary, work to pass meaningful legislation and the state budget for the next two years. I want to thank Speaker Frierson and Leader Cannizzaro for inviting me to address this distinguished body.

Since the beginning of the COVID-19 pandemic, the elected members and staff of the Nevada Legislature have worked long hours to help our state weather one of the greatest crises in modern history. History will remember that you led when Nevada needed it the most, and I want to thank each of you for your public service.

Twelve years ago when I was Senate Majority Leader, Nevada faced another crisis. The 2008 recession had devastated our economy. Just like today, our hospitality and tourism industries were badly hit, and Nevada was suffering a level of economic damage that other states could only fear. Then, just like now, members of the Nevada Legislature worked across the aisle to rebuild stronger than before. With your work, and mine in Washington, we can build back better from this pandemic and forge a stronger, fairer future for every Nevada family.

During this session of Congress, I am focused on three key priorities. First, crush the coronavirus. Since the COVID-19 vaccine became available to the public, Governor Sisolak and our state and local leaders have worked to quickly open vaccine sites across our state and encourage Nevadans to get their shots. I want to thank the first responders, the Nevada National Guard, health districts, pharmacists, and our entire state for coming together to get every person vaccinated so we can end this pandemic. In early May, my office announced that more than \$2 million from the American Rescue Plan was secured for Nevada to promote vaccine education and outreach.

While that money makes a tremendous difference, it is community leadership that ultimately makes the most difference. During a public roundtable conversation I hosted last month, I heard from Pastor Kelcey West of Nehemiah Ministries, and he told an important story. Pastor West was a coronavirus skeptic. He was skeptical about the virus and he was skeptical about the vaccine. Then he contracted coronavirus himself. With God's mercy, Pastor West recovered. And that experience made him a vaccine evangelist. Today, he is working with Jo Cato and Clark County leaders on the Back to Life initiative, which works to expand vaccination rates in Black and Latino communities.

Alongside other leaders and groups, like Ericka Aviles with Esta En Tus Manos, we have powerful ambassadors for this vaccine across Nevada. Their communities trust them. And your constituents trust you. When you tell your constituents that this vaccine is safe and effective, that will make more of a difference than a billboard or public service announcement ever could.

Beyond the vaccine, this past year has shown the urgency to improve our health care system. Throughout the pandemic, we have seen countless deaths that could have been prevented with earlier medical intervention. When health care is unaffordable and Nevadans need to choose between a \$50 copay and putting food on the table, many people will not get the care they need. The American Rescue Plan, Congress's \$1.9 trillion COVID relief package, provides health care premium subsidies for marketplace health care plans to ensure that Nevada families pay no more than 8.5 percent of their income in health care premiums. Thanks to the powerful advocacy of Nevada's Culinary Union and other labor groups, the plan also includes full COBRA [Continuation Omnibus Budget Reconciliation Act] subsidies for workers who have lost their jobs. That is big and I am proud that we were able to deliver on health care at a time when our communities needed it the most.

In March, I was also proud to announce that my office secured more than \$2.7 million for vaccination, primary care, and telemedicine in Nevada's 4th District as part of a \$25 million package for health care providers across our state. Several weeks ago, I toured one of the funded health centers, FirstMed Health and Wellness Center, to learn about their innovative telehealth care practices during the pandemic. Like many other Nevada health care providers, FirstMed has pioneered new ways to deliver physical and mental health care virtually, and I know that many of these practices will expand care far beyond this pandemic. There are a number of members of this

body who have been working alongside health care experts to expand care for Nevadans, and I want to especially thank Senator Spearman for her leadership in this area.

As we work to crush the coronavirus, my second goal for this Congress is to get our economy back on track. Nevada's economy has suffered disproportionately from this pandemic, but help is finally here. The American Rescue Plan allocates around \$4 billion to help Nevada's state, county, and local governments get back on track. Recently, the Treasury Department released guidance that gives state and local governments broad latitude in how these funds are to be spent. It is my hope that these funds will be used to keep essential workers on payroll; fund essential, shovel-worthy infrastructure projects; and expand social services for those who have been hit the hardest, to ensure that no community is left behind in our recovery.

The American Rescue Plan also includes more than one billion dollars to fully reopen our schools and childcare facilities and ensure that parents can return to work safely. Over the last few months, I have been privileged to have the opportunity to work closely with Nevada's own Juliana Urtubey, the National Teacher of the Year. Juliana teaches at Booker Elementary, where my son attended school, and she told me how much her students have struggled with remote and hybrid learning. When Congress was working to pass this education funding, I was thinking of Juliana, of her students, and of a great champion for education, Assemblymember Tyrone Thompson, who worked hard to increase investment in our children's futures. The money from the American Rescue Plan will get all our children back into in-person learning and address pandemic learning loss, which has taken the heaviest toll on children of color and those in rural communities. With schools and childcare facilities fully reopened, Nevada's parents will be able to return to their jobs safely, helping to rebuild the economy.

In Nevada, our unique communities need unique economic support. Already, Nevada businesses have received critical aid to keep employees on payroll through the Paycheck Protection Program, which was expanded in the American Rescue Plan. As we worked to pass aid for small businesses, I was proud to work to establish the Restaurant Relief Fund and the Shuttered Venue Operators Grant program, which is now open for applications.

Now, I know that some in this body have expressed concerns about the federal unemployment aid in the American Rescue Plan. But the problem that we are facing is not a problem with unemployment insurance. Nevadans want to work. But they deserve better than jobs that keep their family below the poverty line, with no health insurance or no benefits. As we rebuild Nevada's economy, we need to make sure that every hard-working Nevadan can get a good job that pays a living wage.

And we need to solve the childcare access issues that have prevented so many working families, particularly mothers, from returning to the workforce. One of the most important and often-overlooked sections of the American Rescue Plan is the extended and increased Child Tax Credit, which will put an average of \$3,100 in the pockets of working families in my district during the pandemic. Half of the child tax credit will be paid monthly between July and December 2021. But—and this is important—Nevadans who are not required to file their taxes will need to use the non-filer tool on IRS.gov to qualify. That tool will become available in the next couple of weeks, and I hope that you will help me spread the word to the families who are most in need.

Now, when we are talking about building back better, I want to briefly touch on five individual bills that I am working to pass. First, the Hospitality and Commerce Jobs Recovery Act of 2021, which would provide relief to our hospitality and tourism industries. This legislation would keep Nevadans on the job, create new jobs, and increase tourism to the entertainment capital of the world.

Second, the SAFE [Secure and Fair Enforcement] Banking Act, which would align state and federal law to ensure that Nevada's cannabis businesses are no longer forced to operate in all-cash environments. This legislation works hand-in-hand with other legislation that I have sponsored to remove cannabis from the federal Controlled Substances Act and expunge previous marijuana convictions to ensure that yesterday's laws are not punishing today's families. I want to recognize the important work being done on the ground on cannabis issues, particularly with AB 158, which allows youth the opportunity to acknowledge mistakes involving cannabis without establishing a police record.

Third, the George Floyd Justice in Policing Act, which would address the use of excessive force by law enforcement and build stronger relationships between police and the communities they

serve. Over the last year, our country has seen a national reckoning over the way that people of color are often treated by law enforcement, and the need for change is clear. I want to thank Assemblywoman Danielle Monroe-Moreno and Senator Dina Neal, who have been leaders on issues of racial justice and police accountability during this session in particular.

Fourth, the Southern Nevada Economic Development and Conservation Act, the largest public lands bill in Nevada history, which would protect more than two million acres of land from development while ensuring that Nevada's long-term housing and economic development needs continue to be met. This is a bipartisan bill, sponsored by the entire Nevada delegation.

Fifth, the American Dream and Promise Act of 2021, which would create a pathway to citizenship for the thousands of undocumented immigrants who have made Nevada their home. Our TPS [Temporary Protected Status] recipients and DREAMers have lived in the shadows for too long, and we must make sure that they have a pathway to citizenship.

In the months to come, I will be working to pass these bills, along with the American Families Plan and the American Jobs Plan, the two major strategic initiatives that President Biden has outlined. The American Jobs Plan would create millions of good-paying jobs while strengthening America's infrastructure and revitalizing our care economy. And the American Families Plan would create tax breaks for working families, provide four additional years of free public education to every child, and create a national paid leave program to keep millions of working women from leaving the workforce. These are bold plans that will make sure that Nevada has a strong future, and I am optimistic about our chances of getting them passed into law.

Let me finish by saying this. At the beginning of the new Congress, we saw armed insurrectionists storm the U.S. Capitol. It was shocking and it was unprecedented. And it demonstrated our collective obligation to restore faith in American democracy. Thankfully, Nevada is leading the way. Since the presidential election last November, Republicans and Democrats have united to make clear that our elections were safe, secure, and fair. As other states have worked to restrict access to the ballot box, Nevadans have worked to make it easier for every Nevadan to participate in our democracy. In Nevada, that faith in our democracy has always defined who we are.

Thank you to our devoted public servants, our committed citizenry, and the leadership in this body. Our future in Nevada is bright.

Assemblywoman Monroe-Moreno moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Horsford for his timely, able, and constructive message.

Motion carried.

Assemblyman Roberts moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 492, 493, 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. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 191, 192, 216, 404.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 386.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 13.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 13.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 386.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 423, 425, 429, and 436 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 423.

Bill read third time.

Roll call on Senate Bill No. 423:

YEAS—35.

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

EXCUSED—Martinez.

Senate Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 425.

Bill read third time.

Roll call on Senate Bill No. 425:

YEAS—35.

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

EXCUSED—Martinez.

Senate Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 429.

Bill read third time.

Roll call on Senate Bill No. 429:

YEAS—37.

NAYS—Black, Dickman, Matthews, McArthur—4.

EXCUSED—Martinez.

Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Roll call on Senate Bill No. 436:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hansen, Krasner, Matthews, McArthur, O'Neill, Titus, Wheeler—10.

EXCUSED—Martinez.

Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 493 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblywomen Carlton and Titus.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 493 establishes the maximum allowable salaries for certain employees not in the classified service of the state. The bill also makes General Fund appropriations of \$17.1 million and Highway Fund appropriations of \$3.1 million for salary increases for nonclassified, classified, and unclassified state employees. For state employees who are not represented by an approved collective bargaining agreement pursuant to NRS 288.515 as of May 25, 2021, the bill provides funding for a 1 percent salary increase for Fiscal Year 2023, effective July 1, 2022.

For state employees organized in the following collective bargaining units, as defined in NRS 288.515, Assembly Bill 493 includes funding for a 3 percent salary increase for Fiscal Year 2023, effective July 1, 2022. Unit A is labor, maintenance, custodial, and institutional employees; Unit E is professional employees who provide health care; Unit F is employees, other than

professional employees, who provide health care and personal care; Unit I is category III peace officers; and Unit K is firefighters.

For Category II peace officers organized in Unit H, the bill also includes funding for a 2 percent salary increase in addition to the 1 percent salary increase for non-represented state employees for Fiscal Year 2023, effective July 1, 2022, as well as one-time bonus payments in July 2022 for personnel who have certain continuous state service levels.

Assembly Bill 493 authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric and medical facilities. The bill also authorizes the Gaming Control Board to continue the credential pay plan, which provides up to \$5,000 annually for unclassified employees who possess a current Nevada certified public accountant certificate, a license to practice law, or are in a qualifying position as an electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering, or computer science.

This is the first time this body will be addressing a pay bill that has collective bargaining units encapsulated in it. Everyone knows where I come from; that makes me very happy. I know that there are a lot of moving pieces to this, and I know there are folks that still have some concerns. But this is our first trip around the block, and every single time an interim comes by, more employees will have an opportunity to become part of a collective bargaining unit and sit down across the table and negotiate fair working conditions and wages and health care benefits for their families. These things have to happen by May 25. You will notice that there are some people that are not included in this bill because those negotiations have not happened.

There have been concerns raised in the committee that the 1 percent is not enough for state employees. Mr. Speaker, I remember standing on this floor in 2017 having to argue with who I thought were friends to get a 1 percent pay increase for state employees. It got very heated and it was the last evening of the Legislature. Of course, we all want to do more than 1 percent. After what they have been through this year, they deserve a lot more than that. We are in the position we are in. There are bills out there that need to be dealt with. We need to move forward with this. This is the first step in what I have been waiting for a very long time to have state employees to actually have a voice at the table.

ASSEMBLYWOMAN TITUS:

I rise in strong opposition to AB 493. During testimony on this bill, we heard that people who do not belong to unions are freeloaders. I would beg to argue that because you do not join a union, and they happen to negotiate a cost-of-living increase or merit salaries or whatever it may be, those hardworking employees of whatever system you are in are not freeloaders. We should not force people to have to join unions to get the best salary they can. I will be a hard no on this and hopefully my colleagues will be a no also.

ASSEMBLYWOMAN CARLTON:

I would like to clarify the comments since that was the statement that I made. Nevada is a right to work state. In the case of my union membership, there were 100 people represented and 99 of them belonged to the union. That one person who did not get those same benefits because we were a bargaining unit. So they benefited from wage, salary, benefits, working conditions like everyone else did in the bargaining unit. We have to recognize the fact that we are a right-to-work state. So those people still get those benefits even if they do not pay their dues.

Roll call on Assembly Bill No. 493:

YEAS—25.

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

EXCUSED—Martinez.

Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 32.

The following Senate amendment was read:

Amendment No. 563.

AN ACT relating to motor vehicles; revising provisions relating to the towing or immobilization of a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the owner of a towed or immobilized vehicle to file a civil action in justice court to determine whether the towing or immobilization of the vehicle was unlawful; and (2) requires the justice court to hold a hearing within 4 working days after such a civil action is filed, to determine whether the towing or immobilization was lawful or unlawful and to enter a corresponding order regarding payment of costs and release of the vehicle. (NRS 4.370, 487.039)

This bill creates a new process for filing a complaint for expedited relief in justice court. This bill: (1) requires such a complaint to be filed within 21 calendar days after the towing or immobilization of a vehicle; (2) requires that a hearing on the complaint be held within 7 calendar days after the filing of the complaint; (3) requires the court to determine whether the towing or immobilization was lawful or unlawful and to enter an order declaring liability for certain costs; and (4) if the court determines that the towing or immobilization was unlawful, requires the person or entity who has stored or immobilized the vehicle, as applicable, to release the vehicle to the owner or remove the boot, clamp or device from the vehicle immediately upon presentation of a certified copy of the order by the owner of the vehicle.

~~[[This bill also]~~ **Existing law** requires the operator of any facility or location where vehicles which are towed are stored to ~~[[mail written notice, within 24 hours after the towing, excluding Sundays and holidays, to the registered owner of any vehicle towed to the facility or location.]]~~ **display at the facility or location a conspicuous sign which sets forth the provisions of existing law for determining the lawfulness of a towing or immobilization. (NRS 487.039) This bill requires that the sign also include information concerning the availability of certain legal assistance.**

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

Section 1. NRS 487.039 is hereby amended to read as follows:

487.039 1. ~~[[If a]]~~ *In addition to the remedy provided pursuant to paragraph (b) of subsection 1 of NRS 4.370 for civil damages, the owner of a vehicle may file a complaint for expedited relief based upon the unlawful towing or immobilization of the vehicle in the justice court of the township*

where the property from which the vehicle was towed or on which the vehicle was immobilized is located if:

(a) The vehicle is towed pursuant to NRS 487.037 or 487.038 or immobilized pursuant to NRS 487.0385 ~~and the~~ ;

(b) The owner of the vehicle believes that the vehicle was unlawfully towed or immobilized ~~the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed or on which the vehicle was immobilized is located, on a form provided by the court, to determine whether the towing or immobilizing of the vehicle was lawful.~~

~~2. An action relating to~~ ;

(c) For a vehicle that was towed, ~~may be filed pursuant to this section only if~~ the cost of towing and storing the vehicle does not exceed \$15,000 ~~it~~ ; and

(d) The vehicle is being stored or is still currently immobilized as a result of the towing or immobilization.

2. Such a complaint:

(a) Must be filed within 21 calendar days after the towing or immobilization of the vehicle; and

(b) Must be filed against:

(1) The owner or person in lawful possession of the real property or the authorized agent of the owner of the real property who authorized the tow of the vehicle and the tow company which towed the vehicle;

(2) The operator of an off-street parking facility who authorized the tow of the vehicle and the tow company which towed the vehicle; or

(3) The owner or person in lawful possession of a multilevel parking garage or other parking structure who authorized the immobilization of the vehicle.

3. A complaint filed pursuant to subsection 1 that does not meet the criteria in subsections 1 and 2 ~~must~~ may be dismissed by the court, without prejudice. Such dismissal does not affect the right of the owner of the vehicle to pursue civil damages.

4. Upon the filing of a ~~civil action~~ complaint pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than ~~4 working~~ 7 calendar days after the ~~action~~ complaint is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, the constable or ~~other~~ a process server licensed pursuant to chapter 648 of NRS upon the ~~towner or person in lawful possession of the property who authorized the towing or immobilization of the vehicle.~~

~~4~~ *person identified in subparagraph (1), (2) or (3) of paragraph (b) of subsection 2.*

5. The court shall ~~if it determines that~~ determine whether the vehicle was ~~it~~ lawfully or unlawfully towed or immobilized and:

(a) ~~Lawfully~~ If the court determines the vehicle was lawfully towed, enter an order declaring the owner of the vehicle ~~to pay~~ liable for the cost

of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost. ~~††~~

(b) ~~†Unlawfully†~~ *If the court determines the vehicle was unlawfully* towed, *enter an order declaring* the owner or person in lawful possession of the property *or the authorized agent of the owner of the property* who authorized the towing ~~to pay†~~ *liable for* the cost of towing and storing the vehicle ~~††~~ and order the person who is storing the vehicle to release the vehicle to the owner immediately. ~~†and determine the actual cost incurred in towing and storing the vehicle;†~~

(c) ~~†Lawfully†~~ *If the court determines the vehicle was lawfully* immobilized, *enter an order declaring* the owner of the vehicle ~~to pay†~~ *liable for* the cost of removing from the vehicle the boot, wheel clamp or other mechanical device used to immobilize the vehicle and order the person who immobilized the vehicle to remove the boot, clamp or device upon payment of that cost. ~~†-or†~~

(d) ~~†Unlawfully†~~ *If the court determines the vehicle was unlawfully* immobilized, *enter an order declaring* the owner or person in lawful possession of the property who authorized the immobilizing ~~to pay†~~ *liable for* the cost of removing the boot, clamp or device and order the person who immobilized the vehicle to remove the boot, clamp or device from the vehicle immediately.

~~§.~~ 6. *Upon presentation of a certified copy of an order entered pursuant to paragraph (b) or (d) of subsection 5 by the owner of a vehicle, the person storing the vehicle or the person who immobilized the vehicle, as applicable, shall release the vehicle to the owner immediately or remove the boot, clamp or device from the vehicle immediately.*

7. The operator of any facility or other location where vehicles which are towed are stored shall display ~~†~~

~~(a) Display†~~ conspicuously at that facility or location a sign which sets forth ~~the~~ ~~†~~.

~~(a) The~~ provisions of this section ~~††~~; and

~~(b) †Mail written notice to the registered owner of any vehicle towed to the facility or other location within 24 hours after the towing, excluding Sundays and holidays, that includes the following information:†~~

~~—(1) The name and address of the facility or location at which the vehicle is being stored;†~~

~~—(2) The cost of towing and storage, including the daily accrual rate of storage, if any;†~~

~~—(3) The reason for the towing;†~~

~~—(4) A statement of the provisions of this section; and†~~

~~—(5)†~~ A statement regarding the availability of assistance from a program for legal aid, self-help center operated or overseen by a court or other similar program in the city or county in which the facility or other location is located.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 563 to Assembly Bill No. 32.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 284.

The following Senate amendment was read:

Amendment No. 496.

AN ACT relating to statutory liens; providing a procedure to contest the validity of ~~the lien~~ **certain liens** on a motor vehicle; requiring that certain additional information be provided in a notice of lien on a motor vehicle; providing for the expiration of a lien on a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to contest the validity of a lien on a mobile home or manufactured home. (NRS 108.355) **Section 1** of this bill establishes a similar procedure for a person to contest the validity of ~~a lien~~ **certain liens** on a motor vehicle.

Existing law requires that a notice of lien on a mobile home or manufactured home must include: (1) the amount necessary to satisfy the lien; and (2) a description of the legal proceedings available to contest the lien. (NRS 108.2725) **Section 3** of this bill requires that similar information be included in a notice of lien on a motor vehicle.

Under existing law, a lien on a mobile home or manufactured home expires 1 year after the lien is filed with the Housing Division of the Department of Business and Industry. (NRS 108.2735) **Section 4** of this bill provides that a lien on a motor vehicle expires 6 months after the lien is filed with the Department of Motor Vehicles ~~and~~, **except when tolled by a pending civil action or administrative proceeding relating to the lien on the motor vehicle or an underlying repair to the motor vehicle.**

The provisions of this bill do not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity.

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

Section 1. Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~5.1~~ 7, a person contesting the validity of a lien on a motor vehicle may file , in addition to any other civil action authorized by law, a notice of opposition to the lien in the justice court in whose the jurisdiction the registered owner of where the motor vehicle lives is located. A person may file a notice of opposition ~~at any time~~ within 7 calendar days after receiving a notice of lien and must include the facts supporting the opposition. The person filing the notice shall serve

copies of the notice upon the lien claimant and the Department of Motor Vehicles.

2. Upon the filing of the notice of opposition to the lien, the justice of the peace shall schedule a hearing on the notice, which must be held not later than 14 calendar days after service of the notice but not sooner than 5 calendar days after service of the notice. The justice of the peace shall affix the date of the hearing to the notice and order that a copy be served upon the lien claimant within 5 calendar days after the date of the order.

3. The justice of the peace shall ~~dismiss~~ ;

(a) ~~Dismiss the objections to the lien claim~~ ; ~~declare~~ ;

(b) ~~Declare the lien invalid and issue a writ of possession; or~~ ; ~~declare~~

(c) ~~Declare the amount of the lien if the amount of the lien is different from that described by the lien claimant.~~

↪ A lien is invalid if a body shop or garage operator fails to comply with the provisions of subsection 1 of NRS 487.567, NRS 487.6875 or 487.6877.

4. If a writ of possession is issued pursuant to paragraph (b) of subsection 3, the writ must:

(a) Be directed to the sheriff within whose jurisdiction the motor vehicle is located;

(b) Describe the motor vehicle to be seized and specify the location where, as determined by the justice of the peace from all the evidence, there is probable cause to believe the motor vehicle will be found; and

(c) Direct the levying office to seize the motor vehicle if it is found and return the motor vehicle to the registered owner.

5. The scope of a notice of opposition to a lien filed pursuant to this section is limited to judicial review of the procedures set forth in subsection 1 of NRS 487.567, NRS 487.6875 and 487.6877, the reasonableness of storage costs and compliance with the notice provisions of this section and NRS 108.265 to 108.367, inclusive.

6. After receipt of a notice of opposition to a lien or other notice pursuant to any proceeding to contest the validity of a lien on a motor vehicle, the Department of Motor Vehicles shall not transfer the title to the motor vehicle that is subject to the lien until the matter has been adjudicated.

~~§ 7.~~ 7. This section does not:

(a) Affect the rights of a secured party pursuant to chapter 104 of NRS.

(b) Apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity issued pursuant to NRS 706.4463.

8. As used in this section:

(a) “Body shop” has the meaning ascribed to it in NRS 487.532.

(b) “Garage operator” has the meaning ascribed to it in NRS 487.545.

Sec. 2. NRS 108.265 is hereby amended to read as follows:

*108.265 As used in NRS 108.265 to 108.367, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in*

NRS 108.266 to 108.26795, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 108.2725 is hereby amended to read as follows:

108.2725 **1.** In addition to the requirements set forth in NRS 108.272, the notice of a lien on a mobile home or manufactured home must include:

~~11-1~~ **(a)** The amount necessary to satisfy the lien; and

~~12-1~~ **(b)** A description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and 108.355.

2. *Except as otherwise provided in this subsection, in addition to the requirements set forth in NRS 108.272, the notice of a lien on a motor vehicle must include:*

(a) The amount necessary to satisfy the lien; and

(b) A description of the legal proceedings available to contest the lien pursuant to NRS 108.350 and section 1 of this act.

↪ *This subsection does not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity issued pursuant to NRS 706.4463.*

Sec. 4. NRS 108.2735 is hereby amended to read as follows:

108.2735 **1.** A lien asserted against a mobile home or manufactured home expires 1 year after ~~the~~ **the lien** is filed with the Housing Division of the Department of Business and Industry.

2. *Except as otherwise provided in this subsection, a lien asserted against a motor vehicle expires 6 months after the lien is filed with the Department of Motor Vehicles. This subsection does not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity issued pursuant to NRS 706.4463.*

3. *The expiration of the lien provided in subsection 2 is tolled during any period in which there is a pending civil action or administrative proceeding conducted by the Department of Motor Vehicles relating to the amount or validity of the lien on the motor vehicle or an underlying repair to the motor vehicle.*

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

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 496 to Assembly Bill No. 284.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 296.

The following Senate amendment was read:

Amendment No. 660.

AN ACT relating to actions concerning persons; establishing a civil cause of action to recover damages, reasonable attorney's fees and costs from a person who disseminates personal identifying information or sensitive information under certain circumstances; authorizing a court to issue a

temporary restraining order or a permanent or temporary injunction under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a civil cause of action against a person who commits certain acts commonly referred to as “doxing.” Specifically, this bill authorizes a person to bring a civil action to recover damages, reasonable attorney’s fees and costs from another person if the other person disseminates any personal identifying information or sensitive information of the person without the consent of the person, knowing that the person could be identified and: (1) with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury ~~or~~ or stalking ~~; for mental anguish;~~ or (2) with the intent to cause harm to the person and with the knowledge of or reckless disregard for the reasonable likelihood that disseminating the information could result in death, bodily injury ~~or~~ or stalking ~~; for mental anguish;~~ Further, a person is liable for the dissemination of such information if it: (1) would cause a reasonable person to ~~feel mental anguish or~~ fear the death, bodily injury, or stalking of himself or herself or a close relation; or (2) causes the death, bodily injury ~~or~~ or stalking ~~for mental anguish~~ of the person whose information was disseminated or a close relation of the person. This bill exempts from liability under the provisions of this bill the dissemination of such information: (1) for the purpose of reporting conduct reasonably believed to be unlawful; (2) which depicts a law enforcement officer acting under the color of law or ~~a public~~ an elected officer acting in an official capacity; ~~or~~ (3) gathered in the exercise of the constitutionally protected rights of freedom of speech and assembly ~~;~~ ; or (4) which is a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. This bill also: (1) defines certain terms, including, among other terms, “personal identifying ~~information;~~” information” and “sensitive information” ~~and “mental anguish”~~ for the purposes of the provisions of this bill; (2) imposes joint and several liability if multiple persons are found liable for the same dissemination of personal identifying information or sensitive information; (3) authorizes a court to issue a temporary restraining order or a permanent or temporary injunction to prevent the dissemination of any personal identifying information or sensitive information of a person; and (4) excludes certain computer services from liability under the provisions of this bill for content provided by another person.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a person may bring a civil action against another person if:

(a) The other person disseminates any personal identifying information or sensitive information of the person without the consent of the person, knowing that the person could be identified by such information:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury ~~or~~ or stalking; ~~for mental anguish;~~ or

(2) With the intent to cause harm to the person and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury ~~or~~ or stalking; ~~for mental anguish;~~ and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to ~~feel mental anguish or~~ fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury ~~or~~ or stalking ~~for mental anguish~~ of the person whose information was disseminated or a close relation of the person.

2. If a person is found liable to a person whose information was disseminated pursuant to subsection 1, the person whose information was disseminated may recover damages, reasonable attorney's fees and costs.

3. The provisions of this section do not apply to the dissemination of personal identifying information or sensitive information:

(a) For the purposes of reporting conduct reasonably believed to be unlawful;

(b) Which depicts a law enforcement officer acting under the color of law or ~~a public~~ an elected officer of the State of Nevada or any of its political subdivisions acting in an official capacity; ~~for~~

(c) Gathered in the exercise of the constitutionally protected rights of freedom of speech and assembly ~~or~~; or

(d) Which is a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, as defined in NRS 41.637.

4. Each person who is found liable under this section for the same dissemination of personal identifying information or sensitive information is jointly and severally liable for the damages, reasonable attorney's fees and costs awarded by the court.

5. Upon a motion by a party in a civil action brought under this section, a court may issue a temporary restraining order or a permanent or temporary

injunction to prevent the dissemination of any personal identifying information or sensitive information of a person.

6. This section must not be construed to impose liability on any interactive computer service for any content provided by another person.

7. As used in this section:

(a) “Close relation” means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household or who, within the immediately preceding 6 months, regularly resided in the household.

(b) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

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

~~(d) “Mental anguish” means protracted severe emotional distress and does not require the physical manifestation of symptoms or a diagnosis by any clinical professional counselor, physician or licensed psychologist.~~

~~(e)~~ “Personal identifying information” has the meaning ascribed to it in NRS 205.4617.

~~(f) “Public officer” has the meaning ascribed to it in NRS 205.4627.~~

~~(g)~~ (e) “Sensitive information” means information concerning:

(1) The sexual orientation of a person;

(2) Whether a person is transgender or has undergone a gender transition; or

(3) The human immunodeficiency virus status of a person.

~~(h)~~ (f) “Stalking” means a violation of NRS 200.575.

Sec. 2. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 660 to Assembly Bill No. 296.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 424.

The following Senate amendment was read:

Amendment No. 738.

CONTAINS UNFUDED MANDATE ~~[(§ 8)]~~ (§ 5.7)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to criminal procedure; ~~removing the requirement that an arrested person show good cause before being released without bail; requiring courts to conduct a pretrial release hearing to determine the custody status of an arrested person;~~ **authorizing a court to adopt an administrative order relating to pretrial release;** requiring a pretrial release hearing to be held within ~~124~~ **48** hours after a person has been taken into custody; ~~removing mandatory amounts of bail for certain offenses; requiring certain pretrial custody determinations to be made in a specific order of priority; requiring courts to consider certain information in making pretrial custody determinations; affording persons certain rights concerning pretrial release hearings; making various changes relating to the standard used by courts in making pretrial release determinations; establishing provisions relating to~~

~~circumstances under which prosecuting attorneys make certain requests relating to pretrial release determinations; requiring courts to make specific findings of fact concerning the imposition of bail or conditions of release under certain circumstances; revising provisions relating to persons who fail to comply with a condition of release; revising provisions relating to the disposition of money deposited as bail;}~~ **authorizing a justice of the peace to conduct a pretrial release hearing for a person located in another township;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution prohibits the imposition of excessive bail and requires all persons arrested for offenses other than murder of the first degree to be admitted to bail. (Nev. Const. Art. 1, §§ 6, 7)

~~{ Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail was necessary to protect the safety of the community and to ensure the appearance of the person in court. (Valdez Jimenez v. Eighth Jud. Dist. Court, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) Section 8 of this bill removes the provision of law that was found unconstitutional and section 9 of this bill makes a conforming change. }~~

Existing law sets forth separate procedures for ~~{releasing persons}~~ **a court to release a person** with bail and ~~{releasing persons}~~ without bail. (NRS 178.484, 178.4851) ~~{Section 8 consolidates the existing procedures for releasing persons with bail and releasing persons without bail into a standard procedure for courts to follow in making pretrial custody determinations.}~~ **Section 5.7 of this bill** requires courts to hold a pretrial release hearing, in open court or ~~{telephonically,}~~ **by means of remote communication,** to determine the custody status of a person within ~~{24}~~ **48** hours after the person has been taken into custody. ~~{Finally, section 8 prohibits the use of standardized bail schedules. Sections 1, 2 and 10, 11 and 12 of this bill make conforming changes.}~~

~~— Existing law authorizes certain governmental entities, other than a court, to admit a person to bail if the person has been arrested for a felony while released on parole or probation, after being released on a suspended sentence or while serving a term of residential confinement. (NRS 178.484) Section 7 of this bill removes the authority for such entities to make admissions to bail and instead requires courts to determine the custody status of such persons at a pretrial release hearing pursuant to section 8.~~

~~— Existing law mandates the imposition of specific amounts of bail for persons arrested for offenses involving domestic violence and violations of certain orders for protection. (NRS 178.484) Section 7 removes the mandatory~~

~~amounts of bail and instead requires courts to determine the custody status of persons arrested for such offenses at a pretrial release hearing pursuant to section 8.~~

~~Existing law authorizes a court to admit a person arrested for murder of the first degree to bail unless proof is evident and the presumption is great. (NRS 178.484) Section 8 establishes a uniform standard for pretrial release determinations, regardless of the underlying offense. Specifically, section 8 provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is necessary to protect the community and to ensure the appearance of the person in court.~~

~~Existing law sets forth certain factors that courts are required to consider when determining whether to release persons without bail. (NRS 178.4853) Existing law also sets forth certain factors that courts are required to consider when determining the amount of bail. (NRS 178.498) In addition to the existing factors, section 8 requires courts to consider the federal poverty guidelines and any financial document of a person when making a pretrial custody determination.~~

~~Section 8 requires a pretrial custody determination to be made in the following order of priority: (1) release without monetary bail with no additional conditions of release except the promise of good behavior and the promise to appear in court; (2) release without monetary bail with conditions of release; and (3) release with monetary bail.~~

~~Section 8 affords a person certain rights concerning his or her pretrial release hearing, including, the right to counsel, the right to review certain documents in the custody of the prosecuting attorney or the court, the right to present evidence and the right to cross examine witnesses.~~

~~Additionally, section 8 provides that if a prosecuting attorney requests the imposition of bail or a condition of release, or both, on a person at the pretrial release hearing, the prosecuting attorney must prove by clear and convincing evidence that the imposition is necessary to protect the safety of the community and to ensure the appearance of the person in court.~~

~~Section 8 also requires the court to make certain findings related to the imposition of bail or a condition of release, as applicable.~~

~~Existing law authorizes a court to deem a person in contempt or increase the amount of monetary bail if the person fails to comply with a condition of release. (NRS 178.484) Section 8 authorizes a court to deem the person in contempt or impose additional conditions of release if the person fails to comply with a condition of release.~~

~~Existing law requires money deposited as bail to be applied towards the payment of fines and costs assessed against the defendant. (NRS 178.528) Section 11.5 of this bill prohibits money deposited as bail from being applied to such fines or costs if the bail was posted by a pretrial release organization.~~

~~Existing law prohibits a court from admitting a person to bail in an amount less than the amount of certain fines if the person is arrested for a violation of certain laws relating to vehicles. (NRS 484D.680, 706.756) Sections 13 and~~

~~14 of this bill remove the provisions tying the amount of bail to the amount of the fines, meaning that a court is required to determine the amount of bail, if applicable, at a pretrial release hearing pursuant to section 8.~~

~~Section 4 of this bill expresses the intent of the Legislature to discourage courts from imposing bail or a condition of release, or both, on a person in a manner that would cause the person to remain detained because of his or her inability to pay the amount of bail or costs associated with the condition of release.] , unless good cause is shown by a party, in which case the court is authorized to continue the pretrial release hearing.~~

Existing law provides that, with certain exceptions, in criminal cases the jurisdiction of a justice of the peace extends to the limits of the county of the justice of the peace. (NRS 4.370) Section 14.5 of this bill authorizes a justice of the peace to conduct a pretrial release hearing for a person in another township.

Existing law authorizes a sheriff or chief of police to release, without bail, a person charged with a misdemeanor in accordance with the standards established by a court of competent jurisdiction. (NRS 178.4851) Section 5.5 of this bill authorizes a court of competent jurisdiction to adopt an administrative order relating to the circumstances under which a person may be released from custody pending trial, including, without limitation, those circumstances under which a sheriff or chief of police may release a person, without bail, who is charged with a misdemeanor.

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

Section 1. ~~[NRS 171.178 is hereby amended to read as follows:~~

~~171.178 1. Except as otherwise provided in [subsections] subsection 5, [and 6,] a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.~~

~~2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer. Except as otherwise provided in [subsections] subsection 5 [and 6] and NRS 171.1772, the peace officer shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.~~

~~3. If an arrested person is not brought before a magistrate within 72 hours after arrest, excluding nonjudicial days, the magistrate:~~

~~(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and~~

~~(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.~~

~~4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed forthwith.~~

~~5. [Except as otherwise provided in NRS 178.484 and 178.487, where the defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.~~

~~6.] A peace officer may immediately release from custody without any further proceedings any person the peace officer arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the release. A person so released shall be deemed not to have been arrested but only detained.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 171.1845 is hereby amended to read as follows:~~

~~171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS [178.484 or] 178.485] if:~~

~~(a) The warrant arises out of a public offense which constitutes a misdemeanor; and~~

~~(b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.~~

~~2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS 178.502 or 178.4851, together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.~~

~~3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.~~

~~4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.] (Deleted by amendment.)~~

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~The Legislature hereby finds and declares that:~~

~~1. Bail must only be imposed on persons in a manner that is consistent with the United States Constitution and to the extent permitted by the Nevada Constitution.~~

~~2. A central tenet in our criminal justice system is that persons are innocent until proven guilty and, therefore, the detention of persons who have not been convicted is generally disfavored.~~

~~3. If the imposition of bail or a condition of release, or both, on a person is necessary, courts are encouraged to make the imposition in a manner that ensures that the person will not remain detained because of his or her inability to pay the amount of bail or any costs associated with the condition of release. (Deleted by amendment.)~~

Sec. 5. (Deleted by amendment.)

Sec. 5.3. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 5.5 and 5.7 of this act.

Sec. 5.5. A court of competent jurisdiction may adopt an administrative order relating to the circumstances under which a person may be released from custody without a pretrial release hearing, including, without limitation, those circumstances under which a sheriff or chief of police may release, without bail, a person charged with a misdemeanor.

Sec. 5.7. 1. Except as otherwise provided in this section, NRS 178.484 and section 5.5 of this act, a court shall, within 48 hours after a person has been taken into custody, hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person. The pretrial release hearing may be continued for good cause shown.

2. As used in this section, “remote communication” means communication through telephone or videoconferencing.

Sec. 6. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, ~~and section 4~~ sections 5.5 and 5.7 of this act, unless the context otherwise requires, “electronic transmission,” “electronically transmit” or “electronically transmitted” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 7. ~~NRS 178.484 is hereby amended to read as follows:~~

~~178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail;~~

~~—(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~

~~—(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~—3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

~~—(a) A court issues an order directing that the person be admitted to bail; or~~

~~—(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~—4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~—5.] A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.420, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be [admitted to bail or released on the person's own recognizance] **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~—[6.] 2. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.420, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be [admitted to bail or released on the person's own recognizance] **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** sooner than 12 hours after arrest.~~

~~—[7.] 3. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be [admitted to bail] **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** sooner than 12 hours after arrest. [If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~—(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~— (b) Five thousand dollars, if the person has:~~

~~— (1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (c) Fifteen thousand dollars, if the person has:~~

~~— (1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~— The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~— 8.] 4. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be [admitted to bail] **brought before a court for a pretrial release hearing pursuant to NRS 178.4851** sooner than 12 hours after arrest if:~~

~~— (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~— (b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~— (c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~— (1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~—(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~—[9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~—(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~—(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~or~~

~~—(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~—The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection~~

~~against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~—11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area; or~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~— In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~—12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~—13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~—14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~—(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~— The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~— 15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~— 16.] 5. For the purposes of [subsections 8 and 9,] **subsection 4**, an order of injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~— [17. As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 178.4851 is hereby amended to read as follows:~~

~~— 178.4851 1. [Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.] Unless a person is released pursuant to subsection 9, and except as otherwise provided in NRS 178.484, a court shall, within 24 hours after a person has been taken into custody, hold a pretrial release hearing, in open court or telephonically, to determine the custody status of the person.~~

~~— 2. [In releasing a person without bail, the court may impose such conditions.] Before the pretrial release hearing:~~

~~— (a) The person must be appointed an attorney, free of charge, to represent the person at the pretrial release hearing; and~~

~~— (b) The person and his or her attorney must be granted access to all arrest, charging and other relevant documents that are accessible to the prosecuting attorney and the court.~~

~~— 3. At the pretrial release hearing:~~

~~— (a) The person has the right to:~~

~~— (1) Present evidence; and~~

~~— (2) Cross-examine witnesses who testify for the State; and~~

~~— (b) If a prosecuting attorney requests that the court impose bail or a condition of release, or both, on a person, the prosecuting attorney must prove by clear and convincing evidence that the request is the least restrictive means necessary to protect the safety of the community and ensure that the person will appear at all times and places ordered by the court.~~

~~— 4. If a person has been arrested for an offense other than murder of the first degree, the court shall consider the release of the person in the following order of priority:~~

~~— (a) Release without monetary bail, with no additional conditions of release other than the promise of good behavior and the promise to appear in court, as required.~~

~~—(b) Release without monetary bail with additional conditions of release.~~

~~—(c) Release with monetary bail.~~

~~—5. A court shall only impose bail or a condition of release, or both, on a person as it deems necessary to protect the [health,] safety [and welfare] of the community and to ensure that the person will appear at all times and places ordered by the court, having regard to:~~

~~—(a) The factors set forth in NRS 178.4853 and 178.498, as applicable;~~

~~—(b) The federal poverty guidelines published by the United States Department of Health and Human Services; and~~

~~—(c) Any document submitted by the person attesting to his or her financial circumstances.~~

~~—6. A court may, after conducting an individualized hearing, impose any reasonable condition of release, including, without limitation [, any condition set forth in subsection 11 of NRS 178.484.~~

~~—3.—~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area;~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own safety or the safety of another person; or~~

~~—(e) If the person was arrested for an offense punishable as a felony, requiring the person to surrender to the court any passport he or she possesses.~~

~~—7. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community and ensure the person will appear at the times and places ordered by the court.~~

~~—8. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.~~

~~—[4. Before a person may be released without bail, the]~~

~~—9. The person must [file with the clerk of the court of competent jurisdiction a signed] sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;~~

~~— (e) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and~~

~~— (d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the [health,] safety [and welfare] of the community or the person's appearance [~~

~~— 5.] , if applicable.~~

~~— 10. The document signed pursuant to subsection 9 must be filed with the clerk of the court:~~

~~— (a) Before the person is released, if the person is released without bail; or~~

~~— (b) As soon as practicable, but in no event later than the next business day, if bail is imposed by the court.~~

~~— 11. If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~— (a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~— (b) Impose additional conditions of release, as applicable.~~

~~— 12. If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.~~

~~— [6.] 13. An order issued pursuant to this section that imposes a condition on a person [who is released without bail] must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.~~

~~— 14. Nothing in this section shall be construed to authorize a person to be admitted to bail pursuant to a bail schedule.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 178.4853 is hereby amended to read as follows:~~

~~— 178.4853 In [deciding whether there is good cause to release] reviewing the custody status of a person, [without bail,] the court at a minimum shall consider the following factors concerning the person:~~

~~— 1. The length of residence in the community;~~

~~— 2. The status and history of employment;~~

~~— 3. Relationships with the person's spouse and children, parents or other family members and with close friends;~~

~~— 4. Reputation, character and mental condition;~~

~~— 5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;~~

~~— 6. The identity of responsible members of the community who would vouch for the reliability of the person;~~

~~— 7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;~~

~~— 8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;~~

~~9. The likelihood of more criminal activity by the person after release; and~~
~~10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.} (Deleted by amendment.)~~

Sec. 10. ~~{NRS 178.498 is hereby amended to read as follows:~~

~~178.498 If the [defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably] court determines that the imposition of conditions of release alone would not ensure the appearance of the [defendant] person at the times and places ordered by the court and protect the safety of [other persons and of] the community, [having regard to:] the court shall consider the following factors in determining the amount of bail to impose on the person:~~

- ~~1. The nature and circumstances of the offense charged;~~
- ~~2. The financial ability of the [defendant] person to give bail;~~
- ~~3. The character of the defendant; and~~
- ~~4. The factors listed in NRS 178.4853.} (Deleted by amendment.)~~

Sec. 11. ~~{NRS 178.502 is hereby amended to read as follows:~~

~~178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in subsection 5 of NRS [178.498,] 178.4851, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.~~

~~2. Any bond or undertaking for bail must provide that the bond or undertaking:~~

~~(a) Extends to any action or proceeding in a justice court, municipal court or district court arising from the charge on which bail was first given in any of these courts; and~~

~~(b) Remains in effect until exonerated by the court.~~

~~➔ This subsection does not require that any bond or undertaking extend to proceedings on appeal.~~

~~3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.~~

~~4. Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:~~

~~(a) The action or proceeding against a defendant who has been admitted to bail is dismissed; or~~

~~(b) No formal action or proceeding is instituted against a defendant who has been admitted to bail.~~

~~5. The court may delay exoneration of the bond or undertaking for bail for a period not to exceed 30 days if, at the time the action or proceeding against a defendant who has been admitted to bail is dismissed, the defendant:~~

~~— (a) Has been indicted or is charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given; or~~

~~— (b) Requests to remain admitted to bail in anticipation of being later indicted or charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given.~~

~~→ If the defendant has already been indicted or charged, or is later indicted or charged, with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the bail must be applied to the public offense for which the defendant has been indicted or charged or is later indicted or charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail or electronically transmit notice of the transfer to the surety on the bond and the bail agent who executed the bond.~~

~~— 6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.~~ (Deleted by amendment.)

Sec. 11.5. ~~[NRS 178.528 is hereby amended to read as follows:~~

~~178.528 [When]~~

~~— 1. Except as otherwise provided in subsection 2, when money has been deposited, if it remains on deposit at the time of a judgment for the payment of a fine, the court, or the clerk under the direction of the court, shall apply the money in satisfaction thereof, and after satisfying the fine and costs shall refund the surplus, if any, to the person who deposited the bail, unless that person has directed, in writing, that any surplus be refunded to another.~~

~~— 2. When money has been deposited by a pretrial release organization, any fines or costs attributable to the defendant may not be satisfied with funds deposited by the pretrial release organization and the full amount of the deposit must be refunded to the pretrial release organization.~~

~~— 3. As used in this section, “pretrial release organization” means an entity:~~

~~— (a) Recognized as exempt under section 501(c)(3) of the Internal Revenue Code; and~~

~~— (b) Whose purpose includes, without limitation, posting bail for defendants who are indigent.~~ (Deleted by amendment.)

Sec. 12. ~~[NRS 484A.760 is hereby amended to read as follows:~~

~~484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, [and there is no bail schedule established by the magistrate or court and~~

~~no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court,] the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.]~~
(Deleted by amendment.)

Sec. 13. ~~[NRS 484D.680 is hereby amended to read as follows:~~

~~484D.680 1. Except as otherwise provided in subsection 5, a person convicted of a violation of any limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a fine as specified in the following table:~~

Pounds of Excess Weight	Fine
1 to 1,500	\$10
1,501 to 2,500	1 cent per pound of excess weight
2,501 to 5,000	2 cents per pound of excess weight
5,001 to 7,500	4 cents per pound of excess weight
7,501 to 10,000	6 cents per pound of excess weight
10,001 and over	8 cents per pound of excess weight

~~2. If the resulting fine is not a whole number of dollars, the nearest whole number above the computed amount must be imposed as the fine.~~

~~3. The fines provided in this section are mandatory, must be collected immediately upon a determination of guilt and must not be reduced under any circumstances by the court.~~

~~4. [Any bail allowed must not be less than the appropriate fine provided for in this section.~~

~~5.] A person convicted of a violation of a limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a fine that is equal to twice the amount of the fine specified in subsection 1 if that violation occurred on or after February 1 but before May 1 on a highway designated by the Director of the Department of Transportation as restricted pursuant to NRS 408.214. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.]~~
(Deleted by amendment.)

Sec. 14. ~~[NRS 706.756 is hereby amended to read as follows:~~

~~706.756 1. Except as otherwise provided in subsection 2, any person who:~~

~~(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;~~

~~(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;~~

~~— (c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;~~

~~— (d) Fails to obey any order, decision or regulation of the Authority or the Department;~~

~~— (e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;~~

~~— (f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive;~~

~~— (g) Advertises as providing:~~

~~— (1) The services of a fully regulated carrier; or~~

~~— (2) Towing services;~~

~~— without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;~~

~~— (h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;~~

~~— (i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;~~

~~— (j) Operates or causes to be operated a vehicle which does not have the proper identifying device;~~

~~— (k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;~~

~~— (l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or~~

~~— (m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter;~~

~~— is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.~~

~~— 2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:~~

~~— (a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~— (b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In~~

~~addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.~~

~~4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.~~

~~5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.~~

~~6. Any bail allowed must not be less than the appropriate fine provided for by this section. H. (Deleted by amendment.)~~

Sec. 14.5. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an ex parte or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an ex parte or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5, ~~and 6~~ ~~and 7~~ and 7 in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. *A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.*

~~6.~~ 6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

~~6.~~ 7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. This act becomes effective on July 1, 2022.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 738 to Assembly Bill No. 424.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 368.

The following Senate amendment was read:

Amendment No. 615.

SUMMARY—Revises provisions relating to ~~tourism~~ improvement districts. (BDR 22-17)

AN ACT relating to ~~tourism~~ improvement districts; eliminating the authority to create tourism improvement districts; revising the reporting requirements for the Department of Taxation related to tourism improvement districts; eliminating the authority to pledge certain proceeds to finance certain projects for the promotion of economic development and tourism in a local improvement district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. (Chapter 271A of NRS) Section 4 of this bill eliminates the authority of a city or county to create a TID on or after July 1, 2021.

Existing law requires, with certain exceptions, the Department of Taxation to prepare and submit a semiannual report to the Director of the Legislative Counsel Bureau and the governing body of a municipality related to a tourism improvement district (TID) that states: (1) the amount of revenue from the taxable sales made each month by the businesses within a TID; (2) the portion of revenue which is attributable to persons who are not residents of this State; (3) the amount of the wages paid each month by the businesses within the TID; and (4) the number of full-time and part-time employees employed each month by businesses within the TID. The report must provide the information separately for each TID in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business. Further, the Department is not required to prepare and submit the report if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business. (NRS 271A.105)

Section ~~HH~~ 6 of this bill additionally requires the report to state: (1) the name and geographic location of the TID; (2) the total amount of money pledged and distributed to the municipality; and (3) the remaining number of payments, and the amount of those payments, on any bonds or notes issued by the municipality. **Section ~~HH~~ 6** requires the Department to report alternate information if the Department determines that reporting the prescribed information for a district which includes more than one business would disclose or result in the disclosure of proprietary information about an individual business. **Section ~~HH~~ 6** also requires, to the extent possible, the report to provide the information separately for each TID that includes more than one business. **Section ~~HH~~ 7** of this bill makes a conforming change to make an exception to the law that provides that records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged.

Existing law authorizes under certain circumstances the pledge of certain sales and use tax proceeds by a city, county or town in a county whose population is less than 700,000 (currently all counties other than Clark County) to finance certain projects for the promotion of economic development and tourism in a local improvement district. (NRS 271.650-271.680) Section 14 of this bill eliminates this authority. Sections 1-3, 5 and 8-12 of this bill make conforming changes as a result of the elimination of the authority.

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

Section 1. NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) A curb and gutter project;
- (b) A drainage project;
- (c) An energy efficiency improvement project;
- (d) A neighborhood improvement project;
- (e) An off-street parking project;
- (f) An overpass project;
- (g) A park project;
- (h) A public safety project;
- (i) A renewable energy project;
- (j) A sanitary sewer project;
- (k) A security wall;
- (l) A sidewalk project;
- (m) A storm sewer project;
- (n) A street project;
- (o) A street beautification project;
- (p) A transportation project;
- (q) An underpass project;
- (r) A water project;
- (s) A waterfront project;
- (t) A waterfront maintenance project; and
- (u) Any combination of such projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) An electrical project;
- (b) A telephone project;
- (c) A combination of an electrical project and a telephone project;
- (d) A combination of an electrical project or a telephone project with any of the projects, or any combination thereof, specified in subsection 1; and
- (e) A combination of an electrical project and a telephone project with any of the projects, or any combination thereof, specified in subsection 1.

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval

of each service provider that owns the overhead service facilities to be converted.

~~4. In addition to the power specified in subsections 1, 2 and 3, if the governing body of a municipality in a county whose population is less than 700,000 complies with the provisions of NRS 271.650, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:~~

~~— (a) An art project; and~~

~~— (b) A tourism and entertainment project.~~

~~5.]~~ In addition to the power specified in this section, if a qualified project is located within the jurisdiction of the municipality, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality, an electrical project for the qualified project, a fire protection project for the qualified project or a rail project for the qualified project.

~~[6.]~~ 5. As used in this section, “qualified project” has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 2. NRS 271.431 is hereby amended to read as follows:

271.431 As used in NRS 271.431 to 271.434, inclusive, “revenue” means any money pledged wholly or in part for crediting to or payment of assessments, subject to any existing pledges or other contractual limitations and may include:

1. Moneys derived from one, all or any combination of revenue resources appertaining to any facilities of the municipality, financed in whole or in part with the proceeds of assessments levied pursuant to the assessment ordinance, including, but not limited to, use and service charges, rents, fees and any other income derived from the operation or ownership of, from the use or services of, or from the availability of or services appertaining to, the lease of, any sale or other disposal of, any contract or other arrangement, or otherwise derived in connection with such facilities or all or any part of any property appertaining to the facilities.

2. Any loans, grants or contributions to the municipality from the Federal Government, the State or any public body for the payment of all or any portion of the cost of the project for which the assessments were levied.

3. The proceeds of any excise taxes levied and collected by the municipality or otherwise received by it and authorized by law to be pledged for the payment of the project for which the assessments were levied or for the payment of the assessments levied to finance the cost of the project but excluding the proceeds of any general (ad valorem) taxes.

~~[4. Any money pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650.]~~

Sec. 3. NRS 271.4315 is hereby amended to read as follows:

271.4315 1. The governing body may apply any revenues to the payment of assessments and in so doing may pledge the revenue to such payment. The revenues must be credited in the proportion which each individual assessment or installment of principal bears to the total of all individual assessments in the assessment to which the revenues are to be credited. The application of revenues must be made pursuant to the provisions set forth in the assessment ordinance.

2. If an individual assessment, or any installment of principal and interest has been paid in cash, the credit must be returned in cash to the person or persons paying the same upon their furnishing satisfactory evidence of payment. Where all or any part of an individual assessment remains unpaid and is payable in installments of principal, the credit must be applied to the installment, and if after the payment of the installment there remains an unused portion of the credit, the unused portion must be applied to the payment of interests, and if after the payment of such principal and interest there remains an unused portion of the credit, the unused portion must be ~~for~~

~~(a) Except as otherwise provided in paragraph (b),~~ applied to the next ensuing installment or installments of principal and interest ~~for~~

~~(b) If the credit is derived from money pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650, remitted to the State Controller for distribution in the manner set forth in subsection 2 of NRS 360.850,~~ until the credit is applied in its entirety.

Sec. 4. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. The governing body of a municipality may not include in an ordinance adopted to create or revise the boundaries of a district pursuant to paragraph (a) of subsection 1 on or after July 1, 2013, the pledge of any proceeds described in subparagraph (2) of paragraph (c) of subsection 1. The provisions of this subsection do not apply to the governing body of a municipality with respect to any district created before July 1, 2013, if the governing body obtains an opinion from independent bond counsel stating that the applicability of this provision would impair an existing contract for the sale of bonds which were issued before July 1, 2013.

3. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

4. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district ~~or any improvement district for which any money has been pledged pursuant to NRS 271.650,~~ the total amount of money pledged pursuant to this section ~~and NRS 271.650,~~ with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

5. If the governing body of a municipality creates a tourism improvement district:

(a) On or before October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and agency may provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

(b) After October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and an agency:

(1) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(2) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

6. **A governing body of a municipality may not create a tourism improvement district on or after July 1, 2021.**

7. As used in this section:

(a) “Agency” has the meaning ascribed to it in NRS 279.386.

(b) “Redevelopment project” has the meaning ascribed to it in NRS 279.412.

Sec. 5. NRS 271A.080 is hereby amended to read as follows:

271A.080 The governing body of a municipality shall not adopt an ordinance pursuant to NRS 271A.070 unless:

1. If the ordinance:

(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body and to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

➤ The reports required from independent consultants pursuant to this subsection must be obtained from independent consultants selected by the governing body from a list of independent consultants provided by the Commission on Tourism. For the purposes of this subsection, the Commission shall, upon the request of a governing body, provide the governing body with a list of at least three qualified independent consultants, each of whom must be located outside of this State.

4. If the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, the

governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services.

➡ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

5. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

6. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 5 will be attributable to transactions with tourists who are not residents of this State.

7. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district, ~~for any improvement district for which any money has been pledged pursuant to NRS 271.650,~~ all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS ~~[271.650 and]~~ 271A.070 with respect to such property; and

(b) The priority of the application of that money between ~~the~~

~~— (1) Bonds issued pursuant to chapter 271 of NRS; and~~

~~— (2) Bonds~~ **bonds** and notes issued, and agreements entered into, pursuant to NRS 271A.120.

~~Any~~ Any such agreement for the priority of the application of that money may be made irrevocable ~~[during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or]~~ during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.

~~[Section 1.]~~ **Sec. 6.** NRS 271A.105 is hereby amended to read as follows:

271A.105 1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall ~~+~~

~~—(a) On~~ **on** or before April 1 and October 1 of each year, except as otherwise provided in ~~[subsection 3.]~~ **subsections 3 and 5**, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states ~~+~~

~~—(1) the name and geographic location of the district and:~~

(a) The amount of revenue from the taxable sales made each month by the businesses within the district;

~~+(2)~~ (b) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

~~+(3)~~ (c) **The total amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality;**

(d) **The remaining number of payments, and the amounts of those payments, on any bonds or notes issued by the municipality pursuant to NRS 271A.120;**

(e) The amount of the wages paid each month by the businesses within the district; and

~~+(4)~~ (f) The number of full-time and part-time employees employed each month by the businesses within the district.

➡ The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of **proprietary** information about an individual business, in which case ~~the report must provide~~ the information **may be**

provided in the aggregate ~~[(b) Require each]~~ for two or more districts in the municipality in a manner that does not result in the disclosure of proprietary information about an individual business. To the extent possible, the report must provide the information separately for each district which includes more than one business.

3. Except as otherwise provided in subsection 5, if the Department of Taxation determines that reporting the information set forth in paragraphs (a) to (f), inclusive, of subsection 2 for a district that includes more than one business would disclose or result in the disclosure of proprietary information about an individual business, the Department shall provide the following information for that district:

(a) The taxable sales and the amount of money pledged pursuant to NRS 271A.070 from the taxable sales in a manner that reports the number of businesses, taxable sales and pledged money in ranges of taxable sales and does not result in the disclosure of proprietary information about individual businesses in the district;

(b) The number of businesses in the district;

(c) The amount of revenue from taxable sales made each month in the district; and

(d) The amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality.

*4. Each business within the district ~~to~~ shall report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of ~~paragraph (a)~~ **subsections 2 and 3.***

~~{3-}~~ *5. The Department of Taxation is not required to prepare and submit a report pursuant to ~~paragraph (a) of~~ subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of **proprietary** information about an individual business.*

~~{4-}~~ *6. As used in this section, “taxable sales” means any sales that are taxable pursuant to chapter 372 of NRS.*

~~{Sec. 2-}~~ *Sec. 7. NRS 360.255 is hereby amended to read as follows:*

360.255 1. Except as otherwise provided in this section and NRS 239.0115 , **271A.105** and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department, a grand jury or any court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure to any federal agency, state or local law enforcement agency, including, without limitation, the Cannabis Compliance Board, or local regulatory agency that requests the information for the use of the agency in a federal, state or local prosecution or criminal, civil or regulatory investigation.

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer or licensee, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to an agreement between the Nevada Tax Commission and any county fair and recreation board or the governing body of any county, city or town.

(g) Upon written request made by a public officer of a local government, disclosure of the name and address of a taxpayer or licensee who must file a return with the Department. The request must set forth the social security number of the taxpayer or licensee about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and privileged and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government.

The Executive Director may charge a reasonable fee for the cost of providing the requested information.

(h) Disclosure of information as to amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties to successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested.

(i) Disclosure of relevant information as evidence in an appeal by the taxpayer from a determination of tax due if the Nevada Tax Commission has determined the information is not proprietary or confidential in a hearing conducted pursuant to NRS 360.247.

(j) Disclosure of the identity of a person and the amount of tax assessed and penalties imposed against the person at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the person a penalty for fraud or intent to evade a tax imposed by law becomes final or is affirmed by the Nevada Tax Commission.

(k) Disclosure of the identity of a licensee against whom disciplinary action has been taken and the type of disciplinary action imposed against the licensee at any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon the licensee disciplinary action becomes final or is affirmed by the Nevada Tax Commission.

(l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

(m) With respect to an application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020, which was submitted on or after May 1, 2017, and on or before June 30, 2020, and regardless of whether the application was ultimately approved, disclosure of the following information:

(1) The identity of an applicant, including, without limitation, any owner, officer or board member of an applicant;

(2) The contents of any tool used by the Department to evaluate an applicant;

(3) The methodology used by the Department to score and rank applicants and any documentation or other evidence showing how that methodology was applied; and

(4) The final ranking and scores of an applicant, including, without limitation, the score assigned to each criterion in the application that composes a part of the total score of an applicant.

(n) Disclosure of the name of a licensee and the jurisdiction of that licensee pursuant to chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, and any regulations adopted pursuant thereto.

3. The Executive Director shall periodically, as he or she deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which the Executive Director has a record.

The list must include the mailing address of the business as reported to the Department.

4. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out his or her duties with respect to the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

5. As used in this section:

(a) “Applicant” means any person listed on the application for a registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter existed on June 30, 2020, or a license to operate a marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed on June 30, 2020.

(b) “Disciplinary action” means any suspension or revocation of a license, registration, permit or certificate issued by the Department pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, or any other disciplinary action against the holder of such a license, registration, permit or certificate.

(c) “Licensee” means a person to whom the Department has issued a license, registration, permit or certificate pursuant to this title or chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020. The term includes, without limitation, any owner, officer or board member of an entity to whom the Department has issued a license.

(d) “Records” or “files” means any records and files related to an investigation or audit or a disciplinary action, financial information, correspondence, advisory opinions, decisions of a hearing officer in an administrative hearing and any other information specifically related to a taxpayer or licensee.

(e) “Taxpayer” means a person who pays any tax, fee, assessment or other amount required by law to the Department.

Sec. 8. NRS 374.785 is hereby amended to read as follows:

374.785 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to counties under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, each month, from the Sales and Use Tax Account in the State General Fund:

(a) Transfer .75 percent of all fees, taxes, interest and penalties collected in each county during the preceding month to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(b) Transfer .75 percent of all fees, taxes, interest and penalties collected during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(c) Transfer the total amount of fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month, less the amount transferred pursuant to paragraphs (a) and (b) and excluding any ~~amounts~~ amount required to be remitted pursuant to NRS ~~360.850 and~~ 360.855, to the State Education Fund.

Sec. 9. NRS 377.050 is hereby amended to read as follows:

377.050 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to counties under this chapter must be paid to the Department in the form of remittances made payable to the Department.

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, before making the distributions required by NRS ~~360.850,~~ 360.855, 377.055 and 377.057, monthly transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interests and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.

Sec. 10. NRS 377.055 is hereby amended to read as follows:

377.055 The Department shall monthly determine for each county an amount of money equal to the sum of:

1. Any fees and any taxes, interest and penalties which derive from the basic city-county relief tax collected in that county pursuant to this chapter during the preceding month, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050; and

2. That proportion of the total amount of taxes which derive from that portion of the tax levied at the rate of one-half of 1 percent collected pursuant to this chapter during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050, which the population of that county bears to the total population of all counties which have in effect a city-county relief tax ordinance,
➔ and, except as otherwise required to carry out NRS ~~360.850 and~~ 360.855, deposit the money in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective subaccounts of each county.

Sec. 11. NRS 377.057 is hereby amended to read as follows:

377.057 1. The State Controller, acting upon the relevant information furnished by the Department, shall distribute monthly from the fees, taxes,

interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month, excluding any ~~amounts~~ amount required to be remitted pursuant to NRS ~~360.850 and~~ 360.855 and except as otherwise provided in subsection 2, to:

(a) Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties, an amount equal to one-twelfth of the amount distributed in the immediately preceding fiscal year multiplied by one plus:

(1) The percentage change in the total receipts from the supplemental city-county relief tax for all counties and from out-of-state businesses, from the fiscal year 2 years preceding the immediately preceding fiscal year to the fiscal year preceding the immediately preceding fiscal year; or

(2) Except as otherwise provided in this paragraph, the percentage change in the population of the county, as certified by the Governor pursuant to NRS 360.285, added to the percentage change in the Consumer Price Index for the year ending on December 31 next preceding the year of distribution, ➔ whichever is less, except that the amount distributed to the county must not be less than the amount specified in subsection 5. If the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the Governor pursuant to NRS 360.285, the percentage change calculated pursuant to subparagraph (2) for the ensuing fiscal year must be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) All other counties, the amount remaining after making the distributions required by paragraph (a) to each of these counties in the proportion that the amount of supplemental city-county relief tax collected in the county for the month bears to the total amount of supplemental city-county relief tax collected for that month in the counties whose distribution will be determined pursuant to this paragraph.

2. If the amount of supplemental city-county relief tax collected in a county listed in paragraph (a) of subsection 1 for the 12 most recent months for which information concerning the actual amount collected is available on February 15 of any year exceeds by more than 10 percent the amount distributed pursuant to paragraph (a) of subsection 1 to that county for the same period, the State Controller shall distribute that county's portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (b) of subsection 1 in all subsequent fiscal years, unless a waiver is granted pursuant to subsection 3.

3. A county which, pursuant to subsection 2, is required to have its portion of the proceeds from the supplemental city-county relief tax distributed pursuant to paragraph (b) of subsection 1 may file a request with the Nevada Tax Commission for a waiver of the requirements of subsection 2. The request must be filed on or before February 20 next preceding the fiscal year for which the county will first receive its portion of the proceeds from the supplemental

city-county relief tax pursuant to paragraph (b) of subsection 1 and must be accompanied by evidence which supports the granting of the waiver. The Commission shall grant or deny a request for a waiver on or before March 10 next following the timely filing of the request. If the Commission determines that the increase in the amount of supplemental city-county relief tax collected in the county was primarily caused by:

- (a) Nonrecurring taxable sales, it shall grant the request.
- (b) Normal or sustainable growth in taxable sales, it shall deny the request.

➔ A county which is granted a waiver pursuant to this subsection is not required to obtain a waiver in any subsequent fiscal year to continue to receive its portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (a) of subsection 1 unless the amount of supplemental city-county relief tax collected in the county in a fiscal year again exceeds the threshold established in subsection 2.

4. The amount apportioned to each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of each county.

5. The minimum amount which may be distributed to the following counties in a month pursuant to paragraph (a) of subsection 1 is as follows:

Douglas	\$580,993
Esmeralda.....	53,093
Lander	155,106
Lincoln	72,973
Lyon	356,858
Mineral	118,299
Nye	296,609
Pershing.....	96,731
Storey	69,914
White Pine.....	158,863

6. As used in this section, unless the context otherwise requires:

- (a) “Enterprise district” has the meaning ascribed to it in NRS 360.620.
- (b) “Local government” has the meaning ascribed to it in NRS 360.640.
- (c) “Special district” has the meaning ascribed to it in NRS 360.650.

Sec. 12. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

- (a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(e) The money identified in subsection 1 of NRS 328.450;

(f) The money identified in subsection 1 of NRS 328.460;

(g) ~~The money identified in paragraph (a) of subsection 2 of NRS 360.850;~~

~~—(h)—~~ The money identified in paragraph (a) of subsection 2 of NRS 360.855;

~~[(i)]~~ (h) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

~~[(i)]~~ (i) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

~~[(k)]~~ (j) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

~~[(k)]~~ (k) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

~~[(m)]~~ (l) The money identified in paragraph (b) of subsection 3 of NRS 678B.390;

~~[(n)]~~ (m) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

~~[(o)]~~ (n) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

~~[(p)]~~ (o) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

~~[(q)]~~ (p) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

~~[(r)]~~ (q) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and

~~[(s)]~~ (r) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal

year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

~~{Sec. 3.}~~ *Sec. 13.* The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. NRS 271.650, 271.660, 271.670, 271.680 and 360.850 are hereby repealed.

~~{Sec. 4.}~~ *Sec. 15.* This act becomes effective ~~upon passage and approval~~ on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

271.650 Pledge of sales or use tax proceeds in assessment ordinance for project in certain counties: Amount; required determinations; interlocal agreements; conclusiveness of determinations.

271.660 Agreement with Department of Taxation regarding distribution of pledged amounts.

271.670 Agreement with owner of property interest in district to defray cost of local governmental services during term of pledge: Contents; determination by governing body of municipality; notice to and hearing by board of trustees of school district; conclusiveness of governing body's determination.

271.680 Limitations on issuance of bonds.

360.850 Distribution of money pledged pursuant to NRS 271.650; distribution and use of excess amounts; adoption of regulations by Nevada Tax Commission for collection and distribution of pledged money.

Assemblywoman Cohen moved that the Assembly do not concur in the Senate Amendment No. 615 to Assembly Bill No. 368.

Remarks by Assemblywoman Cohen.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

The following Senate amendment was read:

Amendment No. 576.

AN ACT relating to water; authorizing the State Department of Conservation and Natural Resources to develop plans, recommendations and policies to address water pollution resulting from diffuse sources; revising requirements for regulations adopted by the State Environmental Commission relating to water pollution; revising notice requirements relating to regulations adopted by the Commission; revising various provisions relating to the control of water pollution by the Director of the Department; revising requirements relating to the control of diffuse sources of water pollution; requiring the Director to consult or notify Indian tribes of certain actions relating to water pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements to control water pollution in this State, including authorizing the State Environmental Commission to prescribe controls for diffuse sources of water pollution. (NRS 445A.570) **Section 1.5** of this bill authorizes the State Department of Conservation and Natural Resources to develop plans, recommendations and policies to manage, control and mitigate water pollution from diffuse sources in this State which may include identifying the major categories of diffuse sources that contribute to water pollution in this State.

Section 3.5 of this bill sets forth a legislative declaration that the people of this State have a right to clean water and that it is the policy of this State to mitigate the degradation of the waters of the State.

Section 4 of this bill ~~requires~~ authorizes the Commission to adopt regulations for controlling the infiltration of contaminants into underground water resulting from contaminated fluids or soil, if the underground water supplies, or may be reasonably expected to supply, a public water system, which ~~must~~ may address, without limitation, sewage treatment and effluent disposal, wastewater management and community planning and the management of fluids, effluent and septic systems. **Section 1** of this bill makes conforming changes to require the State Board of Health to adopt regulations consistent with the regulations adopted by the Commission, if such regulations impact residential individual systems for the disposal of sewage.

Section 4 also requires the Commission to consider any disproportionate impacts on underserved communities when adopting regulations, standards of water quality and effluent limitations.

Existing law requires the Commission to publish notice of a hearing on a regulation that provides a standard of water quality or waste discharge at least once in a newspaper of general circulation in the area to which the standard will apply, if adopted. (NRS 445A.435) **Section 5** of this bill requires the Commission to also publish notice of such a hearing at least once in a digital format that is generally accessible in the area and to any community impacted.

Existing law authorizes the Director of the Department to: (1) perform any acts consistent with the requirements of state and federal legislation concerning the control of the injection of fluids through a well and the control of water pollution; and (2) advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and certain other persons to further certain purposes related to the control of water pollution. (NRS 445A.450) **Section 6** of this bill authorizes the Director to ~~[also perform any acts necessary]~~ **submit recommendations to the Commission for the adoption of regulations deemed necessary** to control the infiltration of contaminants into underground water resulting from contaminated fluids or soil. **Section 6** further authorizes the Director to consult and cooperate with Indian tribes when working to control water pollution.

Section 9 of this bill requires the holders of certain permits whose production increases, process modifications or facility expansions result in the infiltration of contaminants into underground waters to report the contamination to the Department.

Existing law requires the Department to notify each interested person and appropriate governmental agency of each complete application for a permit. (NRS 445A.590) **Section 13** of this bill requires the Department to notify affected Indian tribes upon receiving a complete application for a permit. **Section 14** of this bill requires the Commission to adopt regulations to provide for Indian tribes to request a public hearing on a permit application.

Sections 15-22 of this bill provide that the provisions of this bill are subject to the existing enforcement authority of the Department.

Section 23 of this bill provides that the provisions of this bill do not amend, modify or supersede the provisions of existing law relating to the appropriation of water.

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

Section 1. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant to those provisions. ***If any regulations adopted by the State Environmental Commission pursuant to ~~paragraph (d) of~~ subsection ~~14~~ 2 of NRS 445A.425 impact residential individual systems for disposal of***

sewage, the State Board of Health shall adopt regulations consistent with such regulations adopted by the State Environmental Commission.

4. As used in this section, “residential individual system for disposal of sewage” means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.

Sec. 1.5. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any controls prescribed by the Commission pursuant to NRS 445A.570, the Department may develop plans, recommendations and policies consistent with any applicable federal requirements for diffuse sources to manage, control and mitigate water pollution resulting from diffuse sources. Such plans, recommendations and policies may, without limitation:

(a) Identify surface waters of this State that cannot reasonably be expected to attain or maintain state water quality standards and goals without additional action by the State to control water pollution resulting from diffuse sources;

(b) Identify the major categories of diffuse sources that contribute significant pollution to the surface waters of the State;

(c) Determine methods to facilitate the implementation of the best management practices, projects and measures to control each category of diffuse sources identified pursuant to paragraph (b); and

(d) Identify public and private sources of expertise, technical assistance, financial assistance, education assistance, training and technological resources to address water pollution resulting from diffuse sources.

2. The Department shall make any information received pursuant to paragraph (d) of subsection 1 available to the public upon request.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. NRS 445A.305 is hereby amended to read as follows:

445A.305 1. The Legislature finds that pollution of water in this State:

(a) Adversely affects public health and welfare;

(b) Is harmful to wildlife, fish and other aquatic life; and

(c) Impairs domestic, agricultural, industrial, recreational and other beneficial uses of water.

2. The Legislature declares that *the people of this State have a right to clean water and* it is the policy of this State and the purpose of NRS 445A.300 to 445A.730, inclusive ~~to~~, **and section 1.5 of this act:**

(a) To maintain the quality of the waters of the State consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, the pursuit of agriculture, and the economic development of the State; ~~and~~

(b) *To mitigate the degradation of the waters of the State; and*

(c) To encourage and promote the use of methods of waste collection and pollution control for all significant sources of water pollution (including point and diffuse sources).

Sec. 4. NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

~~(d) **Adopt regulations for controlling the infiltration of contaminants into underground water through contaminated fluids or soil where:**~~

~~**(1) The underground water directly supplies a public water system or could be reasonably expected to supply a public water system through a surface-to-groundwater connection; and**~~

~~**(2) The infiltration of contaminants into the public system may result in:**~~

~~**(I) The public water system not complying with any standard or regulation regarding primary drinking water; or**~~

~~**(II) A danger to the health and safety of persons.**~~

~~(e)~~ Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~††~~, **and section 1.5 of this act.**

(e) ~~††~~ Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may adopt regulations for controlling the infiltration of contaminants into underground water through contaminated fluids or soil where:

(a) The underground water directly supplies a public water system or could be reasonably expected to supply a public water system through a surface-to-groundwater connection; and

(b) The infiltration of contaminants into the public system may result in:

(1) The public water system not complying with any standard or regulation regarding primary drinking water; or

(2) A danger to the health and safety of persons.

~~↪ Any regulations adopted by the Commission pursuant to ~~paragraph (d)~~ off this subsection ~~It must~~ may address, without limitation, sewage treatment and effluent disposal, wastewater management and community planning and the management of fluids, effluent and septic systems. ~~The~~~~

3. Before adopting any regulations pursuant to subsection 2, the Commission shall ~~notify~~ :

(a) Consider:

(1) The economic and technological feasibility of the proposed regulations; and

(2) The potential costs for a local government to implement the proposed regulations.

(b) Notify the State Board of Health if ~~any~~ the proposed regulations ~~proposed to be adopted by the Commission~~ would impact residential individual systems for the disposal of sewage.

~~3-4~~ 4. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

~~3-4~~ 5. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, and section 1.5 of this act, the Commission shall recognize ~~the~~ and consider:

(a) The historical irrigation practices in the respective river basins of this State, the economy thereof and their effects ~~It~~ ; and

(b) Any disproportionate impact on underserved communities in the respective river basins of this State.

~~4-5~~ 6. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

~~5-6~~ 7. As used in this section ~~the~~ “plant” :

(a) “Block” means the smallest geographic unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

(b) “Block group” means a combination of blocks.

(c) “Census tract” means a combination of blocks whose numbers begin with the same digit.

(d) “Plant for sewage treatment” means any facility for the treatment, purification or disposal of sewage.

~~17. As used in this section:~~

~~(a)~~ (e) “Public water system” has the meaning ascribed to it in NRS 445A.840.

~~(b)~~ (f) “Underserved community” means:

(1) *A census tract in which, in the immediately preceding census:*

(I) *The median household income was less than 60 percent of the median household income in this State;*

(II) *At least 25 percent of the households had a household income below the federally designated level signifying poverty; or*

(III) *At least 20 percent of households were not proficient in the English language* ~~or~~ or

(2) *A community in this State with at least one public school:*

(I) *In which 75 percent or more of the enrolled pupils during the immediately preceding school year were eligible for free or reduced-price lunches under the National School Lunch Act, 42 U.S.C. §§ 1751 et seq.; or*

(II) *That participates in universal meal service pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296.*

Sec. 5. NRS 445A.435 is hereby amended to read as follows:

445A.435 If a regulation which is to be considered by the Commission provides a standard of water quality or waste discharge, notice of the hearing on the regulation must be published at least once in ~~the~~ :

1. *A newspaper of general circulation in the area to which the standard, if adopted, will apply* ~~the~~ and

2. *A digital format that is generally accessible in the area and to any affected communities to which the standard, if adopted, will apply. As used in this subsection, “digital format” includes, without limitation, an online newspaper or community forum.*

Sec. 6. NRS 445A.450 is hereby amended to read as follows:

445A.450 The Director may:

1. Perform any acts consistent with the requirements of state and federal legislation concerning the control of the injection of fluids through a well and the control of water pollution and conditions thereof relating to participation in and administration by this State of the National Pollutant Discharge Elimination System;

2. ~~Perform any acts necessary~~ Submit recommendations to the Commission for the adoption of regulations deemed necessary to control the infiltration of contaminants into underground water resulting from contaminated fluids or soils ~~including, without limitation, submitting a recommendation to the Commission for the adoption of regulations pursuant to NRS 445A.425;~~

3. Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies , *Indian tribes* and with

other persons in furthering the purposes of NRS 445A.300 to 445A.730, inclusive ~~1-1~~, ***and section 1.5 of this act;***

~~1-1~~ 4. Take the steps necessary to qualify for, accept and administer loans and grants from the Federal Government and from other sources, public or private, for carrying out any functions under NRS 445A.300 to 445A.730, inclusive ~~1-1~~, ***and section 1.5 of this act;***

~~1-1~~ 5. Award subgrants to eligible persons to assist the Director in carrying out any functions under NRS 445A.300 to 445A.730, inclusive ~~1-1~~, ***and section 1.5 of this act;***

~~1-1~~ 6. Encourage, request, participate in or conduct studies, surveys, investigations, research, experiments, demonstrations and pilot programs by contract, grant or other means;

~~1-1~~ 7. Maintain or require supervisors and operators of treatment plants which are privately owned or owned by a municipality or other public entity to maintain records and devices for continuing observation and establish or require these supervisors and operators to establish procedures for making inspections and obtaining samples necessary to prepare reports;

~~1-1~~ 8. Collect and disseminate information to the public as the Director considers advisable and necessary for the discharge of his or her duties under NRS 445A.300 to 445A.730, inclusive ~~1-1~~, ***and section 1.5 of this act;***

~~1-1~~ 9. Hold hearings and issue subpoenas requiring the attendance of witnesses and the production of evidence as the Director finds necessary to carry out the provisions of NRS 445A.300 to 445A.730, inclusive ~~1-1~~, ***and section 1.5 of this act;***

~~1-1~~ 10. Exercise all incidental powers necessary to carry out the purposes of NRS 445A.300 to 445A.730, inclusive ~~1-1~~, ***and section 1.5 of this act;*** and

~~1-1~~ 11. Delegate to the Division any function or authority granted to the Director under NRS 445A.300 to 445A.730, inclusive ~~1-1~~, ***and section 1.5 of this act.***

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 445A.505 is hereby amended to read as follows:

445A.505 1. A holder of a permit for a publicly owned treatment works shall notify and supply the Department with information concerning any new or increased introduction of pollutants into the treatment works.

2. All holders of permits issued under NRS 445A.465 to 445A.510, inclusive, whose production increases, or whose process modifications or facility expansion result in new or increased discharges or injections of fluids through a well shall report such changes by submitting a new application for a permit to the Department.

3. ***All holders of permits issued under NRS 445A.465 to 445A.510, inclusive, whose production increases, or whose process modifications or facility expansion result in the infiltration of contaminants to underground waters of this State as a result of contaminated fluids or contaminated soils shall report the contamination to the Department.***

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 445A.590 is hereby amended to read as follows:

445A.590 1. The Department shall notify each interested person, ~~land~~ appropriate governmental agency **and affected Indian tribe** of each complete application for a permit, and shall provide them an opportunity to submit their written views and recommendations thereon. The provisions of this subsection do not apply to an application for a temporary permit issued pursuant to NRS 445A.485.

2. Notification must be in the manner provided in the regulations adopted by the Commission pursuant to applicable federal law.

3. If the treatment works are to discharge into any waters of this State which flow directly or ultimately into an irrigation reservoir upstream from which are located urban areas in two or more counties and if each county has a population of 55,000 or more, the Department must include in its notification each city, county, unincorporated town and irrigation district located downstream from the point of discharge. Notice to an unincorporated town must be given to the town board or advisory council if there is one.

Sec. 14. NRS 445A.595 is hereby amended to read as follows:

445A.595 The Commission shall provide by regulation:

1. An opportunity for each permit applicant, interested agency, city, county, **Indian tribe** or irrigation district located downstream from the point of discharge, or any person to request a public hearing conducted by the Director with respect to each permit application; and

2. For public notice of the hearing, at least 30 days before the date of the hearing.

↪ The provisions of this section do not apply to an application for a temporary permit issued pursuant to NRS 445A.485.

Sec. 15. NRS 445A.655 is hereby amended to read as follows:

445A.655 To enforce the provisions of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** or any regulation, order or permit issued thereunder, the Director or authorized representative of the Department may, upon presenting proper credentials:

1. Enter any premises in which any act violating NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** originates or takes place or in which any required records are required to be maintained;

2. At reasonable times, have access to and copy any records required to be maintained;

3. Inspect any equipment or method for continuing observation; and

4. Have access to and sample any discharges or injection of fluids into waters of the State which result directly or indirectly from activities of the owner or operator of the premises where the discharge originates or takes place or the injection of fluids through a well takes place.

Sec. 16. NRS 445A.675 is hereby amended to read as follows:

445A.675 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, any standard or other regulation adopted by the Commission pursuant to those sections, or any permit issued by the Department pursuant to those sections, except for any violation of a provision concerning a diffuse source, the Director may:

- (a) Issue an order pursuant to NRS 445A.690;
- (b) Commence a civil action pursuant to NRS 445A.695 or 445A.700; or
- (c) Request that the Attorney General institute by indictment or information a criminal prosecution pursuant to NRS 445A.705 and 445A.710.

2. The remedies and sanctions specified in subsection 1 are cumulative, and the institution of any proceeding or action seeking any one of the remedies or sanctions does not bar any simultaneous or subsequent action or proceeding seeking any other of the remedies or sanctions.

Sec. 17. NRS 445A.680 is hereby amended to read as follows:

445A.680 Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or about to engage in any act or practice which violates any provision of NRS 445A.565 and 445A.570, **and section 1.5 of this act**, or any standard or other regulation adopted pursuant thereto, with respect to a diffuse source:

1. The Director may issue an order:

- (a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** or the regulation or order alleged to be violated or about to be violated;
 - (b) Indicating the facts alleged which constitute a violation thereof; and
 - (c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action,
- ➡ but no civil or criminal penalty may be imposed for failure to obey the order.

2. If the corrective action is not taken or completed, or without the Director first issuing an order:

(a) The Director may commence a civil action pursuant to NRS 445A.695;

or

(b) The Department may compel compliance by injunction or other appropriate remedy pursuant to subsection 4 of NRS 445A.700.

Sec. 18. NRS 445A.690 is hereby amended to read as follows:

445A.690 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, or of any rule, regulation or standard promulgated by the Commission, or of any permit or order issued by the Department pursuant to NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, the Director may issue an order:

(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** or the regulation or order alleged to be violated or about to be violated;

(b) Indicating the facts alleged which constitute a violation thereof; and

(c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action.

2. Any compliance order is final and is not subject to review unless the person against whom the order is issued, within 30 days after the date on which the order is served, requests by written petition a hearing before the Commission.

Sec. 19. NRS 445A.695 is hereby amended to read as follows:

445A.695 1. Except as otherwise provided in NRS 445A.707, the Director may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** or any permit, rule, regulation or order issued pursuant thereto.

2. On a showing by the Director that a person is engaged, or is about to engage, in any act or any practice which violates or will violate any of the provisions of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** or any rule, regulation, standard, permit or order issued pursuant to those provisions, the court may issue, without bond, any prohibitory and mandatory injunctions that the facts may warrant, including temporary restraining orders issued ex parte or, after notice and hearing, preliminary injunctions or permanent injunctions.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

Sec. 20. NRS 445A.700 is hereby amended to read as follows:

445A.700 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates or aids or abets in the violation of any provision of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** or of any permit, regulation, standard or final order issued thereunder, except a provision concerning a diffuse source, shall pay a civil penalty of not more than \$25,000 for each day of the violation. The civil penalty imposed by this subsection is in addition to any other penalties provided pursuant to NRS 445A.300 to 445A.730, inclusive ~~†~~, **and section 1.5 of this act**.

2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, in addition to the penalty provided in subsection 1, the Department may recover from the person actual damages to the State resulting from the violation of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, any regulation or standard adopted by the Commission, or permit or final order

issued by the Department, except the violation of a provision concerning a diffuse source.

3. Damages may include:

(a) Any expenses incurred in removing, correcting and terminating any adverse effects resulting from a discharge or the injection of contaminants through a well; and

(b) Compensation for any loss or destruction of wildlife, fish or aquatic life.

4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, or of any permit, regulation, standard or final order adopted or issued thereto, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 21. NRS 445A.710 is hereby amended to read as follows:

445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act**, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment in the county jail for not more than 364 days, or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive ~~+~~, **and section 1.5 of this act**.

Sec. 22. NRS 445A.715 is hereby amended to read as follows:

445A.715 Hearings initiated pursuant to NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** shall be held before the Commission and comply with the provisions of such rules and regulations as the Commission may prescribe.

Sec. 23. NRS 445A.725 is hereby amended to read as follows:

445A.725 Nothing in NRS 445A.300 to 445A.730, inclusive, **and section 1.5 of this act** shall be construed to amend, modify or supersede the provisions of title 48 of NRS or any rule, regulation or order promulgated or issued thereunder by the State Engineer.

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 23, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks; and

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

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 576 to Assembly Bill No. 146.

Remarks by Assemblyman Watts.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 356.

The following Senate amendment was read:

Amendment No. 591.

AN ACT relating to water; prohibiting, with certain exceptions, the use of water from the Colorado River to irrigate nonfunctional turf on certain property; requiring the Board of Directors of the Southern Nevada Water Authority to develop a plan for the removal of nonfunctional turf on certain property; creating and setting forth the duties of the Nonfunctional Turf Removal Advisory Committee; requiring the Legislative Committee on Public Lands to conduct a study concerning water conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes public agencies to enter into cooperative agreements to perform any governmental service, activity or undertaking which the public agency is authorized to perform under law and, pursuant to which, the Southern Nevada Water Authority was created. (NRS 277.080-277.180) **Section 39** of this bill prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. **Section 39** also requires the Board of Directors of the Southern Nevada Water Authority to: (1) define nonfunctional and functional turf for the purposes of this prohibition; and (2) develop a plan to identify and facilitate the removal of nonfunctional turf within the service area of the Southern Nevada Water Authority on property that is not zoned exclusively for a single-family residence before December 31, 2026, in phases based on the categories of water users. **Section 39** further authorizes the Board of Directors to approve an extension or waiver from: (1) the prohibition on the use of waters from the Colorado River to irrigate nonfunctional turf; and (2) the provisions of the plan developed by the Board of Directors for the removal of nonfunctional turf.

Section 40 of this bill creates the Nonfunctional Turf Removal Advisory Committee. **Section 41** of this bill sets forth the duties of the Advisory Committee.

Sections 37 and 38 of this bill define certain terms for the purposes of **sections 36-41** of this bill.

Under existing law, the Legislative Committee on Public Lands is authorized to review and comment on laws, regulations and policies relating to the use, allocation and management of water in this State. (NRS 218E.525)

Section 42 of this bill requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and to submit a report of its findings and any recommendations for legislation to the 82nd Session of the Nevada Legislature.

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

Section 1. (Deleted by amendment.)

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. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. As used in sections 36 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 and 38 of this act have the meanings ascribed in those sections.

Sec. 37. “Board of Directors” means the Board of Directors of the Southern Nevada Water Authority.

Sec. 38. “Southern Nevada Water Authority” means the political subdivision of the State of Nevada created on July 25, 1991, by a cooperative agreement entered into on that date pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence.

2. The Board of Directors shall:

(a) Define “functional turf” and “nonfunctional turf” for the purposes of subsection 1 and promulgate the definitions in the service rules of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on property that is not zoned exclusively for a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on property that is not zoned exclusively for a single-family residence before December 31, 2026.

3. The Board of Directors may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not zoned exclusively for a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not zoned exclusively for a single-family residence.

Sec. 40. 1. The Nonfunctional Turf Removal Advisory Committee is hereby created. The Advisory Committee consists of the following ~~seven~~ **nine** voting members appointed by the Board of Directors:

(a) One member who represents an office park with existing nonfunctional turf at the time the member is appointed;

(b) One member who represents an organization representing businesses;

(c) One member who represents an industrial or commercial business with existing nonfunctional turf at the time the member is appointed;

(d) ~~One member~~ **Two members** who ~~represents~~ **represent** a common-interest community with existing nonfunctional turf at the time the member is appointed;

(e) One member who represents multi-family housing with existing nonfunctional turf at the time the member is appointed;

(f) One member who represents an environmental organization; ~~and~~

(g) One member who represents a local government with existing nonfunctional turf at the time the member is appointed. ~~1.;~~ **and**

(h) One member who represents a golf course with existing nonfunctional turf at the time the member is appointed.

2. Members of the Advisory Committee serve without compensation.

Sec. 41. The Nonfunctional Turf Removal Advisory Committee:

1. Shall discuss issues related to the use and removal of nonfunctional turf by each water use sector, including, without limitation, issues relating to the plan developed pursuant to section 39 of this act to identify and remove nonfunctional turf; and

2. May provide written recommendations to the Board of Directors regarding the plan developed pursuant to section 39 of this act, including, without limitation, any recommendations for waivers or exemptions to the provisions of section 39 of this act. Any recommendation made by the Advisory Committee must be approved by a majority vote of all of the voting members of the Advisory Committee. Any dissenting opinion of a member of the Advisory Committee to a recommendation must be fully documented and included with the recommendation to the Board of Directors.

Sec. 42. 1. The Legislative Committee on Public Lands shall conduct a study during the 2021-2022 interim concerning water conservation in this State. The study must include, without limitation, an examination of:

(a) The management of water resources in this State; and

(b) Programs and policies to promote water conservation in this State that also protect and support existing water rights.

2. In addition to any report required by NRS 218E.525, the Committee shall, on or before February 1, 2023, submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 43. 1. This section and sections 36 to 39, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 35, inclusive, of this act become effective:

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

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

3. Sections 40 and 41 of this act become effective:

(a) Upon passage and approval; and

(b) Expire by limitation on December 31, 2026.

4. Section 42 of this act becomes effective on July 1, 2021.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 591 to Assembly Bill No. 356.

Remarks by Assemblyman Watts.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 399.

The following Senate amendment was read:

Amendment No. 668.

AN ACT relating to eggs; prohibiting ~~for~~ certain farm ~~owner~~ owners or ~~operator~~ operators in this State from knowingly confining egg-laying hens in certain enclosures; exempting from certain provisions governing the production, sale and transport of egg farm owners or operators with an annual shell egg production from 3,000 or fewer egg-laying hens under certain circumstances; requiring ~~for~~ certain farm ~~owner~~ owners or ~~operator~~ operators to obtain an endorsement stating that the egg products or shell eggs sold, offered or exposed for sale or transported for sale within this State were produced by an egg-laying hen housed in an enclosure that is not prohibited; authorizing the State Department of Agriculture to deny, suspend or revoke such an endorsement for certain causes; providing for an appeal within 10 business days after such an action; prohibiting certain acts related to the sale of egg products in shell eggs; providing that the Department or an authorized inspector or agent of the Department is entitled to free access during regular business hours to the farm, business or records of ~~for~~ certain farm ~~owner~~ owners or ~~operator~~ operators or a business owner or operator to carry out certain inspections; authorizing the State Quarantine Officer to adopt regulations; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various provisions governing the grades and standards for the sale of eggs in this State. (NRS 583.110-583.210) **Sections 1.3-22** of this bill enact provisions to prohibit an egg product or egg from being sold, offered for sale or transported for the purpose of sale within this State that is produced by an egg-laying hen that is confined in certain enclosures.

Section 1.3 of this bill provides that the Legislature finds and declares that the regulation of egg production on farms and of the sale of eggs and egg products in this State is necessary to protect the health and welfare of its citizens, promote food safety and advance animal welfare.

Section 1.5 of this bill provides that the provisions of sections 1.3-22 do not apply to the production, sale or transport for sale in this State of shell eggs by a farm owner or operator who has an annual shell egg production from 3,000 or fewer egg-laying hens if all shell eggs sold or transported for sale in this State by the farm owner or operator are derived from the 3,000 or fewer egg-laying hens.

Section 15 of this bill prohibits, on or after July 1, 2022, ~~the~~ certain farm ~~owner~~ owners or ~~operator~~ operators in this State from knowingly confining an egg-laying hen in an enclosure which has less than 1 square foot of usable floor space per egg-laying hen. **Section 15** prohibits, on or after January 1, 2024, ~~the~~ certain farm ~~owner~~ owners or ~~operator~~ operators in this State from knowingly confining an egg-laying hen in an enclosure which: (1) is not a cage-free housing system; or (2) is a cage-free housing system that has insufficient usable floor space for each egg-laying hen. **Section 5** of this bill provides that an egg-laying hen is a female chicken, turkey, duck, goose or guinea fowl that is domesticated and is kept for the purpose of producing eggs commercially. **Section 3** of this bill provides that a cage-free housing system is an enclosure for egg-laying hens which is located indoors or outdoors, in which egg-laying hens are unrestricted and free to roam under certain circumstances and which: (1) provides egg-laying hens enrichment that allows them to exhibit natural behaviors; (2) enables farm employees to provide care while standing within the usable floor space of the system; and (3) for a system located indoors, allows the egg-laying hens to be unrestricted and free to roam within the system. **Section 15** exempts from this prohibition certain confinements of an egg-laying hen if the egg-laying hen is confined during certain activities.

Existing law requires a person who is an actual producer of farm products, including, without limitation, eggs, to obtain a certificate as an actual producer of farm products from the State Department of Agriculture. (NRS 576.128; NAC 576.300-576.440) Before selling, offering or exposing for sale or transporting for sale egg products or shell eggs within this State, **section 16** of this bill requires ~~the~~ certain farm ~~owner~~ owners or ~~operator~~ operators to obtain from the Department an endorsement of the certificate indicating that the egg products or shell eggs sold, offered or exposed for sale or transported for sale within this State are produced by an egg-laying hen which was confined in a manner that complies with **section 15**. **Section 16** requires the farm owner or operator to submit certain information to the Department to apply for such an endorsement, including evidence that the enclosure for egg-laying hens has been inspected by a government inspector or a private inspection or process verification provider to ensure compliance. **Section 16** provides that an endorsement is valid for the same period as the certificate as an actual producer issued to the farm owner or operator. **Section 16** additionally sets forth how such an endorsement may be renewed and authorizes the Department to require an inspection of the enclosure for egg-laying hens before renewing the endorsement.

Section 17 of this bill authorizes the Department to deny an application for an endorsement or a renewal of an endorsement or to suspend or revoke an endorsement upon the following grounds: (1) the failure or refusal of ~~the~~ the farm owner or operator to comply with the provisions governing cage-free housing systems; (2) the failure or refusal of ~~the~~ the farm owner or operator to cooperate with an inspection; or (3) ~~the~~ the farm owner or operator selling,

offering or exposing for sale or transporting for sale egg products or shell eggs within this State without an endorsement. **Section 18** of this bill provides that a farm owner or operator whose endorsement is denied, suspended or revoked may, not later than 10 business days after such denial, suspension or revocation, file a notice of appeal to the Department.

Section 19 of this bill prohibits a business owner or operator from knowingly selling, offering or exposing for sale or transporting for sale certain egg products or shell eggs within this State that the business owner or operator knows or should have known were produced by an egg-laying hen which was confined in a manner that conflicts with the standards set forth in **section 15**. **Section 19** requires a business owner or operator to: (1) obtain a copy of the certificate with the endorsement issued pursuant to **section 16** issued to ~~the~~ certain farm ~~owner~~ owners or ~~operator~~ operators before doing business with the farm owner or operator; (2) retain a copy of the certificate; and (3) provide the copy of the certificate to the Department upon request. **Section 19** provides that it is a defense to any action to enforce this bill that a business owner or operator relied in good faith upon a certificate obtained from a farm owner or operator.

Section 20 of this bill requires the Department to enforce the provisions of this bill. **Section 20** provides that the Department or an authorized inspector or agent of the Department is entitled to free access during regular business hours to the farm, business or records of ~~a~~ certain farm ~~owner~~ owners or ~~operator~~ operators or a business owner or operator to ensure compliance with the provisions of this bill.

Section 21 of this bill authorizes the State Quarantine Officer to adopt such regulations as he or she deems necessary to carry out the provisions of this bill.

Existing law provides that any person violating certain provisions is subject to a civil penalty that does not exceed: (1) for the first violation, \$250; (2) for the second violation, \$500; and (3) for each subsequent violation, \$1,000. (NRS 583.700) **Section 22** of this bill provides that any person who violates any of the provisions of this bill is subject to these civil penalties.

Section 23 of this bill provides that this bill is in addition to and supplemental to the powers conferred by any other law protecting animal welfare. **Section 23** provides that the provisions of this bill must not be construed as to prevent the exercise of any power granted by any other law to any officer, agent or employee of this State or of a county or local governing body in this State that protect animal welfare. **Section 23** provides that this bill does not prevent a county or local governing body from adopting and enforcing its own animal welfare rules or ordinances that are more stringent than the provisions of this bill.

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

Section 1. Chapter 583 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 22, inclusive, of this act.

Sec. 1.3. *The Legislature finds and declares that that the regulation of egg production on farms in this State and the regulation of the sale of eggs and egg products in this State is necessary to:*

1. *Protect the health and welfare of consumers and its citizens;*
2. *Promote food safety; and*
3. *Advance animal welfare.*

Sec. 1.5. *The provisions of sections 1.3 to 22, inclusive, of this act do not apply to the production, sale or transport for sale in this State of shell eggs by a farm owner or operator with an annual shell egg production from 3,000 or fewer egg-laying hens if all shell eggs sold or transported for sale in this State by the owner or operator are derived from the 3,000 or fewer egg-laying hens.*

Sec. 1.7. *As used in sections 1.3 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2. *“Business owner or operator” means any person who owns or controls the operations of a business.*

Sec. 3. 1. *“Cage-free housing system” means an enclosure for egg-laying hens which is located indoors or outdoors, in which egg-laying hens are unrestricted and free to roam except as otherwise provided in paragraph (c), and which:*

(a) Provides egg-laying hens enrichment that allows the egg-laying hens to exhibit natural behaviors, including, without limitation, scratch areas, perches, nest boxes and dust bathing areas;

(b) Enables farm employees to provide care while standing within the usable floor space for the egg-laying hens; and

(c) For a system located indoors, allows the egg-laying hens to be unrestricted and free to roam, except for the presence of:

(1) Exterior walls; and

(2) Interior fencing that is used to contain the entire flock of egg-laying hens within the system or to subdivide the flock of egg-laying hens into smaller groups if such interior fencing:

(I) Enables farm employees to walk through each contained or subdivided area to provide care to egg-laying hens; and

(II) Provides each egg-laying hen the minimum amount of usable floor space, as set forth in section 15 of this act.

2. *The term includes, without limitation:*

(a) Multi-tiered aviaries, partially slatted systems and single-level, all-litter floor systems which satisfy the conditions set forth in paragraphs (a), (b) and (c) of subsection 1; and

(b) Any future systems which satisfy the conditions set forth in paragraphs (a), (b) and (c) of subsection 1.

3. *The term does not include systems that are commonly referred to as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, furnished cages or any similar cage system.*

Sec. 4. 1. “Egg products” means the eggs of an egg-laying hen that are:

- (a) Separated from the shells of the eggs;
- (b) Intended for human consumption in liquid, solid, dried or frozen form;
- (c) Raw or cooked; and
- (d) In a form with the yolks and whites in their natural proportions or with the yolks and whites separated, mixed or mixed and strained.

2. The term does not include pizzas, cookies, cookie dough, ice cream, mixes used for making pancakes or cakes and any other combination food product that is composed of more than egg products, sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers or similar food additives.

Sec. 5. “Egg-laying hen” means a female chicken, turkey, duck, goose or guinea fowl that is domesticated and is kept for the purpose of producing eggs commercially.

Sec. 6. “Enclosure” means a structure used to confine an egg-laying hen.

Sec. 7. 1. “Farm” means the land, buildings, support facilities and equipment used wholly or partially for the purpose of commercially producing animals or animal products that are used for food.

2. The term does not include live animal markets or official plants if the market or plant is receiving inspection service pursuant to the Egg Products Inspection Act, 21 U.S.C. §§ 1031 et seq.

Sec. 8. “Farm owner or operator” means a person who owns a farm or controls the operations of a farm.

Sec. 9. “Multi-tiered aviary” means a cage-free housing system where egg-laying hens have unrestricted access to multiple elevated flat platforms that provide the egg-laying hens with usable floor space both on top of and underneath the platforms.

Sec. 10. “Partially slatted system” means a cage-free housing system where egg-laying hens have unrestricted access to elevated flat platforms under which manure drops through the flooring to a pit or belt that remove manure which is below the platforms.

Sec. 11. 1. “Sale” means a commercial sale by a business that sells any item covered by sections 1.3 to 22, inclusive, of this act which occurs at the location where the buyer takes physical possession of the item.

2. The term does not include a sale undertaken at an official plant ~~where mandatory inspections are maintained~~ if the plant is receiving inspection service pursuant to the Egg Products Inspection Act, 21 U.S.C. §§ 1031 et seq.

Sec. 12. “Shell egg” means a whole egg of an egg-laying hen that is in its shell form and intended for human consumption.

Sec. 13. *“Single-level, all-litter floor system” means a cage-free housing system that uses litter for a ground cover and where egg-laying hens have limited or no access to elevated flat platforms.*

Sec. 14. 1. *“Usable floor space” means the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to egg-laying hens in an enclosure by the total number of egg-laying hens in that enclosure.*

2. *The term includes both ground space and elevated flat or nearly flat platforms upon which the egg-laying hens can roost.*

3. *The term does not include perches or ramps.*

Sec. 15. 1. *Except as otherwise provided in subsections 2 and 3, on or after July 1, 2022, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which has less than 1 square foot of usable floor space per egg-laying hen.*

2. *Except as otherwise provided in subsection 3, on or after January 1, 2024, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which:*

(a) *Is not a cage-free housing system; or*

(b) *Is a cage-free housing system that has less than:*

(1) *One square foot of usable floor space per egg-laying hen if the cage-free housing system provides egg-laying hens with unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a multi-tiered aviary or partially slatted system; or*

(2) *One and one-half square feet of usable floor space per egg-laying hen if the cage-free housing system does not provide unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a single-level, all-litter floor system.*

3. *The prohibitions in subsections 1 and 2 do not apply to the confinement of an egg-laying hen during:*

(a) *Medical research for which the egg-laying hen is used;*

(b) *The examination, testing or treatment of or a surgical procedure performed on the egg-laying hen that is conducted by a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS or a person who is under the direct supervision of a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS;*

(c) *The transportation of the egg-laying hen;*

(d) *A State or county fair exhibition, 4-H program ~~and~~ or other similar exhibition involving the egg-laying hen;*

(e) *The slaughter of the egg-laying hen so long as the slaughter complies with the rules and regulations governing the slaughtering of such animals; or*

(f) *Temporary periods for animal husbandry purposes. Such temporary periods must last not more than 6 hours in any 24-hour period and not more than 24 hours in total of such temporary periods are allowed in any 30-day period.*

Sec. 16. 1. *A farm owner or operator shall not sell, offer or expose for sale or transport for sale egg products or shell eggs within this State unless the farm owner or operator has been issued a certificate by the Department pursuant to NRS 576.128 and an endorsement of the certificate by the Department indicating that the egg products or shell eggs were produced by an egg-laying hen which was confined in a manner that complies with section 15 of this act.*

2. *To apply for an endorsement required by subsection 1, a farm owner or operator must submit to the Department with an application for a certificate or renewal of a certificate issued pursuant to NRS 576.128:*

(a) *An attestation that the farm owner or operator confined the egg-laying hens in a manner that complies with section 15 of this act; and*

(b) *Evidence that the enclosures for egg-laying hens have been inspected by a person described in subsection 4.*

3. *The Department shall issue the endorsement required by subsection 1 to an applicant if:*

(a) *The farm owner or operator submits the information required pursuant to subsection 2; and*

(b) *The Department determines that such information is sufficient to indicate compliance with section 15 of this act.*

4. *The Department may use a government inspector, including, without limitation, an inspector who is employed, contracted with or authorized by the Department, or a private inspection or process verification provider to ensure compliance with sections 1.3 to 22, inclusive, of this act during the production and the handling of egg products and shell eggs. If the Department uses such an inspector or provider, the Department must approve the inspector or provider as competent to ensure compliance with sections 1.3 to 22, inclusive, of this act.*

5. *Each endorsement issued pursuant to subsection 3 is valid for the period for which the certificate issued pursuant to NRS 576.128 is valid.*

6. *If a holder of a certificate issued pursuant to NRS 576.128 holds an endorsement issued pursuant to this section, the Department shall include in any notice of renewal of the certificate provided to the holder of the certificate a notice to renew the endorsement issued pursuant to this section.*

7. *The Department may require an inspection of the enclosure for egg-laying hens to determine whether to renew an endorsement issued pursuant to this section. If the Department determines that an inspection of the enclosure is required for the renewal of the endorsement, the endorsement remains in effect until the endorsement expires or until the Department makes a determination whether to renew the endorsement, whichever occurs later.*

8. *The Department may not charge a fee for the issuance or renewal of an endorsement pursuant to this section.*

Sec. 17. *The Department may deny an application for an endorsement or an application for the renewal of an endorsement submitted pursuant to*

section 16 of this act or suspend or revoke an endorsement issued pursuant to section 16 of this act upon any of the following grounds:

- 1. The failure or refusal of a farm owner or operator to comply with the provisions of sections 1.3 to 22, inclusive, of this act, or any regulations adopted by the State Quarantine Officer pursuant thereto;*
- 2. The failure or refusal of a farm owner or operator to cooperate with an inspection conducted pursuant to section 16 or 20 of this act; or*
- 3. Selling, offering or exposing for sale or transporting for sale egg products or shell eggs within this State without being issued a certificate pursuant to NRS 576.128 and an endorsement issued pursuant to section 16 of this act.*

Sec. 18. A farm owner or operator who is aggrieved by an action of the Department concerning the denial, suspension or revocation of an endorsement pursuant to section 17 of this act may, not later than 10 business days after the date on which the action of the Department is taken, file a notice of appeal to the Department in the manner set forth by the State Quarantine Officer by regulation.

Sec. 19. 1. A business owner or operator shall not knowingly sell, offer or expose for sale or transport for sale egg products or shell eggs within this State if the business owner or operator knows or should have known that the egg products or shell eggs were produced by an egg-laying hen which was confined in a manner that conflicts with the standards set forth in section 15 of this act.

2. A business owner or operator shall obtain a copy of the certificate issued pursuant to NRS 576.128 that contains the endorsement issued pursuant to section 16 of this act from the farm owner or operator to whom the certificate is issued before doing any business governed by sections 1.3 to 22, inclusive, of this act with the farm owner or operator.

3. The business owner or operator shall:

- (a) Retain a copy of the certificate obtained pursuant to subsection 2; and*
- (b) Provide a copy of the certificate to the Department upon request.*

4. It is a defense to any action to enforce sections 1.3 to 22, inclusive, of this act that a business owner or operator relied in good faith upon a certificate obtained pursuant to subsection 2.

Sec. 20. 1. The Department shall enforce the provisions of sections 1.3 to 22, inclusive, of this act.

2. The Department or an authorized inspector or agent of the Department is entitled to free access during regular business hours to an applicable farm or business and to the records of such a farm owner or operator or business owner or operator for the purpose of inspecting such farm, business or record to determine whether any of the provisions of sections 1.3 to 22, inclusive, of this act are being or have been violated.

Sec. 21. The State Quarantine Officer may adopt such regulations as he or she deems necessary for carrying out the provisions of sections 1.3 to 22, inclusive.

Sec. 22. *Any person who violates any of the provisions of sections 1.3 to 22, inclusive, of this act is subject to a civil penalty pursuant to NRS 583.700.*

Sec. 23. 1. The provisions of this act are in addition to and supplemental to, and not in substitution for, the powers conferred by any other law protecting animal welfare.

2. The provisions of this act must not be construed as to prevent the exercise of any power granted by any other law to any officer, agent or employee of this State or of a county or local governing body in this State that protects animal welfare.

3. The provisions of this act do not prevent a county or local governing body from adopting and enforcing its own animal welfare rules or ordinances that are more stringent than the provisions of this act.

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 23, inclusive, of this act become effective:

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

(b) July 1, 2022, for all other purposes.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 668 to Assembly Bill No. 399.

Remarks by Assemblymen Watts and Titus.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 419.

The following Senate amendment was read:

Amendment No. 513.

AN ACT relating to education; establishing various provisions relating to the sponsorship and governance of charter schools; requiring the disclosure of certain information relating to the management of charter schools; setting forth certain requirements for charter schools that have received certain low ratings of performance on the statewide system of accountability for public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Public Charter School Authority is required to sponsor charter schools whose applications have been approved by the State Public Charter School Authority. The Department of Education is authorized to approve an application by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 388A.220) **Section 3** of this bill requires the sponsor of a charter school to establish standards for the governance of each charter school which it sponsors. Under **section 3**, the sponsor of a charter school is required to **:(1) provide training to the governing body of each charter school it sponsors on the governance of charter schools** ~~or~~ **:(2) identify an organization approved by the sponsor to provide training on**

the governance of charter schools. **Section 3** also requires each member of the governing body of a charter school to complete training on the governance of charter schools at certain times. **Section 4** of this bill requires each member of the State Public Charter School Authority to complete training on the responsibilities of the member and the governance of charter schools.

Section 5 of this bill requires the governing body of a charter school to disclose certain information regarding a charter management organization or educational management organization with which the charter school has entered into a contract to provide services to the charter school. **Section 6** of this bill requires the governing body of a charter school that receives services from an educational management organization to disclose certain information regarding the educational management organization and certain contracts held by members of the governing body of the charter school on the Internet website of the charter school and to the sponsor of the charter school. **Section 6** also authorizes the sponsor of a charter school to request certain information and conduct investigations.

Existing law establishes a statewide system of accountability for public schools. (NRS 385A.600-385A.840) Under existing law, the governing body of a charter school is authorized to request a change in the sponsorship of the charter school. (NRS 388A.231) Existing law also authorizes the sponsor of a charter school to reconstitute the governing body of a charter school or terminate a charter contract in certain circumstances. (NRS 388A.330) **Section 7** of this bill requires the sponsor of a charter school that has received one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools in each of the last 3 consecutive years and has not requested a change in sponsorship to submit a report to the Legislative Committee on Education of information relating to actions the sponsor of the charter school has taken to reconstitute the governing body of the charter school or terminate the charter contract.

Existing law sets forth various requirements for a proposed sponsor of a charter school to review an application to form a charter school. (NRS 388A.249) Existing law authorizes the governing body of a charter school to request to amend its charter contract. (NRS 388A.276) **Section 9** of this bill requires the proposed sponsor to consider the academic, financial and organizational performance of charter schools that currently hold a contract with the proposed operators of a proposed charter school. **Section 11.3** of this bill imposes similar requirements on the sponsor of a charter school that requests to amend its charter contract.

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

Section 1. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. *The sponsor of a charter school shall establish standards for the governance of each charter school which it sponsors.*

2. *The sponsor of a charter school shall provide training on the governance of charter schools to the governing body of each charter school which it sponsors ~~for~~ or identify an organization approved by the sponsor of the charter school to provide training on the governance of charter schools.*

3. *Each member of the governing body of a charter school must complete the training provided by the sponsor of the charter school or an organization identified by the sponsor of the charter school pursuant to subsection 2 on the governance of a charter school:*

- (a) Before the opening of the charter school; and*
- (b) Every 3 years thereafter.*

Sec. 4. *Each member of the State Public Charter School Authority must complete training:*

1. *At the time the member is appointed to the State Public Charter School Authority, on the responsibilities of the member and any framework used by the State Public Charter School Authority in performing its duties; and*

2. *Each year, on the evaluation of applications to form charter schools and the governance of charter schools.*

Sec. 5. *Each year, each governing body of a charter school shall post on its Internet website the definition of a charter management organization and an educational management organization and whether the charter school is operated by a charter management organization or receives services from an educational management organization and, if so, the name of the charter management organization or educational management organization.*

Sec. 6. 1. *The governing body of a charter school that receives services from an educational management organization shall:*

(a) Post to the Internet website of the charter school:

(1) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110;

(2) Information on the contract with the charter management organization or the educational management organization, including, without limitation:

(I) The amount of money received by the educational management organization from public and private sources to carry out the terms of the contract;

(II) The expenditures of the educational management organization relating to carrying out the contract, including, without limitation, the payment of salaries, benefits and bonuses; and

(III) An identification of each contract, transaction and agreement entered into by the educational management organization relating to carrying out the contract with the charter school, including, without limitation, contracts, transactions and agreements with parent

organizations, subsidiaries and partnerships of the educational management organization; and

(3) To the extent practicable, information on any contract between a member of the governing body of the charter school or any member of the family of the member of the governing body and another charter school, sponsor of a charter school, charter management organization or educational management organization.

(b) Submit information on the contract with the educational management organization and a letter describing whether the governing body of the charter school is satisfied with the contractual relationship with the educational management organization to the sponsor of the charter school.

2. The sponsor of a charter school may, after reviewing the information provided pursuant to paragraph (b) of subsection 1, request additional information, conduct an investigation or otherwise take action relating to the information received by the sponsor of the charter school.

3. On or before December 15 of each odd-numbered year, the sponsor of a charter school that receives information on a contract between the governing body of a charter school and an educational management organization pursuant to subsection 1 shall submit a report of such information to the Legislative Committee on Education.

Sec. 7. On or before December 15 of each odd-numbered year, the sponsor of a charter school must submit a report describing any actions the sponsor of the charter school has taken pursuant to NRS 388A.330 to the Legislative Committee on Education if:

1. The charter school has received, within each of the immediately preceding 3 consecutive school years, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

2. The governing body of the charter school does not plan to close the charter school pursuant to NRS 388A.306 or change the sponsorship of the charter school pursuant to NRS 388A.231.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application; ~~and~~

(f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223 ~~and~~ ; **and**

(g) Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor;

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.

5. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the

Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.3. NRS 388A.276 is hereby amended to read as follows:

388A.276 The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. ***The sponsor of the charter school shall consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the current or proposed operators, including, without limitation, a charter management organization or educational management organization, of the charter school.*** If the proposed amendment complies with the provisions of this chapter and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

Sec. 11.7. NRS 388A.320 is hereby amended to read as follows:

388A.320 1. Unless a waiver is granted pursuant to subsection 2 of NRS 388A.243, the governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 2 of NRS 388A.243, not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material is provided to the person by the sponsor or an application to form a charter school or amend a charter contract provides that the member would receive such training or read and understand such material.

(c) Complies with the requirements of NRS 388A.323.

4. ***A person who wishes to serve on the governing body shall disclose to the sponsor of the charter school any conflicts of interest concerning the person or any family member of the person and a charter management organization, educational management organization or other person with which the governing body of the charter school has entered into a contract to provide any services at the charter school in the immediately preceding year.***

5. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~{5-}~~ 6. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than \$80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

~~{6-}~~ 7. As used in subsection 1, “teacher” means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

↪ The term does not include a person who is employed as a substitute teacher.

Sec. 12. (Deleted by amendment.)

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

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

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

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 513 to Assembly Bill No. 419.

Remarks by Assemblywoman Bilbray-Axelrod.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 388.

The following Senate amendment was read:

Amendment No. 560.

SUMMARY—Revises provisions governing access to broadband services.

(BDR ~~(58-790)~~ **18-790**)

AN ACT relating to telecommunication service; requiring the ~~Public Utilities Commission of Nevada~~ **State Treasurer** to establish a program to enable voluntary contributions for infrastructure grants for broadband deployment; ~~establishing certain requirements for the program;~~ requiring the Office of Science, Innovation and Technology in the Office of the Governor to establish a program to make infrastructure grants for broadband deployment; requiring the Office **of Science, Innovation and Technology** to establish a program to encourage deployment of broadband infrastructure in certain communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. (Chapter 704 of NRS)]~~

~~—Section 2 of this bill provides a definition of “broadband service.” Sections 4 and 6 of this bill make conforming changes. Section 4 indicates the proper placement of section 2 within the Nevada Revised Statutes and section 6 deletes an existing definition which is being replaced by section 2.]~~

Section ~~[3]~~ 7.92 of this bill requires the ~~[Commission]~~ **State Treasurer** to establish, by regulation, a program that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer to opt in and make voluntary **monetary** contributions as part of the customer's monthly bill

~~for distribution to the Office of Science, Innovation and Technology in the Office of the Governor to administer a program of infrastructure grants for broadband deployment. Section 3.5 of this bill creates an account within what is commonly called the Nevada Universal Service Fund to facilitate the financial relations between the two programs. Section 4.5 of this bill revises the statutory name of that fund as a result of its expanded purpose. Existing law imposes certain limits on the jurisdiction of the Commission over broadband services. (NRS 704.684) Section 6 of this bill provides that those limits do not prevent the Commission from carrying out its duties concerning the voluntary contribution program for broadband infrastructure created by section 3.~~ Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999) Section 7.92 makes a willful violation of any regulation adopted by the State Treasurer concerning the voluntary contribution program a deceptive trade practice.

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and prescribes its powers and duties and those of its Director. (NRS 223.600-223.650) Section 7.8 of this bill requires the Director of the Office of Science, Innovation and Technology to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State. Section 7.5 of this bill creates the Account for the Grant Program for Broadband Infrastructure for the deposit of money collected by the State Treasurer from participating providers in the voluntary contribution program established pursuant to section 7.92. Section 7.5 requires that money deposited in the Account be used to: (1) provide infrastructure grants pursuant to the program established pursuant to section 7.8; and (2) defray the costs of establishing and administering the programs established pursuant to sections 7.8 and 7.92.

~~Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and prescribes its powers and duties and those of its Director. (NRS 223.600-223.650) Sections 7.2-7.9 of this bill expand those powers and duties. In particular, section~~ Section 7.6 of this bill requires the Director of the Office of Science, Innovation and Technology to [at least] biennially: (1) [collect and map broadband speed data in each county in this State; (2)] prepare a report concerning the availability of broadband service in this State; and [(3)] (2) submit the report to the Governor and Legislature. [Section] Sections 7.7 and 7.93 of this bill [requires] require the Office, on or before October 1, 2021, to establish and administer a Broadband Ready Communities Certification program [in order to encourage] for the purpose of encouraging the deployment of broadband infrastructure in underserved

communities ~~and prescribes certain required elements of the program. Section 7.8 of this bill requires the Director of the Office to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State. The program is funded using money distributed to the Office by the voluntary contribution program for broadband infrastructure created by section 3.~~

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

Section 1. ~~{Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.5, inclusive, of this act.}~~ **(Deleted by amendment.)**

Sec. 2. ~~{“Broadband service” means any two-way service that transmits information at a rate that is generally not less than 25 megabits per second when downloading information and 3 megabits per second when uploading information.}~~ **(Deleted by amendment.)**

Sec. 2.5. ~~{“Voluntary contribution program for broadband infrastructure” means the program established by the Commission pursuant to section 3 of this act.}~~ **(Deleted by amendment.)**

Sec. 3. ~~{1. To the extent consistent with federal law, the Commission shall establish, by regulation, a program that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer of the provider to~~

~~opt in and make voluntary contributions as part of the customer’s monthly bill to fund a program of infrastructure grants for broadband deployment. The regulations must establish, without limitation:~~

~~—(a) Procedures to enable a provider of broadband or commercial mobile radio service to elect to participate in the program;~~

~~—(b) The manner in which a participating provider must give notice to its customers about the program;~~

~~—(c) Procedures to enable a customer of a participating provider to opt in to the program and make contributions to the program;~~

~~—(d) The manner in which a participating provider must collect and account for contributions to the program made by participating customers;~~

~~—(e) Procedures governing the collection and accounting by the independent administrator selected by the Commission pursuant to NRS 704.040 of the contributions made to the program by participating customers and the use by the independent administrator of money from those contributions to defray costs incurred by the administrator as set forth in section 3.5 of this act; and~~

~~—(f) Procedures for the distribution to the Office of Science, Innovation and Technology of money collected pursuant to the voluntary contribution program for broadband infrastructure by the independent administrator.~~

~~2. The Commission has jurisdiction over a provider of broadband or commercial mobile radio service who elects to participate in the voluntary contribution program for broadband infrastructure only for the purposes of:~~
~~(a) Auditing and verifying the collection of contributions by participating customers of the provider; and~~
~~(b) Adjudicating complaints against the provider, if any, by participating customers concerning the program.] (Deleted by amendment.)~~

Sec. 3.5. ~~1. The Account for the Voluntary Contribution Program for Broadband Infrastructure is hereby created in the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telecommunication or broadband service.~~

~~2. The Account must be administered by the independent administrator of the fund selected by the Commission pursuant to NRS 704.040.~~

~~3. Any money collected pursuant to the voluntary contribution program for broadband infrastructure must be deposited in the Account.~~

~~4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~5. The money in the Account must only be used:~~

~~(a) To defray costs incurred by the independent administrator to administer the Account; and~~

~~(b) For distribution to the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act.~~

~~6. Claims against the Account must be paid as other claims against the State are paid.] (Deleted by amendment.)~~

Sec. 4. ~~NRS 704.005 is hereby amended to read as follows:~~

~~704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.006 to 704.028, inclusive, and sections 2 and 2.5 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 4.5. ~~NRS 704.013 is hereby amended to read as follows:~~

~~704.013 “Fund to maintain the availability of [telephone] telecommunication or broadband service” means the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telephone service.] (Deleted by amendment.)~~

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~NRS 704.684 is hereby amended to read as follows:~~

~~704.684 1. Except as otherwise provided in this section, the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.~~

~~2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:~~

~~(a) Consider any revenues, costs and expenses that a small-scale provider of last resort derives from providing a broadband service, if the Commission is determining the rates of the provider under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;~~

~~— (b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;~~

~~— (c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or~~

~~— (d) Determine the rates, pricing, terms and conditions of intrastate switched or special access services provided by a telecommunication provider;~~

~~3. The provisions of subsection 1 do not:~~

~~— (a) Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161;~~

~~— (b) Prevent the Commission from exercising its authority pursuant to 47 U.S.C. § 214(e) or § 254(f) relating to the implementation of the federal universal service program, including, without limitation, taking any action within the scope of that authority because of a regulation or order of the Federal Communications Commission; [or]~~

~~— (c) Limit or modify:~~

~~— (1) The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or~~

~~— (2) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882;~~

~~4. As used in this section, “broadband service” means any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.]; or~~

~~— (d) Prevent the Commission from carrying out its duties concerning the voluntary contribution program for broadband infrastructure established by the Commission pursuant to section 3 of this act.] (Deleted by amendment.)~~

Sec. 7. (Deleted by amendment.)

Sec. 7.1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2 to 7.7, inclusive, of this act.

Sec. 7.2. ~~[As used in NRS 223.600 to 223.650, inclusive, and sections 7.2 to 7.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7.3 and 7.4 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 7.3. ~~[“Broadband service” has the meaning ascribed to it in section 2 of this act.] (Deleted by amendment.)~~

Sec. 7.4. ~~[“Voluntary contribution program for broadband infrastructure” has the meaning ascribed to it in section 2.5 of this act.] (Deleted by amendment.)~~

Sec. 7.5. 1. The Account for the Grant Program for Broadband Infrastructure is hereby created in the State General Fund. The ~~Account~~

~~must be administered by the~~ Director of the Office of Science, Innovation and Technology ~~It shall administer the Account.~~

2. ~~Any money transferred from the Account for the Voluntary Program for Broadband Infrastructure created by section 3.5 of this act established pursuant to section 3 of this act must be deposited in the Account.~~

~~3.~~ The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. 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.

4. The money in the Account must only be used to:

(a) Make infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State established by the Director pursuant to subsection 5 of NRS 223.610; and

(b) Defray the costs incurred by the Director to establish and administer of establishing and administering the ~~program~~ programs established pursuant to subsection 5 of NRS 223.610 and section 7.92 of this act.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 7.6. The Director of the Office of Science, Innovation and Technology shall, not less than biennially:

1. ~~Collect and map broadband speed data at the address level in each county of this State;~~

~~2.~~ Prepare a report that includes, without limitation:

(a) A summary of the availability of broadband services throughout the State; and

(b) ~~Identification of each community that receives service at speeds at least as fast as those necessary to meet the definition of broadband service in section 2 of this act;~~

~~(c) Identification of each community that does not receive service or receives service at speeds that are not at least as fast as those necessary to meet the definition of broadband service in section 2 of this act; and~~

~~(d)~~ Recommendations for the deployment of broadband infrastructure to underserved communities.

~~3.~~ 2. Submit the report prepared pursuant to subsection ~~1~~ 1 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

Sec. 7.7. 1. The Office of Science, Innovation and Technology shall ~~establish~~ establish and administer a Broadband Ready Community Certification program in order to encourage the deployment of broadband infrastructure in underserved communities in this State. ~~It~~

~~(b) Establish forms and procedures for the use of local governments that wish to obtain certification pursuant to this section;~~

~~—(c) Develop a model ordinance for adoption by a local government which must include, without limitation:~~

~~—(1) Suggestions for a local government to reduce obstacles to investment in broadband infrastructure;~~

~~—(2) Suggestions for the implementation of policies that encourage the use of local shared utility trenches, commonly called “one dig policies”;~~

~~—(3) Requirements that the local government designate a single point of contact within the local government for all matters related to broadband services; and~~

~~—(4) With respect to applications to the local government for permits and right of way uses, require that the local government:~~

~~—(I) Provide for the electronic submission of such applications;~~

~~—(II) Provide for expedited review of such applications;~~

~~—(III) Notify an applicant whether the application is complete within 10 days after submission of the application;~~

~~—(IV) Approve or deny an application within 60 days after submission of the application;~~

~~—(V) If the application is denied, notify the applicant of specific corrective actions; and~~

~~—(VI) Not require a fee for an application that exceeds \$100.~~

2. The Office of Science, Innovation and Technology shall ~~certify~~ adopt regulations necessary to carry out the program established pursuant to subsection 1. Such regulations must include, without limitation:

(a) The requirements for a community to apply for and receive certification as a Broadband Ready Community; ~~if the local government~~

~~(a) Submits an application for certification on the form and in the manner prescribed by the Office;~~ and

~~(b) ~~Adopts the model ordinance developed by the Office pursuant to paragraph (c) of subsection 1.~~~~

~~—3.— The ~~Office of Science, Innovation and Technology may withdraw~~ grounds for withdrawal of a certification as a Broadband Ready Community ~~if a local government repeals or modifies the model ordinance or fails to comply with its requirements.~~~~

~~—4.—~~ 3. The Office of Science, Innovation and Technology shall post on an Internet website maintained by the Office, a list of each community in this State that has been certified as a Broadband Ready Community.

~~f 5. As used in this section, “local government” means a county, city or other unit of local government that has the authority to adopt ordinances.~~

Sec. 7.8. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor, identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:

(a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;

(b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;

(c) Coordinating and processing applications for state and federal money relating to broadband services;

(d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;

(e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;

(f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;

(g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State;
~~and~~

(h) Administration of the trade policy for fiber optic infrastructure in this State ~~and~~ ; **and**

(i) Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act. The Director may adopt regulations to carry out his or duties pursuant to this paragraph.

6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation in this State of plans developed by the Council concerning, without limitation, workforce development, college preparedness and economic development.

7. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic

Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

8. Administer such grants as are provided by legislative appropriation.

Sec. 7.9. NRS 223.630 is hereby amended to read as follows:

223.630 1. The Account for the Office of Science, Innovation and Technology is hereby created in the State General Fund. The Account must be administered by the Director of the Office of Science, Innovation and Technology.

2. ~~{Any}~~ *Except as otherwise provided in section 7.5 of this act, any* money accepted pursuant to NRS 223.620 must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account must only be used to carry out the duties of the Director.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 7.92. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent consistent with federal law, the State Treasurer shall establish, by regulation, a program that enables a provider of broadband or commercial mobile radio service to participate in a voluntary contribution program for broadband infrastructure that enables a customer of the provider to opt in and make voluntary monetary contributions as part of the customer's monthly bill to fund a program of infrastructure grants for broadband deployment. The regulations must establish, without limitation:

(a) Procedures to enable a provider of broadband or commercial mobile radio service to elect to participate in the program;

(b) The manner in which a participating provider must give notice to its customers about the program;

(c) Procedures to enable a customer of a participating provider to opt in to the program and make contributions to the program; and

(d) The manner in which a participating provider must collect and account for contributions to the program made by participating customers.

2. The State Treasurer shall deposit money collected from participating providers in the program established pursuant to subsection 1 in the Account for the Grant Program for Broadband Infrastructure created by section 7.5 of this act.

3. A willful violation by a participant in the program of any regulation adopted pursuant to subsection 1 constitutes a deceptive trade practice for purposes of NRS 598.0903 to 598.0999, inclusive.

Sec. 7.93. On or before October 31, 2021, the Office of Science, Innovation and Technology in the Office of the Governor established by NRS 223.600 shall, in consultation with representatives of local governments, providers of broadband or commercial mobile radio services and interested stakeholders identified by the Office of Science,

Innovation and Technology, establish the program required by section 7.7 of this act.

Sec. 7.95. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7.95, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose 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.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 560 to Assembly Bill No. 388.

Remarks by Assemblywoman Monroe-Moreno.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 412.

The following Senate amendment was read:

Amendment No. 559.

AN ACT relating to motor vehicles; revising provisions governing fully autonomous vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a low-speed vehicle is defined as a motor vehicle that: (1) is 4-wheeled; (2) the speed of which that is attainable in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface; (3) weighs less than 3,000 pounds; and (4) complies with certain safety standards. (NRS 484B.637) **Section 3 of this bill creates an exception to the requirement of compliance with the safety standards for low speed vehicles for a vehicle that has been granted an exemption from one or more of those standards by the National Highway Traffic Safety Administration. Section 3 also** defines "neighborhood occupantless vehicle" as a low-speed vehicle that is not designed, intended or marketed for human occupancy. ~~[Section 3 provides that an operator of such a vehicle who operates the]~~

Existing law authorizes the operation of a registered low-speed vehicle upon a highway where the posted speed limit is 35 miles per hour or less. (NRS 484B.637) In addition to such authority, section 3 authorizes the operation of the type of low-speed vehicle defined as a neighborhood occupantless vehicle, if registered, on a [roadway with a] highway where the posted speed limit [of] is greater than 35 miles per hour but not more than 45 miles per hour. [is operating the vehicle in compliance with state law if the operator complies with certain restrictions on speed and equipment requirements for motor vehicles.]

Existing law provides for certain restrictions on speed on the driver of a motor vehicle. (NRS 484B.627, 484B.630) **Sections 1 and 2** of this bill make conforming changes by revising such provisions to apply to an operator of a motor vehicle.

Existing law defines a fully autonomous vehicle as a motor vehicle that is equipped with an automated driving system which is designed to function at a certain level of driving automation. (NRS 482A.036) **Section 4** of this bill makes certain provisions concerning required equipment for a motor vehicle inapplicable to certain fully autonomous vehicles that are exclusively operated by an automated driving system. **Section 4** exempts a fully autonomous vehicle that is exclusively operated by an automated driving system from the requirement that it be equipped with: (1) a mirror so located as to reflect to the driver a view of the highway; (2) windshield wipers; and (3) equipment to light the road with multiple beams. **Section 4** also exempts a fully autonomous vehicle that is operated exclusively by an automated driving system from the requirement that it be equipped with a muffler unless the vehicle contains an internal combustion engine.

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

Section 1. NRS 484B.627 is hereby amended to read as follows:

484B.627 1. If any driver ~~{drives}~~ **or operator of** a motor vehicle **drives or operates a motor vehicle** at a speed so slow as to impede the forward movement of traffic proceeding immediately behind the driver ~~{}~~ **or operator**, the driver **or operator** shall:

(a) If the highway has one lane for traveling in each direction and the width of the paved portion permits, drive to the extreme right side of the highway and, if applicable, comply with the provisions of NRS 484B.630;

(b) If the highway has two or more clearly marked lanes for traffic traveling in the direction in which the driver **or operator** is traveling, drive in the extreme right-hand lane except when necessary to pass other slowly moving vehicles; or

(c) If the highway is a controlled-access highway, use alternate routes whenever possible.

2. A person shall not bring a vehicle to a complete stop upon a roadway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.

Sec. 2. NRS 484B.630 is hereby amended to read as follows:

484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver **or operator** of a slow-moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:

(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or

(b) In the absence of such a designated turnout, at the nearest place where:

(1) Sufficient area for a safe turnout exists; and

(2) The circumstances and conditions are such that the driver *or operator* is able to turn off the roadway in a safe manner.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. As used in this section, “slow-moving vehicle” means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the highway or portion of the highway upon which the vehicle is traveling.

Sec. 3. NRS 484B.637 is hereby amended to read as follows:

484B.637 1. As used in this section, “low-speed vehicle” means a motor vehicle:

(a) That is 4-wheeled;

(b) The speed of which that is attainable in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface;

(c) The gross vehicle weight rating of which is less than 3,000 pounds; and

(d) That complies with the standards for safety of such a vehicle set forth in Federal Motor Safety Standard No. 500 at 49 C.F.R. § 571.500, unless an exemption from one or more provisions of that Standard has been granted for the vehicle by the National Highway Traffic Safety Administration.

2. Except as otherwise provided in subsection 3:

(a) If registered, a low-speed vehicle may be operated upon a highway where the posted speed limit is 35 miles per hour or less.

(b) A person shall not operate a low-speed vehicle upon a highway where the posted speed limit is greater than 35 miles per hour, except to cross such a highway at an intersection.

3. ~~Notwithstanding the provisions of subsection 2, an operator of If registered, a neighborhood occupantless vehicle ~~operating~~ may operate on a ~~roadway with a~~ highway where the posted speed limit ~~is~~ is greater than 35 miles per hour but not more than 45 miles per hour. ~~is operating in compliance with state law if the operator complies with the provisions of NRS 484B.627, 484B.630 and 484D.545.~~~~

4. As used in this section, “neighborhood occupantless vehicle” means a low-speed vehicle that is not designed, intended or marketed for human occupancy.

Sec. 4. Chapter 484D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The provisions of subsection 3 of NRS 484D.210 and NRS 484D.430 and 484D.445 do not apply to a fully autonomous vehicle that is operated exclusively by an automated driving system.*

2. *The provisions of NRS 484D.415 do not apply to a fully autonomous vehicle that is operated exclusively by an automated driving system unless the fully autonomous vehicle is equipped with an internal combustion engine.*

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

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 559 to Assembly Bill No. 412.

Remarks by Assemblywoman Monroe-Moreno.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 410.

The following Senate amendment was read:

Amendment No. 650.

AN ACT relating to public works; revising qualifications for entering into a contract with a public body as a construction manager at risk; requiring certain contracts between a public body and a construction manager as agent to be awarded on the basis of competence and qualifications and not on the basis of competitive fees; removing the prospective expiration of provisions relating to construction managers at risk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes qualifications that a construction manager at risk must satisfy to be eligible to enter into a contract with a public body. (NRS 338.1691) **Section 1** of this bill additionally requires that a construction manager at risk must not have entered into a contract with a public body to act as a construction manager as agent during the ~~5~~ 4 years immediately preceding the date of the advertisement for proposals pursuant to which a contract is awarded in order to be eligible to enter into such a contract.

Existing law: (1) prohibits the State of Nevada or any of its political subdivisions from selecting a professional engineer, professional land surveyor or registered architect to perform certain services on a public work on the basis of competitive fees; and (2) instead requires that the selection of such persons be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of service to be performed. (NRS 625.530) Existing law authorizes a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work. Existing law requires a construction manager as agent to: (1) be a licensed contractor; (2) hold a certificate of registration to practice architecture, interior design or residential design; or (3) be licensed as a professional engineer.

Existing law provides that a contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding. (NRS 338.1718) **Section 2** of this bill bases the selection of a construction manager as agent upon the same criteria as the selection of a professional engineer, professional land surveyor or registered architect on a public work. Specifically, **section 2** requires the selection of a construction manager as agent to be made on the basis of the competence and qualifications of the construction manager as agent for the type of services to be performed and not on the basis of competitive fees. **Section 2** exempts from this

requirement contracts between a public body and a construction manager as agent to perform services for a public work for which the estimated cost is \$100,000 or less.

Under existing law, public bodies are authorized to construct public works under certain circumstances through a method by which a construction manager at risk provides preconstruction services on the public work and, under certain circumstances, construction services on the public work with a guaranteed maximum price, a fixed price or a fixed price plus reimbursement for certain costs. (NRS 338.1685-338.16995) Existing law eliminates the authority for public bodies to enter into contracts with construction managers at risk effective June 30, 2021. (Chapter 487, Statutes of Nevada 2013, at page 2986, chapter 562, Statutes of Nevada 2017, at page 4035) **Sections 3-5** of this bill remove the prospective expiration of this authority, thereby making the authorization to enter into contracts with construction managers at risk permanent.

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

Section 1. NRS 338.1691 is hereby amended to read as follows:

338.1691 To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to NRS 338.1692;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

3. *Not have entered into a contract with a public body to act as a construction manager as agent during the ~~5~~ 4 years immediately preceding the date of the advertisement for proposals pursuant to NRS 338.1692;*

4. Be licensed as a contractor pursuant to chapter 624 of NRS; and

~~4-1~~ 5. If the project is for the construction of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 2. NRS 338.1718 is hereby amended to read as follows:

338.1718 1. A construction manager as agent:

(a) Must:

(1) Be a contractor licensed pursuant to chapter 624 of NRS;

(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or

(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the

construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not:

- (1) Take part in the design or construction of the public work; or
- (2) Act as an agent of the public body to select a subcontractor if the work to be performed by the subcontractor is part of a larger public work.

2. ~~{A}~~ *Except as otherwise provided in subsection 3, the selection of a construction manager as agent to perform services pursuant to subsection 1 must be made on the basis of the competence and qualifications of the construction manager as agent for the type of services to be performed and not on the basis of competitive fees. If, after selection of the construction manager as agent, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public body may terminate negotiations and select another construction manager*

as agent. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a construction manager as agent pursuant to this subsection, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference when competing for public works. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. *The provisions of subsection 2 do not apply to a contract between a public body and a construction manager as agent ~~{is not required}~~ to ~~be awarded by competitive bidding}~~ perform services for a public work for which the estimated cost is \$100,000 or less.*

Sec. 3. Section 15 of chapter 487, Statutes of Nevada 2013, as amended by chapter 562, Statutes of Nevada 2017, at page 4035, is hereby amended to read as follows:

Sec. 15. ~~{H}~~ This section and sections 1, 2, 3, 4, 5, 6, 7.5 to 13, inclusive, 14, 14.3 and 14.5 of this act become effective on July 1, 2013.

~~{2. Section 1 of this act expires by limitation on June 30, 2021.~~

~~{3. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of this act become effective on July 1, 2021.}~~

Sec. 4. Section 9 of chapter 123, Statutes of Nevada 2015, as amended by chapter 562, Statutes of Nevada 2017, at page 4035, is hereby amended to read as follows:

Sec. 9. ~~{H}~~ This act becomes effective upon passage and approval.

~~{2. Sections 6 and 7.5 of this act expire by limitation on June 30, 2021.}~~

Sec. 5. Section 7 of chapter 562, Statutes of Nevada 2017, at page 4035, is hereby amended to read as follows:

Sec. 7. 1. This section and sections 5 and 6 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective on July 1, 2017.

~~3. Sections 1 to 3, inclusive, of this act expire by limitation on June 30, 2021.~~

Sec. 6. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of chapter 487, Statutes of Nevada 2013, at pages 2961, 2964, 2966, 2967, 2968, 2972, 2983, 2984 and 2986, respectively, are hereby repealed.

Sec. 7. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

Section 2.3 of chapter 487, Statutes of Nevada 2013:

Sec. 2.3. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. “Division” means the State Public Works Division of the Department of Administration.

9. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ~~“Horizontal construction” means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~—13.—~~ “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any

agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~14.1~~ **13.** “Offense” means failing to:

- (a) Pay the prevailing wage required pursuant to this chapter;
- (b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
- (c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
- (d) Comply with subsection 4 or 5 of NRS 338.070.

~~15.1~~ **14.** “Prime contractor” means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and
- (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➤ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~16.1~~ **15.** “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~17.1~~ **16.** “Public work” means any project for the new construction, repair or reconstruction of:

- (a) A project financed in whole or in part from public money for:
 - (1) Public buildings;
 - (2) Jails and prisons;
 - (3) Public roads;
 - (4) Public highways;
 - (5) Public streets and alleys;
 - (6) Public utilities;
 - (7) Publicly owned water mains and sewers;
 - (8) Public parks and playgrounds;
 - (9) Public convention facilities which are financed at least in part with public money; and
- (10) All other publicly owned works and property.
- (b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~18.1~~ **17.** “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~119-1~~ 18. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➤ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~120-1~~ 19. “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➤ for the provision of labor, materials, equipment or supplies for a construction project.

~~121-1~~ 20. “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~122-1~~ 21. “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~123-1~~ “Vertical construction” means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

~~124-1~~ 22. “Wages” means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~125-1~~ 23. “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Section 2.5 of chapter 487, Statutes of Nevada 2013:

Sec. 2.5. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, ~~subsection~~

~~3 of NRS 338.1693, 1~~ subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages only as provided in subsections 5 and 6.

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-

build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, liquidated damages as described in subsection 6 for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor or supplier and each contract between a subcontractor and a subcontractor or supplier must provide that:

(a) If a party to the contract causes a material breach of the contract between the contractor, applicant or design-build team and the public body as a result of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, the party is liable to the public body for liquidated damages in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that causes the material breach; and

(c) No other party to the contract is liable to the public body for liquidated damages.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

Section 3.5 of chapter 487, Statutes of Nevada 2013:

Sec. 3.5. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~17~~ **16** of NRS 338.010.

Section 4.5 of chapter 487, Statutes of Nevada 2013:

Sec. 4.5. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~17~~ **16** of NRS 338.010.

Section 5.3 of chapter 487, Statutes of Nevada 2013:

Sec. 5.3. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive; **or**
- (c) ~~NRS 338.169 to 338.16995, inclusive, and section 1 of this act; or~~
- ~~(d)~~ NRS 338.1711 to 338.173, inclusive.

2. Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433,

inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

Section 5.5 of chapter 487, Statutes of Nevada 2013:

Sec. 5.5. NRS 338.1381 is hereby amended to read as follows:

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 ~~for 338.169911~~ or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the Division or the local government, the State Public Works Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

- (a) Administer oaths;
 - (b) Take testimony;
 - (c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;
 - (d) Require the production of related books, papers and documents;
- and
- (e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

Section 5.7 of chapter 487, Statutes of Nevada 2013:

Sec. 5.7. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; *or*

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435. ~~†; or~~

~~—(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.—~~

Section 6.5 of chapter 487, Statutes of Nevada 2013:

Sec. 6.5. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; *or*

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435. ~~For~~

~~—(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.—~~

Section 13.5 of chapter 487, Statutes of Nevada 2013:

Sec. 13.5. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~338.16995,~~ **338.168**, inclusive, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.

Section 14.1 of chapter 487, Statutes of Nevada 2013:

Sec. 14.1. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

- (1) The length of time necessary to commence the project.
- (2) The number of workers estimated to be employed on the project.
- (3) The effectiveness of the project in reducing energy consumption.
- (4) The estimated cost of the project.
- (5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in

42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) “Local government” means each city or county that meets the definition of “eligible unit of local government” as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~113~~ **12** of NRS 338.010, that does not meet the definition of “eligible entity” as set forth in 42 U.S.C. § 17151.

(b) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

➡ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) “Retrofit” means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Section 14.7 of chapter 487, Statutes of Nevada 2013:

Sec. 14.7. NRS 338.169, 338.1691, 338.1692, 338.1693, 338.16935, 338.1696, 338.1697, 338.1698, 338.16985, 338.16991 and 338.16995 are hereby repealed.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 650 to Assembly Bill No. 410.

Remarks by Assemblyman Flores.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 509.

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

Legislative Counsel’s Digest:

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

Existing law provides that if a board of county commissioners fails to submit the name of its nominee or nominees for membership on the Advisory Council, the Governor may appoint any resident of that county to represent that county. (NRS 321.740) Section 1 provides that if the Nevada Indian Commission fails to submit the name of its nominee or nominees for membership on the Advisory Council, the Governor may appoint any resident of the State who has experience working with tribal governments in this State and who has knowledge of natural resource issues pertaining to tribal lands in this State as the representative of the Nevada Indian Commission.

Existing law provides that the term of a voting member of the Advisory Council is 3 years. (NRS 321.740) **Section 1** provides an exception to the 3-year term if a voting member appointed by the Governor is an elected official of the county that he or she represents on the Advisory Council and does not become a candidate for reelection or is defeated for reelection. In such a circumstance, **section 1** authorizes the board of county commissioners to end the person’s membership on the Advisory Council before the expiration of the person’s 3-year term. If the board of county commissioners ends the person’s membership on the Advisory Council: (1) that person’s membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and (2) a vacancy exists on the Advisory Council that must be filled for the remainder of the unexpired term.

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

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

Section 3 of this bill changes the minimum period required to be given in existing law for notice of certain public hearings of the Advisory Council by

publication in newspapers from 20 days to 10 days before the hearing. (NRS 321.770)

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

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

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

(a) ~~Seventeen~~ Eighteen voting members appointed by the Governor ~~and~~
~~17~~, *as follows:*

(1) One member from each county in this State who represents that
county; and

(2) One member who represents the Nevada Indian Commission.

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

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

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

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

~~{2-}~~ 3. ~~One voting member must be appointed pursuant to paragraph (a)~~
~~of subsection 1 by the Governor to the Advisory Council to represent each~~
~~county. At~~ Each board of county commissioners and the Nevada Indian
Commission shall, at least 30 days before the beginning of any term of the
representative of ~~{a}~~ the county ~~{,}~~ or the Nevada Indian Commission, or
within 30 days after the position of that representative becomes vacant, ~~the~~
~~board of county commissioners of that county shall~~ submit to the Governor
the name of its nominee or a list of the names of not more than three nominees
who are elected officials or other representatives of the county or of the
Nevada Indian Commission, as applicable, for the position to be filled. If a
board of county commissioners or the Nevada Indian Commission submits
the names of two or more nominees, the board or the Nevada Indian
Commission, as applicable, shall number its nominees in order of preference.
That order of preference is not binding upon the Governor. The Governor shall
appoint the person so nominated or, if more than one person is nominated, one
of the persons from the list of nominees.

~~{3-}~~ 4. If ~~{a}~~:

(a) A board of county commissioners fails to submit the name of its
nominee or a list of nominees within the time required by this subsection or
subsection ~~{2-}~~ 3, the Governor may appoint to the Advisory Council any
resident of that county as the representative of the county. ~~{If a}~~

(b) The Nevada Indian Commission fails to submit the name of its
nominee or a list of nominees within the time required by subsection 3, the

Governor may appoint any resident of the State who has experience working with tribal governments in this State and who has knowledge of natural resource issues pertaining to tribal lands in this State as the representative of the Nevada Indian Commission.

(c) A board of county commissioners or the Nevada Indian Commission has timely submitted the name of its nominee or a list of nominees **pursuant to subsection 3** and the Governor fails to appoint a person so nominated:

~~{(c)}~~ **(1)** If one person has been nominated, that person; or
~~{(d)}~~ **(2)** If two or more persons have been nominated, the person listed by the board **or the Nevada Indian Commission, as applicable**, first in order of preference,

↪ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board **or the Nevada Indian Commission, as applicable**, in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board **or the Nevada Indian Commission, as applicable**, shall submit to the Governor the name of a new nominee or a list of new nominees.

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

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

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

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

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

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

~~—6.}~~ **appointing authority.**

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

~~17.1~~ **9.** A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

~~18.1~~ **10.** A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

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

321.750 The Land Use Planning Advisory Council shall:

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

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

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

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

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

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

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

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

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

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

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

3. The Land Use Planning Advisory Council shall include in its procedures one or more public hearings upon notice given by at least one publication at least ~~120~~ **10** days before the hearing in a newspaper or combination of newspapers having general circulation throughout the area

affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.

4. Following completion of the hearings and consideration of other information, the Land Use Planning Advisory Council shall make its final recommendations for land use planning policies in the area of critical environmental concern. The recommendations may include proposed land use regulations to carry out such policies.

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

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

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 509 to Assembly Bill No. 52.

Remarks by Assemblyman Flores.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 55.

The following Senate amendment was read:

Amendment No. 551.

AN ACT relating to the City of North Las Vegas; providing for the creation, membership and duties of a Charter Committee; making certain grammatical and clarifying changes to the Charter of the City of North Las Vegas; revising provisions relating to special and emergency meetings of the City Council; revising the procedure for enacting city ordinances; making various changes to the duties of the City Clerk; revising the powers of the City Council relating to animals; revising provisions relating to the removal of the City Attorney; authorizing the City Manager and City Attorney to take certain legal action for the collection and disposition of certain money; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill: (1) requires the City Council of the City of North Las Vegas to establish a Charter Committee, which is required to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the Charter; and (2) sets forth requirements for the creation, membership and duties of the Charter Committee.

Sections 1.5, 2, 5, 7, 9 and 15-21 of this bill make grammatical and clarifying changes to various provisions of the Charter of the City of North Las Vegas.

The existing Charter of the City of North Las Vegas: (1) authorizes the City Council to hold a special meeting on the call of the Mayor or by a majority of the City Council; and (2) prohibits the City Council from making certain contracts involving the expenditure of money or allowing claims at a special meeting. (North Las Vegas City Charter § 2.050) **Section 3** of this bill

eliminates this prohibition and authorizes the City Council to also hold an emergency meeting on the call of the Mayor or by a majority of the City Council.

The existing Charter of the City of North Las Vegas establishes the procedure for enacting an ordinance. (North Las Vegas City Charter § 2.100) **Section 4** of this bill provides that if action on an introduced ordinance is postponed the City Council is not required to introduce the ordinance again before taking action on the ordinance at the next meeting of the City Council.

The existing Charter of the City of North Las Vegas authorizes the City Council to regulate and prevent in all public places: (1) the distribution and exhibition of handbills or signs; (2) any practice tending to annoy persons passing in such public places; and (3) public demonstrations and processions. (North Las Vegas City Charter § 2.200) **Section 6** of this bill: (1) provides the City Council may regulate or prevent such behavior to the extent permissible under the Nevada Constitution and the United States Constitution; and (2) removes the provision authorizing the City Council to regulate practices tending to annoy persons. **Section 6** also removes existing language authorizing the City Council to prevent riots or acts tending to promote riots.

The existing Charter of the City of North Las Vegas gives the City Council certain powers related to animals and poultry. (North Las Vegas City Charter § 2.250) **Section 8** of this bill removes the reference to poultry and authorizes the City Council to establish an animal shelter rather than a pound.

The existing Charter of the City of North Las Vegas sets forth the duties of the City Clerk. (North Las Vegas City Charter § 3.040) **Section 10** of this bill revises the duties of the City Clerk.

The existing Charter of the City of North Las Vegas provides that the City Attorney may be removed by a vote of the majority of the entire City Council at any time. (North Las Vegas City Charter § 3.050) **Section 11** of this bill specifies that the removal of the City Attorney must also be in accordance with the terms of his or her employment contract.

The existing Charter of the City of North Las Vegas authorizes the City Council to take certain legal action for the collection and disposition of certain money. (North Las Vegas City Charter § 3.090) **Section 12** of this bill authorizes the City Manager and City Attorney to also take such legal action.

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

Section 1. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto new sections to be designated as sections 1.100, 1.110 and 1.120, respectively, immediately following section 1.090, to read as follows:

Sec. 1.100 Charter Committee: Appointment; qualifications; compensation; terms; vacancies.

1. The City Council shall establish a Charter Committee. The Charter Committee must be appointed as follows:

(a) *The Mayor shall appoint two members;*
(b) *The Mayor pro tempore shall appoint two members;*
(c) *The remaining members of the City Council shall each appoint one member;*

(d) *The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;*

(e) *The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;*

(f) *The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and*

(g) *The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.*

2. *Each member of the Charter Committee:*

(a) *Must be a registered voter of the City;*

(b) *Must reside in the City during his or her term of office; and*

(c) *Serves without compensation.*

3. *The term of office of a member of the Charter Committee is concurrent with the term of the person or persons, as applicable, by whom the member was appointed. If the term of office of any person making an appointment ends by resignation or otherwise, the term of office of a member of the Charter Committee appointed by that person ends on the day that the person resigns or otherwise leaves office.*

4. *If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

Sec. 1.110 Charter Committee: Officers; meetings; duties.

The Charter Committee shall:

1. *Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;*

2. *Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee; and*

3. *Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter.*

Sec. 1.120 Charter Committee: Removal of member.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including, without limitation:

- (a) Failure or refusal to perform the duties of office;**
- (b) Absence from three consecutive regular meetings; or**
- (c) Ceasing to meet any qualification for appointment to the Charter Committee.**

2. Any vacancy resulting from the removal of a member pursuant to this section must be filled pursuant to subsection 4 of section 1.100.

Sec. 1.5. Section 2.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 723, Statutes of Nevada 1973, at page 1437, is hereby amended to read as follows:

Sec. 2.020 City Council: Contracts; conflict of interest.

1. Members of the City Council may vote on any lease, contract or other agreement which extends beyond their terms of office.

2. No member of the City Council, including the Mayor, shall:

(a) Be pecuniarily interested, directly or indirectly, in any contract ~~let~~ **entered into** by the City, or in any transaction wherein the rights or liberties of the City are, or may be involved. This paragraph does not apply to contracts for utilities and other services provided for the public by the City under this Charter and the ordinances thereunder, when the Council Member or Mayor applies for and receives such services in the same manner and pays the same established rates and charges as any member of the public.

(b) Be interested directly or indirectly in any public work or contract ~~let~~ **entered into**, supervised or controlled, or which is paid wholly, or in part, by the City. This paragraph does not preclude or discharge a Council Member or the Mayor from paying his or her proportionate share of the cost of any public works when he or she has become obligated in the same manner as any member of the public, nor does it prohibit a Council Member or the Mayor from enjoying the benefits of a work constructed for the benefit of the public in the same manner as any other member of the public.

(c) Become the surety of any person on any bond or other obligation running to the City.

Sec. 2. Section 2.035 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1213, is hereby amended to read as follows:

Sec. 2.035 City Council: Discipline and subpoena power.

1. The City Council may order the attendance of witnesses and the production of all ~~papers~~ **documents and data** relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such order:

(a) The City Council or any member thereof may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) Such clerk may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why such person should not be held in contempt of court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.

Sec. 3. Section 2.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 301, Statutes of Nevada 1979, at page 451, is hereby amended to read as follows:

Sec. 2.050 Meetings: Special ~~++~~ **or emergency meetings.**

1. ~~++Special++~~ **In addition to regular meetings, special or emergency meetings of the City Council** may be held on call of the Mayor or by a majority of the City Council. **Notice of any special meeting must comply with the requirements of NRS 241.020.**

2. At a special meeting:

(a) ~~No contract involving the expenditure of money, except emergency purchases, may be made or claim allowed.~~

~~++(b)++~~ No business may be transacted except such as has been stated in the call of the meeting.

~~++(c)++~~ **(b)** No ordinance may be passed except an emergency ordinance, or one specified in section 7.040.

Sec. 4. Section 2.100 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 2005, at page 679, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first ~~proposed~~ **introduced** must be read to the City Council by title, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS ~~+, as amended from time to time, and published in the City+~~ at least 10 days before the adoption of the ordinance.

2. Not later than the second regular meeting of the City Council following the ~~proposal~~ **introduction** of an ordinance, ~~++the proposed ordinance++~~ must be read by title as first introduced ~~++and~~ any amendment ~~++must++~~ **to the proposed ordinance may** be proposed. ~~++and voted upon and thereupon the proposed ordinance, with any adopted amendments,++~~ **The proposed ordinance, with or without amendment,** must be finally voted upon or action thereon postponed. **If action on the proposed ordinance is postponed, any amendment may be proposed and the proposed**

ordinance may be finally voted upon without having to introduce the ordinance again at the next meeting of the City Council.

3. Where the ordinance is of a kind specified in section 7.040, by unanimous consent a special **or emergency** meeting may be called **pursuant to section 2.050** for the purpose of taking final action, and by a majority vote of the City Council final action may be taken immediately and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published. It shall become effective immediately upon passage.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published ~~in the City,~~ **at least** once, by title, together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS ~~to be amended from time to time,~~ before the ordinance, except as otherwise provided in subsection 3, becomes effective. The City Council may, by a majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall maintain a record of all ordinances, together with the affidavits of publication by the publisher, until disposed of in accordance with law.

Sec. 5. Section 2.120 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1215, is hereby amended to read as follows:

Sec. 2.120 Powers of City Council: Public property, buildings.

1. The City Council may:

(a) Control the property of the ~~corporation,~~ **City.**

(b) Erect and maintain all buildings necessary for ~~the~~ use ~~of~~ **by** the City.

(c) Purchase, receive, hold, sell, lease, convey and dispose of property, wherever situated, for the benefit of the City, improve and protect such property, and do all other things in relation thereto which natural persons might do.

2. The City Council may not, except as otherwise specifically provided by this Charter or any other law, mortgage, hypothecate or pledge any property of the City for any purpose.

Sec. 6. Section 2.200 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1217, is hereby amended to read as follows:

Sec. 2.200 Powers of City Council: Rights-of-way, parks, public buildings and grounds and other public places. The City Council may:

1. Lay out, maintain, alter, control, improve or vacate all public rights-of-way in the City.

2. Acquire and regulate the use of public parks, buildings, grounds and rights-of-way and prevent the unlawful use thereof.

3. Require landowners to keep the adjacent streets, sidewalks and public parks, buildings and grounds free from encroachments or obstructions.

4. ~~{Regulate and}~~ **To the extent permissible under the Nevada Constitution and the United States Constitution, regulate or** prevent in all public places:

(a) The distribution and exhibition of handbills or signs.

(b) ~~{Any practice tending to annoy persons passing in such public places.~~

~~—(c)—~~ Public demonstrations and processions.

~~{5. Prevent riots or any act tending to promote riots.}~~

Sec. 7. Section 2.220 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1217, is hereby amended to read as follows:

Sec. 2.220 Powers of City Council: Parking meters; off-street public parking facilities.

1. The City Council may acquire, install, maintain, operate and regulate parking meters ~~{at the curbs of}~~ **on** the streets **of the City** or upon publicly owned property made available for public parking. The parking fees to be charged for the use of the parking facilities regulated by parking meters shall be fixed by the City Council.

2. Except as otherwise provided by this Charter, the City Council may acquire property within the ~~{city}~~ **City** by any lawful means, including eminent domain, for the purpose of establishing off-street public parking facilities for vehicles. The City Council may authorize the issuance of general obligation revenue bonds or revenue bonds for the purpose of acquiring such property and erecting such improvements thereon as are permitted by the provisions of section 7.040. The City Council may, in such bonds, pledge the on-street parking revenues, the general credit of the City, or both, to secure the payment of the principal and interest thereon.

Sec. 8. Section 2.250 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1218, is hereby amended to read as follows:

Sec. 2.250 Powers of City Council: Animals . ~~{and poultry.}~~ The City Council may:

1. Fix, impose and collect an annual fee on all animals and provide for the capture and disposal of all animals on which the fee is not paid.

2. Regulate or prohibit the running at large and disposal of all kinds of animals . ~~{and poultry.}~~

3. Establish ~~{a pound.}~~ **an animal shelter.**

4. Prohibit cruelty to animals.

Sec. 9. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 301, Statutes of Nevada 1979, at page 452, is hereby amended to read as follows:

Sec. 3.020 City Manager: Powers and duties.

1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the *efficient and proper* administration of all City affairs placed in his or her charge by or under this Charter.

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

(2) For any department, office or agency whose head is not appointed by the City Manager.

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

(d) Be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City Manager or by his or her officers subject to his or her direction and supervision.

(e) Prepare and submit the annual budget and capital program to the City Council.

(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

Sec. 10. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 373, Statutes of Nevada 2005, at page 1416, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties.

1. The City Clerk shall:

~~{1-}~~ (a) Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~{2-}~~ (b) Keep the corporate seal and *be the custodian of* all *official* papers and records of the City, *including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes* and ~~{keep}~~ *official city election records.*

(c) *Keep* a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend. ~~{Copies of all papers filed in his or her office, and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.~~

~~3. Supervise and coordinate administrative and responsible clerical work relating to the functions of the City Council.~~

~~4. Attend all meetings of the City Council.~~

~~5-}~~ (d) Record votes of members of the City Council.

~~{6-}~~ (e) Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~{7-}~~ (f) Countersign official contracts, bonds and other official City documents.

~~{8. Be the custodian of all official City records, including contract and agreement documents, resolutions, ordinances, official minute book and the corporate seal.~~

~~9-}~~ (g) Make arrangements for *regular*, special or ~~{informal}~~ *emergency* meetings ~~{other than the regular meetings}~~ of the City Council.

~~{10-}~~ (h) Supervise the operation and maintenance of ~~{a central file system for all departments}~~ *the records management system* of the City.

~~{11-}~~ (i) Supervise ~~{the recruitment of all election workers,}~~ the printing of all ballots ~~{and tally of}~~ *for city elections.*

(j) *Certify the* election returns.

~~{12. Serve as custodian of official election records for all City elections.~~

~~13-}~~ (k) Administer official oaths for the City.

2. *Copies of all papers filed in the office of the City Clerk and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.*

Sec. 11. Section 3.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 146, Statutes of Nevada 2001, at page 748, is hereby amended to read as follows:

Sec. 3.050 City Attorney: Appointment; salary; qualifications; duties; removal; contract in lieu of or in addition to appointment.

1. Except as otherwise provided in subsection 6, the City Council shall appoint a City Attorney and fix his or her salary.

2. The City Attorney and any attorney with whom the City Council enters into a contract pursuant to subsection 6 must be a licensed member of the State Bar of Nevada.

3. The City Attorney is the Chief Legal Officer of the City and shall perform such duties as may be designated by the City Council or prescribed by ordinance.

4. The City Attorney is under the general direction and supervision of the City Council.

5. The City Attorney serves at the pleasure of the City Council and may be removed ***at any time in accordance with the terms of the City Attorney's employment contract*** by an affirmative vote of a majority of the entire membership of the City Council. ~~at any time.~~

6. In lieu of or in addition to appointing a City Attorney pursuant to subsection 1, the City Council may enter into a contract with one or more attorneys employed by or associated with a professional corporation, partnership or limited-liability company that engages in the practice of law in this ~~state~~ **State** to perform all or a portion of the duties of the City Attorney. If the City Council enters into such a contract, the City Council shall ensure that the contract specifies the duties to be performed and the compensation payable for the performance of those duties.

7. An attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney pursuant to subsection 6 has, for each of the duties specified in the contract, all the powers and duties otherwise conferred upon a City Attorney who is appointed pursuant to subsection 1.

Sec. 12. Section 3.090 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1222, is hereby amended to read as follows:

Sec. 3.090 ~~City officers.~~ Collection and disposition of moneys.

1. All taxes, fines, forfeitures or other moneys collected or recovered by any ~~officer~~ **employee of the City** or **other** person pursuant to the provisions of this Charter or of any valid ordinance of the City shall be paid by the ~~officer~~ **employee** or person collecting or receiving them to the Director of Finance, who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.

2. The City Council, **City Manager or City Attorney** may by proper legal action:

(a) Collect all moneys which are due and unpaid to the City or any office thereof; and

(b) Pay from the General Fund all fees and expenses necessarily incurred by it in connection with the collection of such moneys.

(c) Provide for the imposition of reasonable interest charges on any fees, debts, obligations or assessments owed to the City.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. Section 7A.010 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, as amended by chapter 404, Statutes of Nevada 2005, at page 1595, is hereby amended to read as follows:

Sec. 7A.010 Legislative declaration. The Legislature by the inclusion of this article in this Charter declares that:

1. All of the property which is to be acquired by the ~~city~~ **City** pursuant to this article must be owned, operated, administered and maintained for and on behalf of all of the people of the City.

2. The exercise by the City of the purposes, powers, rights, privileges, immunities and duties which are established, granted, conferred and imposed in this article promotes the public health, safety, prosperity, security, comfort, convenience and general welfare of all of the people of the State and will be of special benefit to the inhabitants of the City and the property within the City.

3. The provisions in this article which involve the purposes, powers, rights, privileges, immunities, liabilities, duties and disabilities with respect to the City will serve a public purpose.

4. The necessity for this article results from:

(a) The large population growth in the urban areas which are included within the City and its environs, which constitutes in the aggregate a significant portion of the State's population;

(b) The numerous capital improvements and large amount of improved real property which is ~~isuate~~ **situated** within the urban areas;

(c) The need for capital improvements within certain areas within the City to provide needed services, facilities and other improvements for public use;

(d) The existence of blighted or deteriorating areas within the City which constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety and general welfare of the people of the State, and particularly of the City;

(e) The lack of municipally owned capital improvements and the blighted or deteriorating areas which present difficulties and handicaps beyond remedy and control solely by the regulatory processes in the exercise of the police power; and

(f) Deficiencies which also constitute an economic and social liability which imposes onerous municipal burdens which decrease the tax base and reduce tax revenues, aggravate traffic hazards and the improvement of the traffic facilities.

5. The menace which results from the foregoing factors is becoming increasingly direct and substantial in its significance and effect.

6. The benefits which the City will derive from the remedying of these deficiencies by making available additional revenues to defray indirectly the costs of undertakings within the City which are authorized

by NRS 268.672 to 268.740, inclusive, the development of mixed-use and transit-oriented communities, and the redevelopment of blighted or deteriorating areas within the City will inure to the inhabitants and the property owners of the City as a whole, will be of general benefit to those people and will be of special benefit to the taxable real property within a tax increment area and to the owners of that property.

7. The method of paying the bond requirements of the securities which are issued pursuant to this article is equitable and enables the City to issue securities to defray the cost of any project.

8. A general law cannot be made applicable to the City or to the properties, powers, rights, privileges, immunities, liabilities, duties and disabilities which pertain to the City, as provided in this article, because of the number of atypical factors and special conditions with respect to them.

9. For the accomplishment of the purposes which are provided in this section, each of the provisions of this article must be broadly construed.

Sec. 16. Section 7A.040 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1852, is hereby amended to read as follows:

Sec. 7A.040 “Cost of *the* undertaking” defined. “Cost of the undertaking,” or any phrase of similar import, means the “cost of any project” as the latter phrase is defined in NRS 350.516.

Sec. 17. Section 7A.060 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1852, is hereby amended to read as follows:

Sec. 7A.060 “Facilities” defined.

1. “Facilities” means buildings, structures, utilities or other properties which pertain to any undertaking or project which is authorized in this article, including without limitation income-producing facilities and facilities which are acquired with the proceeds of bonds or other securities which are issued under that article.

2. The term includes all of the properties, real, personal, mixed or otherwise, which are acquired by the City or the public body, as the case may be, by any undertaking for any one or more projects through purchase, condemnation, construction or otherwise and are used in connection with any of those projects and related services or in any way which pertains to those projects or services, whether they are ~~situate~~ *situated* within or without, or both within and without, the corporate boundaries of the City or the territorial limits of the public body, as the case may be.

Sec. 18. Section 7A.150 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1854, is hereby amended to read as follows:

Sec. 7A.150 Authorization of tax increment area.

1. Except as is provided in subsections 2 and 3, the City Council, on behalf of the City and in its name, may at any time designate a tax increment area within the City to create a special account for the payment of bonds or other securities which are issued to defray the cost of the acquisition, improvement or equipment (or any combination thereof) of any project which is authorized in NRS 268.672 to 268.740, inclusive, including without limitation the condemnation of property for the undertaking, as are supplemented by NRS 350.500 to 350.720, inclusive, except as is otherwise provided in this article.

2. A tax increment area may not be created by the City Council if the total land area of the tax increment area exceeds 10 percent of the total land area, or if the total initial assessed valuation of the tax increment area exceeds 10 percent of the total assessed valuation of the taxable property which is ~~isuate~~ *situated* within the City. As used in this subsection, “initial assessed valuation” means the assessed value as shown on the assessment roll which was last equalized before the designation of the area.

3. The right-of-way property of a railroad company which is under the jurisdiction of the Interstate Commerce Commission must not be included in a tax increment area unless the inclusion of that property is mutually agreed upon by the City Council and the railroad company.

Sec. 19. Section 7A.160 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1854, is hereby amended to read as follows:

Sec. 7A.160 Limitation upon acquisition of facilities.

1. The City may not acquire, as a part of its facilities, any property which, at the time of its acquisition, competes in any area with then-existing properties of a public body which provides the same or a similar function or service in the area, but the facilities of the City may complement the existing properties of a public body by providing in that area supplemental functions or services, if the existing properties provide inadequate functions or services.

2. The City may acquire properties of any public body which are ~~isuate~~ *situated* in the City as one undertaking or a project of the City or an interest in that undertaking or project.

Sec. 20. Section 7A.170 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1855, is hereby amended to read as follows:

Sec. 7A.170 Initiating procedure.

1. Whenever the City Council is of the opinion that the interests of the City require any undertaking which is to be financed under this article, the governing body by resolution shall direct the Engineer to prepare:

(a) Preliminary plans and a preliminary estimate of the cost of the undertaking, including without limitation all of the estimated financing

costs which are to be capitalized with the proceeds of the City's securities and all other estimated incidental costs which relate to the undertaking;

(b) A statement of the proposed tax increment area which pertains to the undertaking, the last finalized amount of the assessed valuation of the taxable property in the area and the amount of taxes (including in the amount the sum of all unpaid taxes, whether or not they are delinquent) which resulted from the last taxation of the property, based upon the records of the County Assessor and the County Treasurer; and

(c) A statement of the estimated amount of the tax proceeds which are to be credited annually to the Tax Increment Account during the term of the proposed securities which will be payable from those tax proceeds.

2. The resolution must describe the undertaking in general terms.

3. The resolution must state:

(a) What part or portion of the expense of the undertaking must be paid with the proceeds of the securities which are issued by the City in anticipation of tax proceeds and are to be credited to the Tax Increment Account and payable wholly or in part from those tax proceeds;

(b) How the remaining part or portion of the expenses, if any, is to be financed; and

(c) The basic security and any additional security for the payment of the securities of the City which pertain to the undertaking.

4. The resolution need not describe minutely each particular tract of taxable real property which is proposed to be included within the tax increment area, but may simply designate the tax increment area or its location in such a manner that the various tracts of taxable real property and taxable personal property which are ~~situate~~ *situated* within the tax increment area may be ascertained and determined to be either within or without the proposed tax increment area.

5. The Engineer shall forthwith file with the City Clerk the preliminary plans, estimate of cost and statements.

6. Upon the filing of the preliminary plans, estimate of cost and statements, the City Council shall examine them, and, if it finds them to be satisfactory, by resolution provisionally order the undertaking.

Sec. 21. Section 7A.240 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1860, is hereby amended to read as follows:

Sec. 7A.240 Municipal securities.

1. The City may issue, to defray, wholly or in part, the cost of the undertaking, the following securities:

- (a) Notes;
- (b) Warrants;
- (c) Interim debentures;
- (d) Bonds; and
- (e) Temporary bonds.

2. Any net revenue which is derived from the operation of the project which is acquired, improved or equipped, or any combination thereof, under the undertaking must be pledged for the payment of the securities, and those securities must be made payable from that net pledged revenue, as the bond requirements of the securities become due from time to time, in accordance with the bond ordinance, trust indenture or other proceedings which authorize the issuance of the securities or otherwise pertains to their issuance.

3. Additionally, the securities:

(a) Must be made payable from tax proceeds which are accounted for in the Tax Increment Account; and

(b) May, at the City's option, be made payable from the taxes which are levied by the City against all of the taxable property within the City, without limitation of rate or amount except for the limitation which is provided in Section 2 of Article 10 of the Nevada Constitution. The City may also issue general obligation securities which are authorized by any law other than this article and are made payable from taxes without also making those securities payable from the net pledged revenues or tax proceeds which are accounted for in a Tax Increment Account, or from both these revenue sources.

4. Securities which are payable only in the manner which is provided in either paragraph (a) of subsection 3 or both subsection 2 and paragraph (a) of subsection 3 are special obligations of the City, are neither in their issuance subject to debt limitation which is specified in subsection 1 of section 7.010 of this Charter or is otherwise imposed by law, nor, while they are outstanding, do they exhaust the City's debt-incurring power under subsection 1 of section 7.010 of this Charter or other law and may be issued under the provisions of ~~the~~ NRS 350.500 to 350.720, inclusive, except as is otherwise provided in this article, without any compliance with the provisions of NRS 350.011 to 350.0165, inclusive, or NRS 350.020 to 350.070, inclusive, and without any approval or other preliminaries, except as is provided in NRS 350.500 to 350.720, inclusive.

5. Securities which are payable from taxes in the manner which is provided in paragraph (b) of subsection 3, regardless of whether or not they are also payable in the manner which is provided only in paragraph (a) of that subsection or in both subsection 2 and paragraph (a) of subsection 3, must be general obligations of the City, are in their issuance subject to the debt limitation which is specified in subsection 1 of section 7.010 of this Charter or is otherwise imposed by law and, while they are outstanding, exhaust the City's debt-incurring power under subsection 1 of section 7.010 of this Charter or other law, and those securities may be issued under NRS 350.500 to 350.720, inclusive, only after the issuance of City bonds is approved under the provisions of:

(a) NRS 350.011 to 350.0165, inclusive; and

(b) NRS 350.020 to 350.070, inclusive, except for the issuance of notes or warrants pursuant to NRS 350.500 to 350.720, inclusive, which are payable out of the current year's revenues and are not to be funded with the proceeds of interim debentures or bonds in the absence of approval under the provisions of the law which are designated in paragraphs (a) and (b).

6. In the proceedings for the making of loans or the acquisition of any advance of money or the incurring of any indebtedness, whether it is funded, refunded, assumed or otherwise, for the purpose of financing or refinancing, in whole or in part, the undertaking, wholly or in part, the City shall irrevocably pledge that portion of the taxes which is mentioned in subsection 2 of section 7A.230 of this Charter for the payment of the bond requirements of the loans, advances or indebtedness. The provisions in NRS 350.500 to 350.720, inclusive, which pertain to net pledged revenues apply to the pledge to secure the payment of the tax increment bonds.

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

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 551 to Assembly Bill No. 55.

Remarks by Assemblyman Flores.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 219 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 219.

Bill read third time.

Roll call on Assembly Bill No. 219:

YEAS—33.

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

EXCUSED—Martinez, Titus—2.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 1:04 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 241, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 280, 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 457.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 8—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2021-2023 biennium.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, pursuant to the provisions of NRS 218E.150 and the Joint Standing Rules of the Legislature, the following members of the Assembly are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Jason Frierson, Ms. Sandra Jauregui, Mr. Steve Yeager, Mr. Tom Roberts, Ms. Lisa Krasner and Ms. Jill Dickman are designated as the regular Assembly members; Ms. Daniele Monroe-Moreno and Ms. Rochelle Nguyen are designated as the first and second alternate members, respectively, for Mr. Jason Frierson; Ms. Selena Torres and Ms. Sarah Peters are designated as the first and second alternate members, respectively, for Ms. Sandra Jauregui; Mr. Howard Watts and Ms. Shannon Bilbray-Axelrod are designated as the first and second alternate members, respectively, for Mr. Steve Yeager; Mr. Greg Hafen and Ms. Heidi Kasama are designated as the first and second alternate members, respectively, for Mr. Tom Roberts; Ms. Alexis Hansen and Ms. Melissa Hardy are designated as the first and second alternate members, respectively, for Ms. Lisa Krasner; and Mr. Glen Leavitt and Ms. Jill Tolles are designated as the first and second alternate members, respectively, for Ms. Jill Dickman; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.
Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This resolution will make the appointments to the Legislative Commission for the 2021-2023 biennium.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 457.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 492 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblywomen Carlton and Tolles.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 492 provides for the implementation of the 2021 Capital Improvement Program as approved by the money committees. The bill includes funding in the amount of \$413.1 million for the Capital Improvement Program, \$75 million to launch the State Infrastructure Bank, and \$44 million for resource conservation and preservation programs of the state. The bill includes the following major funding sources to support the programs: \$409.5 million in general obligation bonds; \$45.7 million in agency funds to support Nevada System of Higher Education, Department of Wildlife, and Department of Administration projects; \$61.9 million in federal funds for Office of the Military, Department of Tourism and Cultural Affairs, Veterans Services, Department of Conservation and Natural Resources, and Department of Administration projects; and \$14.9 million in State Highway Funds for Department of Motor Vehicles and Department of Public Safety projects.

I will not go through the many lists of projects here. I will note that it does authorize the issuance of \$75 million in bonds to launch our Nevada State Infrastructure Bank established pursuant to *Nevada Revised Statutes* 408.55069 to provide loans and other financial assistance to various units of state and local government for the development, construction, improvement, operation and ownership of certain transportation facilities and utility infrastructure, in addition to providing financial assistance for shovel-ready projects. Also, I would like to note the Department of Conservation and Natural Resources bond programs—the \$44 million in state obligation bonds to support four resource protection programs, including \$20 million for the Conservation Bond Program established through the passage of AB 84 from the 2019 Legislative Session, \$12 million for the Lake Tahoe Environmental Improvement Program, \$4 million for the Cultural Centers and Historic Preservation Grant Program, and \$8 million for the Water Infrastructure Grant Program—and describes how all of these will be funded.

This is much longer. If anyone would like a copy, I will be happy to provide it. It delineates all the different projects. I am very happy—this is what I consider our jobs bill every year. This is where we build the state back better and we provide well-paying jobs.

ASSEMBLYWOMAN TOLLES:

I rise in support of this measure to fund necessary infrastructure across our state as well as recognizing that this really helps move us forward with higher education, economic development, and some very much needed repairs and maintenance. I urge my colleagues to support.

Roll call on Assembly Bill No. 492:

YEAS—34.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—7.

EXCUSED—Martinez.

Assembly Bill No. 492 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

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

Amendment No. 793.

AN ACT relating to offenders; establishing a credit against the sentence of certain offenders incarcerated during a state of emergency declared due to a communicable or infectious disease; **requiring the Director of the Department of Corrections to submit a report containing a list of the offenders who have received such a credit;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law permits an offender to earn certain credits to reduce his or her sentence of imprisonment. (NRS 209.433-209.449) **Section 1** of this bill allows for an additional credit of 5 days for each month served by an offender who is incarcerated in an institution or facility of the Department of Corrections during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect. **Section 1** also: (1) limits such credits an offender may earn to not more than 60 days of credit for any state of emergency; (2) requires such credits to apply to eligibility for parole and to be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole ~~[- and -]~~, **unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole;** (3) requires such credits to be deducted from the maximum term or maximum aggregate term imposed by the sentence, as applicable ~~[-]~~; **and (4) requires the Director of the Department, not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, to submit a report containing a list of the offenders who have received such credits to the Chief Justice of the Nevada Supreme Court,**

the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice. Section 2 of this bill makes a conforming change to indicate the appropriate placement of **section 1** in the Nevada Revised Statutes.

~~[Section 3 of this bill requires the credits authorized in this bill to be applied retroactively to the sentence of an offender who was incarcerated in an institution or facility of the Department during the period in which the emergency described in the Declaration of Emergency for COVID 19 issued on March 12, 2020, was in effect. Section 3 also requires the Director of the Department to, not later than 60 days after the effective date of this bill, submit a report containing a list of the offenders who have received credits pursuant to the provisions of this bill for the emergency described in the Declaration of Emergency for COVID 19 issued on March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.]~~

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An offender ~~who has no serious infraction of the regulations of the Department or the laws of the State recorded against the offender and~~ who is actually incarcerated in an institution or facility of the Department pursuant to his or her sentence during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 5 days from his or her sentence for each month the offender serves during the state of emergency. An offender shall not be allowed more than 60 days of credit pursuant to this section.

2. Credits earned pursuant to this section:

(a) Apply to eligibility for parole and must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole ~~for~~, unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole; and

(b) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

3. Not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, the

Director shall submit a report containing a list of the offenders who have received credits pursuant to this section to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

4. As used in this section:

(a) “Communicable disease” means an infectious disease that can be transmitted from person to person, animal to person or insect to person.

(b) “Infectious disease” means a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious disease may or may not be transmissible from person to person, animal to person or insect to person.

Sec. 2. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. “Offender” includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. “Residential confinement” means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 3. ~~1. The credits provided in section 1 of this act must be applied retroactively to reduce the term of imprisonment of an offender who has no serious infraction of the regulations of the Department of Corrections or the laws of the State recorded against the offender and who was actually incarcerated in an institution or facility of the Department during the period in which the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in effect.~~

~~2. Not later than 60 days after the effective date of this act, the Director of the Department of Corrections shall submit a report containing a list of the offenders who have received credits pursuant to the provisions of subsection 1 and section 1 of this act for the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature~~

~~or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.] (Deleted by amendment.)~~

Sec. 3.5. 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. 4. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 262.

Bill read third time.

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

Amendment No. 791.

AN ACT relating to education; ~~prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students;~~ prohibiting the Board of Regents **of the University of Nevada** from assessing registration fees, **certain** fees associated with course enrollment and laboratory fees against certain students; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prohibits the Board of Regents of the University of Nevada from assessing tuition charges against certain students, including, without limitation, students whose families have been bona fide residents of this State for at least 12 months before the student matriculates at a university, state college or community college. (NRS 396.540) Section 1.5 of this bill prohibits the Board of Regents from assessing tuition charges against students who are members of a federally recognized Indian tribe or nation or are certified by such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status, and who are not bona fide residents of this State.]~~

Section ~~1.1~~ 1.2 of this bill requires the Board of Regents **of the University of Nevada** to grant a waiver of registration fees, per-credit fees or other fees associated with course enrollment and laboratory fees for a Native American student who demonstrates that the student: (1) is a member of a federally recognized **Indian** tribe or nation, **all or part of which is located in this State**, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status; (2) is eligible for enrollment in a school within the Nevada System of Higher Education; (3) has been a resident of this State for at least 1 year; ~~and~~ (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used ~~;~~ **; and (5) has completed**

the Free Application for Federal Student Aid. Section 1.4 of this bill requires the Board of Regents to prepare and submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature concerning the number of students eligible and the total funding available for such a waiver.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is Native American and demonstrates that the student:

(a) Is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of this State, regardless of membership status;

(b) Is eligible for enrollment in a school within the System;

(c) Has been a resident of this State for not less than 1 year; ~~and~~

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used ~~for~~; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized

Indian tribe ~~for~~ or nation, all or part of which is located within the boundaries of this State.

Sec. 1.4. The Board of Regents shall, on or before September 1 of each calendar year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature that includes, without limitation, aggregated data for:

1. The number of students that qualify for a waiver of registration fees, laboratory fees and any other mandatory fees pursuant to section 1.2 of this act.

2. The total funding made available for the waiver of registration fees, laboratory fees and any other mandatory fees pursuant to section 1.2 of this act, including, without limitation, gifts, grants, donations and federal contributions.

Sec. 1.5. ~~NRS 396.540 is hereby amended to read as follows:~~

~~396.540 1. For the purposes of this section:~~

~~(a) “Bona fide resident” shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification “bona fide” is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.~~

~~(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.~~

~~(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.~~

~~2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:~~

~~(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;~~

~~(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;~~

~~(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:~~

~~(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or~~

~~(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on~~

~~which the student enrolled at an institution of the System if such students maintain continuous enrollment at an institution of the System;~~

~~— (d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(9);~~

~~— (e) All public school teachers who are employed full time by school districts in the State of Nevada;~~

~~— (f) All full time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;~~

~~— (g) Employees of the System who take classes other than during their regular working hours;~~

~~— (h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;~~

~~— (i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;~~

~~— (j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System; [and]~~

~~— (k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart [.] ; and~~

~~— (l) *Students who are members of a federally recognized Indian tribe or nation, or are certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, regardless of membership status, and who are not bona fide residents of this State.*~~

~~— 3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.~~

~~— 4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.]~~

~~(Deleted by amendment.)~~

Sec. 1.6. The first report that the Board of Regents is required to prepare and submit to the Director of the Legislative Counsel Bureau

pursuant to section 1.4 of this act must be submitted on or before September 1, 2022.

Sec. 1.8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 2. This act becomes effective on July 1, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 280.

Bill read third time.

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

Amendment No. 797.

AN ACT relating to public restrooms; requiring places of public accommodation, public buildings and facilities owned by a public body, certain areas leased by or on behalf of a public body and certain leased areas within a state park that provide a single-stall restroom to the public to make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression; revising provisions relating to the signage for such single-stall restrooms; requiring certain governmental entities to include in their building codes or, if applicable, adopt by ordinance a requirement that certain buildings and facilities used by the public that contain a single-stall restroom which is available to the public be as inclusive and accessible as possible to a person of any gender identity or expression and prohibiting certain signage on such restrooms; providing a penalty; **making an appropriation**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) Existing law provides that a place of public accommodation means any establishment or place to which the public is invited or which is intended for public use, including, without limitation, inns, hotels, motels, restaurants, bars, gasoline stations, theaters, convention centers, bakeries, grocery stores, laundromats, museums, libraries, parks, zoos, nurseries, private schools or universities, day care centers, senior citizen centers, gymnasiums, health spas and bowling alleys. (NRS 651.050) If such a place of public accommodation provides a single-stall restroom to the public, **section 1** of this bill requires the single-stall restroom to be as inclusive and accessible as possible to a person of any gender identity or expression, including, without

limitation, by allowing: (1) a parent or guardian of a child to enter the single-stall restroom with the child; (2) a person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and (3) a person of any gender identity or expression to use the single-stall restroom as needed.

Section 1: (1) prohibits the owner or operator of the place of public accommodation from labeling the single-stall restroom with signage that indicates the restroom is for a specific gender; and (2) authorizes the labeling of the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads “All-Gender Bathroom” or “All-Accessible Bathroom.” **Section 1** provides that a single-stall restroom is a restroom that: (1) is intended for individual use; and (2) contains a single toilet or a single urinal or contains both a toilet and a urinal.

Sections 2, 3 and 15 of this bill make conforming changes relating to the applicability of **section 1** and the placement of **section 1** in the Nevada Revised Statutes. **Section 4** of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is guilty of a misdemeanor. **Section 5** of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is liable to the person whose access is affected for actual damages that are recoverable by a civil action. **Section 6** of this bill authorizes any county or incorporated city of this State to adopt a local ordinance that prohibits an infringement of a person’s rights, privileges or access to such single-stall restrooms. In addition to these changes, **section 1** allows any person who believes he or she has been denied full and equal use of a single-stall restroom because of discrimination or segregation to file a complaint to that effect with the Nevada Equal Rights Commission. (NRS 651.110)

Section 9 of this bill requires each county, city and any other governmental entity that adopts a building code, including school districts in larger counties, to include in its respective building code a requirement that any single-stall restroom made available to the public and contained in a permanent building or facility used by the public and that is constructed on or after October 1, 2021, comply with provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in **section 1**. **Section 9** provides that if a county or city has no building code, the county or city is required to adopt such requirements by ordinance. **Sections 7, 8 and 10** of this bill make conforming changes relating to the applicability of the requirements contained in **section 9** as well as the placement of **section 9** in the Nevada Revised Statutes.

Sections 11 and 12 of this bill also make provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in **section 1** apply to: (1) a public building or facility owned by a public body that provides a single-stall restroom to the public; and (2) an area leased by or on behalf of a public body and used primarily to provide a service to the public and certain leased areas within a state park. **Section 12** provides that a contract

for such a leased area that does not satisfy these requirements which is entered into on or after October 1, 2021, is void and unenforceable. **Section 13** of this bill makes a conforming change relating to the placement of **section 12** in the Nevada Revised Statutes. **Section 14** of this bill authorizes a person to report a violation of **section 12** to the Attorney General, who is required to notify the public body responsible for the alleged violation. If the public body fails to comply with the provisions of **section 12**, **section 14** requires the Attorney General to take such action as is necessary to ensure compliance.

Section 15.5 of this bill provides that **sections 4, 5 and 14**, which are the enforcement provisions of this bill, do not become effective until February 1, 2022.

Section 15.2 of this bill makes an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources for the costs of replacement signage and mounting hardware at restrooms in state parks.

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

Section 1. Chapter 651 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of a place of public accommodation that provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

2. The owner or operator of a place of public accommodation that provides a single-stall restroom to the public:

(a) Shall not label the single-stall restroom with gendered signage; and

(b) May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”

3. As used in this section:

(a) “Caregiver” has the meaning ascribed to it in NRS 449A.306.

(b) “Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) “Single-stall restroom” means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal.

Sec. 2. NRS 651.060 is hereby amended to read as follows:

651.060 The provisions of NRS 651.050 to 651.110, inclusive, **and section 1 of this act** do not apply to any private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

Sec. 3. NRS 651.065 is hereby amended to read as follows:

651.065 1. Notwithstanding any provision of NRS 651.050 to 651.110, inclusive, **and section 1 of this act**, it is not unlawful and is not a ground for a civil action for any place of public accommodation to offer differential pricing, discounted pricing or special offers based on sex to promote or market the place of public accommodation.

2. As used in this section, “place of public accommodation” has the meaning ascribed to it in NRS 651.050.

Sec. 4. NRS 651.080 is hereby amended to read as follows:

651.080 1. Any person is guilty of a misdemeanor who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, ~~for~~ privilege **or access** secured by NRS 651.070 or 651.075 ~~for~~ **or section 1 of this act**;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, ~~for~~ privilege **or access** secured by NRS 651.070 or 651.075 ~~for~~ **or section 1 of this act**; or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, ~~for~~ privilege **or access** secured by NRS 651.070 or 651.075 ~~for~~ **or section 1 of this act**.

2. A prosecution for violation of a local ordinance authorized by NRS 651.100 is a bar to any prosecution pursuant to this section.

Sec. 5. NRS 651.090 is hereby amended to read as follows:

651.090 1. Any person who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, ~~for~~ privilege **or access** secured by NRS 651.070 or 651.075 ~~for~~ **or section 1 of this act**;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, ~~for~~ privilege **or access** secured by NRS 651.070 or 651.075 ~~for~~ **or section 1 of this act**; or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, ~~for~~ privilege **or access** secured by NRS 651.070 or 651.075 ~~for~~ **or section 1 of this act**,

↪ is liable to the person whose rights pursuant to NRS 651.070 or 651.075 **or section 1 of this act** are affected for actual damages, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant resides.

2. In an action brought pursuant to this section, the court may:

(a) Grant any equitable relief it considers appropriate, including temporary, preliminary or permanent injunctive relief, against the defendant.

(b) Award costs and reasonable attorney's fees to the prevailing party.

Sec. 6. NRS 651.100 is hereby amended to read as follows:

651.100 Any county or incorporated city of this state may adopt a local ordinance prohibiting infringement of the rights, ~~for~~ privileges *or access* secured by NRS 651.070 or 651.075 ~~or section 1 of this act~~, but such an ordinance must not apply to any establishment outside the scope of NRS 651.050 and 651.060 or impose a penalty more severe than that provided by NRS 651.075 or 651.080. A prosecution pursuant to NRS 651.075 or 651.080 is a bar to any prosecution pursuant to an ordinance authorized by this section.

Sec. 7. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, *and section 9 of this act*, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 8. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, *and section 9 of this act*, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 9. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county, city and any other governmental entity that adopts a building code shall include in its respective building code a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) *A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and*

(c) *A person of any gender identity or expression to use the single-stall restroom as needed.*

↪ *The owner or operator of such a permanent building or facility that contains a single-stall restroom which is available to the public shall not label the single-stall restroom with gendered signage, but may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”*

2. *If a county or a city has no building code, it shall adopt by ordinance a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible as provided in subsection 1.*

3. *The provisions of this section apply, without limitation, to any school district for which a building code is adopted pursuant to subsection 2 of NRS 393.110.*

4. *As used in this section:*

(a) *“Caregiver” has the meaning ascribed to it in NRS 449A.306.*

(b) *“Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.*

(c) *“Single-stall restroom” means a restroom that:*

(1) *Is intended for individual use; and*

(2) *Contains:*

(I) *A single toilet or a single urinal; or*

(II) *A toilet and a urinal.*

Sec. 10. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 9 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 338.180 is hereby amended to read as follows:

338.180 1. The Legislature of the State of Nevada declares that:

(a) The primary purpose of this section is to provide, subject to the limitations set forth in this section, for the removal and elimination of architectural barriers to persons with a physical handicap in public buildings and facilities designed after July 1, 1973, in order to encourage and facilitate the employment of persons with a physical handicap and to make public buildings accessible to and usable by persons with a physical handicap; and

(b) It is the intent of the Legislature that insofar as possible all buildings and facilities used by the public be accessible to, and functional for, persons with a physical handicap, without loss of function, space or facility where the general public is concerned.

2. All plans and specifications for the construction of public buildings and facilities owned by a public body must, after July 1, 1973, provide facilities and features for persons with a physical handicap so that buildings which are normally used by the public are constructed with entrance ramps, toilet facilities, drinking fountains, doors and public telephones accessible to and usable by persons with a physical handicap. In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by a public body must comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➔ The requirements of paragraph (a) of this subsection are not satisfied if the plans and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. All public bodies shall, in the design, construction and alteration of public buildings and facilities comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➔ The requirements of paragraph (a) of this subsection are not satisfied if the public body complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. In each public building and facility owned by a public body, each entrance to a corridor which leads to a toilet facility must be marked with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

5. *A public body that owns a public building or facility which provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:*

(a) *A parent or guardian of a child to enter the single-stall restroom with the child;*

(b) *A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and*

(c) *A person of any gender identity or expression to use the single-stall restroom as needed.*

↪ *The public body that owns the public building or facility which provides a single-stall restroom to the public shall not label the single-stall restroom with gendered signage and may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads “All-Gender Bathroom” or “All-Accessible Bathroom.”*

6. The Division shall verify that all public buildings and facilities owned by the State of Nevada conform with the requirements of this section. Each political subdivision shall verify that all public buildings and facilities owned by the political subdivision conform with the requirements of this section.

~~16-1~~ 7. A person may report a violation of this section to the Attorney General.

~~17-1~~ 8. Upon receiving a report pursuant to subsection ~~16-1~~ 7, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such a notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with this section; or

(b) Begin any action necessary to comply with the requirements of this section and notify the Attorney General of the date on which it will be in compliance with those requirements.

~~18-1~~ 9. If the public body responsible for the alleged violation fails to comply with this section, the Attorney General shall take such action as is necessary to ensure compliance with this section, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

10. *As used in this section:*

(a) *“Caregiver” has the meaning ascribed to it in NRS 449A.306.*

(b) *“Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.*

(c) *“Single-stall restroom” means a restroom that:*

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal.

Sec. 12. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of an area that is leased by or on behalf of a public body and is used primarily to provide a service to the public and which provides a single-stall restroom to the public, or such a leased area that is part of a complex of leased areas that provides a single-stall restroom to the public within the common area of the complex, must make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

2. The owner or operator of the leased area that provides a single-stall restroom to the public:

(a) Shall not label the single-stall restroom with gendered signage; and

(b) May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”

3. The provisions of this section apply to such a leased area within a state park that provides a single-stall restroom to the public.

4. A contract for such a leased area that does not satisfy the requirements of this section which is entered into on or after October 1, 2021, is void and unenforceable.

5. As used in this section:

(a) “Caregiver” has the meaning ascribed to it in NRS 449A.306.

(b) “Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) “Single-stall restroom” means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal.

Sec. 13. NRS 444.047 is hereby amended to read as follows:

444.047 As used in this section and NRS 444.048 and 444.049 ~~it~~ **and section 12 of this act**, unless the context otherwise requires, “public body” means a governmental body of the State of Nevada, including, without limitation, an agency, department, division or political subdivision of the State of Nevada, or a local governmental body, including, without limitation, a

county, city, municipality, township, school district or quasi-municipal corporation.

Sec. 14. NRS 444.049 is hereby amended to read as follows:

444.049 1. A person may report a violation of NRS 444.048 *or section 12 of this act* to the Attorney General of the State of Nevada.

2. Upon receiving a report pursuant to subsection 1, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with NRS 444.048 ~~or~~ *or section 12 of this act*; or

(b) Begin any action necessary to comply with the requirements of NRS 444.048 *or section 12 of this act* and notify the Attorney General of the date on which it will be in compliance with those requirements.

3. If the public body fails to comply with NRS 444.048 ~~or~~ *or section 12 of this act*, the Attorney General shall take such action as is necessary to ensure compliance with NRS 444.048 ~~or~~ *or section 12 of this act*, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

Sec. 15. NRS 447.135 is hereby amended to read as follows:

447.135 1. Each owner, lessor, lessee or operator of a public accommodation shall mark each entrance to a corridor in the public accommodation which leads to a toilet facility with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to ~~or~~ , *except as otherwise provided in section 1 of this act*:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

2. A person may report a violation of subsection 1 to the Attorney General.

3. Upon receiving a report pursuant to subsection 2, the Attorney General shall notify the owner, lessor, lessee or operator of the public accommodation of the alleged violation. Not later than 30 days after receiving such a notification, the owner, lessor, lessee or operator of the public accommodation shall:

(a) Present evidence to the Attorney General that the public accommodation is in compliance with subsection 1; or

(b) Begin any action necessary to comply with the requirements of subsection 1 and notify the Attorney General of the date on which the public accommodation will be in compliance with those requirements.

4. If the owner, lessor, lessee or operator of the public accommodation fails to comply with subsection 1, the Attorney General shall take such action as is necessary to ensure compliance with subsection 1, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

5. As used in this section, “public accommodation” has the meaning ascribed to it in 42 U.S.C. § 12181.

Sec. 15.2. 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$40,320 for the costs of replacement signage and mounting hardware for restrooms in state parks to comply with the provisions of this bill.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 15.5. 1. This section and ~~sections~~ section 15.2 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 6 to 13, inclusive, and 15 of this act become effective on October 1, 2021.

~~2.~~ 3. Sections 4, 5 and 14 of this act become effective on February 1, 2022.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 341.

Bill read third time.

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

Amendment No. 773.

AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of cannabis consumption lounges; setting forth certain requirements for the licensure of cannabis consumption lounges; setting forth certain requirements for the operation of retail cannabis consumption lounges and independent cannabis consumption lounges;

requiring the Board to adopt regulations establishing certain fees; revising provisions relating to certain cannabis products; revising provisions relating to the consumption of cannabis in a public place; establishing provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or cannabis products to another person; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting a cannabis consumption lounge from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of persons and establishments in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Under existing law, a cannabis establishment is prohibited from allowing a person to consume cannabis on the property or premises of the establishment. (NRS 678B.510) Existing law also makes it a misdemeanor to consume cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle. (NRS 678D.310) This bill provides for the licensure and regulation by the Board of certain businesses at which the consumption of certain cannabis and cannabis products is allowed. **Section 2** of this bill designates such businesses generally as “cannabis consumption lounges.”

Sections 3 and 5 of this bill designate two types of cannabis consumption lounges. **Section 5** of this bill defines “retail cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is attached or immediately adjacent to an adult-use cannabis retail store. **Section 3** of this bill defines “independent cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is not attached or immediately adjacent to an adult-use cannabis retail store.

Section 5.5 of this bill defines “single-use cannabis product” to generally mean a type of cannabis or adult-use cannabis product that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. **Section 4** of this bill defines “ready-to-consume cannabis product” to mean an adult-use edible cannabis product that is presented as a foodstuff or beverage and is intended for immediate consumption. **Section 28** of this bill requires the Board to adopt regulations designating types of cannabis and cannabis products as single-use cannabis products and establishing requirements for the preparation and sale of ready-to-consume cannabis products. **Sections 19 and 30** of this bill provide that certain requirements for cannabis products established under existing law do not apply to ready-to-consume cannabis products to the extent that such requirements are inconsistent with the regulations adopted by the Board.

Existing law prohibits a person from engaging in the business of an adult-use cannabis establishment unless the person has been issued an adult-use

cannabis establishment license by the Board. Existing law sets forth certain requirements to obtain such a license. (NRS 678B.250) **Section 7** of this bill includes a retail cannabis consumption lounge and an independent cannabis consumption lounge within the definition of “adult-use cannabis establishment” provided under existing law, thereby requiring persons who wish to operate such establishments to obtain an adult-use cannabis establishment license in the manner provided in existing law. (NRS 678A.035)

Sections 13.5 and 14 of this a bill prohibit a cannabis establishment, including a cannabis consumption lounge, from being located on the property of an airport.

Section 10 of this bill prohibits the Board from issuing an adult-use cannabis establishment license for a retail cannabis consumption lounge unless: (1) the applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store; and (2) the location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store. **Sections 10 and 14** of this bill exempt a proposed retail cannabis consumption lounge from certain restrictions relating to the location of an adult-use cannabis establishment.

Section 11 of this bill requires the Board to adopt regulations establishing criteria to determine whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant, which is defined by **section 9** of this bill generally as an applicant that has been adversely affected by previous laws that criminalized activity relating to cannabis. **Section 12** of this bill requires the Board to adopt regulations establishing criteria of merit and scoring guidelines to be used in evaluating applications for an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge. **Section 17** of this bill establishes fees for the issuance and renewal of such licenses. **Section 17** authorizes the Board to reduce certain fees associated with an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. **Section 16** of this bill makes a conforming change to reflect the addition of the requirements of **section 12**.

Section 12.4 of this bill prohibits the Board, with certain exceptions, from issuing more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge. However, if on or before June 30, 2022, the Board issues 20 such licenses, section 12.4 authorizes the Board to issue additional licenses, so long as the total number of adult-use cannabis establishment licenses for an independent cannabis consumption lounge does not, at any time, exceed the number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board. Section 12.4 also requires that at least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board be issued to social equity applicants. **Section 12.5** of this bill sets forth certain requirements for the

issuance of adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in a local governmental jurisdiction that limits the number of business licenses issued to cannabis consumption lounges, which include, among other requirements, that a certain number of adult-use cannabis establishment licenses for independent cannabis consumption lounges be issued to social equity applicants.

Existing law prohibits the Board from issuing more than a certain number of adult-use cannabis establishment licenses to any one person, group **of persons** or entity in certain counties. (NRS 678B.270) **Section 15** of this bill provides that this prohibition does not apply to adult-use cannabis establishment licenses for retail cannabis consumption lounges or independent cannabis consumption lounges. Instead, **section 12.7** of this bill generally prohibits the Board from issuing more than one such license to any **one** person, group of persons or entity in any county. **Section 12.7** provides an exception to this prohibition for certain transfers of such licenses. **Section 12.3 of this bill prohibits the Board from issuing to any one person, group of persons or entity both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge.**

Existing law requires the Board to adopt regulations regarding the transfer of licenses issued by the Board. (NRS 678B.380) **Section 16.5** of this bill requires those regulations to impose certain requirements and restrictions on the transfer an adult-use cannabis establishment license for an independent cannabis consumption lounge. ~~for a holder who is a social equity applicant.~~

Section 17.5 of this bill prohibits a local government from adopting or enforcing any ordinance or rule pertaining to zoning or land use which imposes restrictions on retail cannabis consumption lounges, unless such restrictions also apply to adult-use cannabis retail stores. Section 30.3 of this bill makes a conforming change to reflect the addition of the provisions of section 17.5.

Sections 22 and 24 of this bill set forth certain requirements and restrictions relating to the operation of a cannabis consumption lounge. **Section 24** prohibits, among other things, the consumption of any cannabis or cannabis product at a cannabis consumption lounge that is not a single-use cannabis product or ready-to-consume cannabis product. **Section 23** of this bill authorizes a cannabis consumption lounge to engage in certain activities. **Section 20** of this bill requires the Board to adopt certain regulations concerning cannabis consumption lounges.

Section 25 of this bill authorizes a retail cannabis consumption lounge to obtain single-use cannabis products from the adult-use cannabis retail store to which the lounge is attached or adjacent and sell such products to customers of the lounge. **Section 25** also authorizes a retail cannabis consumption lounge to prepare and sell ready-to-consume cannabis products.

~~{Section 26 of this bill requires an independent cannabis consumption lounge to allow single use cannabis products to be delivered to a customer in the lounge. Section 26 also prohibits, with certain exceptions, an independent cannabis consumption lounge from acquiring or selling cannabis or cannabis products.}~~ Section 27 of this bill ~~{authorizes}~~ **requires** an independent cannabis consumption lounge to ~~{submit a request to the Board for an endorsement to sell single use and ready to consume cannabis products to customers of the lounge. If the Board approves such a request, section 27 authorizes the independent cannabis consumption lounge to: (1)}~~ enter into a contract with one or more adult-use cannabis retail stores to obtain single-use cannabis products for resale and cannabis or cannabis products for use in the preparation of ready-to-consume cannabis products ~~. ~~{(2)}~~}~~ **Section 27 authorizes an independent cannabis consumption lounge that has entered into such a contract to: (1)** sell single-use cannabis products to customers of the lounge; and ~~{(2)}~~ **(2)** prepare and sell ready-to-consume cannabis products to customers of the lounge.

Existing law prohibits a board of county commissioners, the governing body of an incorporated city or a town board from licensing or otherwise allowing a person to operate a business that allows cannabis or cannabis products to be consumed on the premises of the business. (NRS 244.335, 268.095, 269.170) Existing law eliminates this prohibition effective July 1, 2021. (Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896) Sections 36.7 and 36.9 of this bill remove the prospective elimination of this prohibition. Instead, sections 30.6-30.9 of this bill prohibit such a local government from licensing or otherwise allowing the operation of a business that allows cannabis or cannabis products to be consumed on the premises of the business, other than a cannabis consumption lounge, in accordance with the provisions of this bill.

Section 30.5 of this bill establishes provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or a cannabis product to another person for damages caused as a result of the consumption of the cannabis or cannabis product, which are based on similar provisions of existing law concerning alcoholic beverages. (NRS 41.1305)

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store. (NRS 372A.290) Section 34 of this bill applies this excise tax to retail sales of cannabis and cannabis products by a cannabis consumption lounge. Sections 31 and 33 of this bill make conforming changes to reflect the imposition of the excise tax on such sales.

Sections 18 and 29 of this bill revise provisions of existing law prohibiting the consumption of cannabis and cannabis products in a public place or in a cannabis establishment for the purpose of authorizing a person to engage in such activities in a cannabis consumption lounge. (NRS 678B.510, 678D.310)

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance.

(NRS 453.316) **Section 36** of this bill exempts a cannabis consumption lounge whose activities are confined to those authorized under the provisions of this bill from the application of this provision.

Section 36.3 of this bill authorizes a person who, on October 1, 2021, holds an adult-use cannabis establishment license for an adult-use cannabis retail store to submit to the Board an application for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge. Section 36.3 prohibits the Board from issuing such a license to such an applicant, unless the applicant has satisfied all applicable requirements for the issuance of the license.

Section 36.5 of this bill requires the Board, on or before January 1, 2023, to submit to the Legislature a report containing certain information regarding the effect of certain violations of the Nevada Unfair Trade Practice Act on independent cannabis consumption lounges.

Sections 2-5.5 and 9 of this bill define words and terms applicable to the provisions of this bill. **Sections 6 and 32** of this bill make conforming changes to properly place new language in the Nevada Revised Statutes. **Section 35** of this bill makes a conforming change to reflect the addition of the provisions of **section 17**.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. *“Cannabis consumption lounge” means:*

- 1. A retail cannabis consumption lounge; or*
- 2. An independent cannabis consumption lounge.*

Sec. 3. *“Independent cannabis consumption lounge” means a business that:*

- 1. Is licensed by the Board pursuant to NRS 678B.250;*
- 2. Is not attached or immediately adjacent to an adult-use cannabis retail store; and*
- 3. Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.*

Sec. 4. *“Ready-to-consume cannabis product” means an adult-use edible cannabis product that is:*

- 1. Prepared on the premises of a cannabis consumption lounge;*
- 2. Presented in the form of a foodstuff or beverage;*
- 3. Sold in a heated or unheated state; and*
- 4. Intended for immediate consumption.*

Sec. 5. *“Retail cannabis consumption lounge” means a business that:*

- 1. Is licensed by the Board pursuant to NRS 678B.250;*
- 2. Is attached or immediately adjacent to an adult-use cannabis retail store; and*

3. *Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.*

Sec. 5.5. *“Single-use cannabis product” means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge pursuant to section 28 of this act.*

Sec. 6. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, *and sections 2 to 5.5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 678A.035 is hereby amended to read as follows:

678A.035 “Adult-use cannabis establishment” means:

1. An adult-use cannabis independent testing laboratory;
2. An adult-use cannabis cultivation facility;
3. An adult-use cannabis production facility;
4. An adult-use cannabis retail store; ~~to~~
5. An adult-use cannabis distributor ~~to~~;
6. *A retail cannabis consumption lounge; or*
7. *An independent cannabis consumption lounge.*

Sec. 8. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 12.7, inclusive, of this act.

Sec. 9. *“Social equity applicant” means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to section 11 of this act. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.*

Sec. 10. 1. *The Board shall not issue an adult-use cannabis establishment license for a retail cannabis consumption lounge pursuant to NRS 678B.250 unless:*

(a) *The applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store; and*

(b) *The location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store for which the applicant holds an adult-use cannabis establishment license.*

2. *The location of a proposed retail cannabis consumption lounge :*

(a) Except as otherwise provided in paragraph (b), is not subject to the restrictions set forth in sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 678B.250 so long as the adult-use cannabis retail store to which the proposed retail cannabis consumption lounge is to be attached or immediately adjacent was in compliance with

such requirements at the time it was issued an adult-use cannabis establishment license; and ~~must~~

(b) Must not be on the property of an airport.

Sec. 11. 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant for the purposes of this chapter. ~~and section 27 of this act.~~

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis consumption lounge which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 12. 1. The Board shall adopt regulations establishing criteria of merit and scoring guidelines to be used by the Board in evaluating applications for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250.

2. In determining whether to issue an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250, the Board shall, in addition to the factors set forth in that section, consider the criteria of merit and scoring guidelines established pursuant to subsection 1.

3. The scoring guidelines established pursuant to subsection 1 must establish a minimum required score for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.

4. The criteria of merit established pursuant to subsection 1 must include, without limitation:

(a) For a proposed independent cannabis consumption lounge:

(1) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners or officers of the proposed ~~retail cannabis consumption lounge or~~ independent cannabis consumption lounge; and

~~if applicable;~~ (2) Whether the applicant qualifies as a social equity applicant ; ~~if applicable;~~

~~if applicable;~~ (b) Any other criteria of merit that the Board determines to be relevant.

Sec. 12.3. The Board shall ~~give priority to a social equity applicant when processing applications for~~ not issue to any one person, group of persons or entity both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge. ~~and in the issuance of such a license.~~

Sec. 12.4. 1. Except as otherwise provided in subsection 2, the Board shall not issue more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge.

2. If, on or before June 30, 2022, the Board issues 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge, the Board may thereafter issue adult-use cannabis establishment licenses for independent cannabis consumption lounges in amounts that exceed the limit set forth in subsection 1, so long as the total number of such licenses issued by the Board does not, at any time, exceed the total number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board.

3. At least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board must be issued to social equity applicants.

Sec. 12.5. 1. The Board shall, for each local governmental jurisdiction that limits the number of business licenses which may be issued to cannabis consumption lounges, determine the number of licenses allocated to the jurisdiction for retail cannabis consumption lounges and independent cannabis consumption lounges.

2. Not more than 50 percent of the licenses allocated by the Board pursuant to subsection 1 may be issued to retail cannabis consumption lounges.

3. Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to independent cannabis consumption lounges. At least 50 percent of the licenses issued to cannabis consumption lounges must be issued to social equity applicants. If there are an insufficient number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.

4. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.

5. As used in this section, “local governmental jurisdiction” means a city or unincorporated area within a county.

Sec. 12.7. 1. Except as otherwise provided in subsection 2, the Board shall not issue:

(a) More than one adult-use cannabis establishment license for an independent cannabis consumption lounge to ~~for~~ any one person, group of persons or entity;

(b) *More than one adult-use cannabis establishment license for a retail cannabis consumption lounge to ~~for~~ any one person, group of persons or entity; or*

(c) *Both an adult-use cannabis establishment license for a retail cannabis consumption lounge and an adult-use cannabis establishment license for an independent cannabis consumption lounge to ~~for~~ any one person, group of persons or entity.*

2. *The Board may approve a transfer of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge to a person, group of persons or entity that acquires a 100 percent ownership interest in a cannabis consumption lounge in a county in which the person, group of persons or entity holds another such license, if the transfer:*

(a) *Complies with all requirements for the transfer of a license established by the Board pursuant to NRS 678B.380; and*

(b) *Will not result in the person, group of persons or entity holding ~~for~~*

~~*(1) Two or more than two adult-use cannabis establishment licenses for a retail cannabis consumption lounge, ~~for~~*~~

~~*(2) Two or more adult-use cannabis establishment licenses for an independent cannabis lounge ~~for~~ or*~~

~~*(3) Both:*~~

~~*(I) An adult use cannabis establishment license for a retail cannabis consumption lounge and an adult use cannabis establishment license for an independent cannabis consumption lounge; and*~~

~~*(II) Any additional adult use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.*~~

~~*3. A person, group of persons or entity that sells a 100 percent ownership interest in a cannabis consumption lounge may not subsequently apply for an adult use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge for the county in which the ownership interest was sold, any combination of the two.*~~

Sec. 13. NRS 678B.020 is hereby amended to read as follows:

678B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678B.030 to 678B.070, inclusive, *and section 9 of this act* have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be *on the property of an airport*, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 14. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270 and 678B.280, ~~and sections 10 ~~to~~ and 12 ~~to~~ 12.5 and to 12.7, inclusive, of this act~~, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

- (1) The application fee, as set forth in NRS 678B.390;
- (2) An application, which must include:

- (I) The legal name of the proposed adult-use cannabis establishment;
- (II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be ***on the property of an airport***, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of

Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

- (a) Submission of the information required by the Board by regulation; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit *and scoring guidelines* set forth in NRS 678B.280 ~~††~~ *or section 12 of this act, as applicable.*

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 15. NRS 678B.270 is hereby amended to read as follows:

678B.270 *1.* Except as otherwise provided in ~~†subsection 2,†~~ *this section*, to prevent monopolistic practices, the Board shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

- ~~††~~ (a) One adult-use cannabis establishment license; or
- ~~†2-†~~ (b) More than 10 percent of the adult-use cannabis establishment licenses otherwise allocable in the county.

2. The provisions of this section do not apply to an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.

Sec. 16. NRS 678B.280 is hereby amended to read as follows:

678B.280 *1.* In determining whether to issue an adult-use cannabis establishment license pursuant to NRS 678B.250, *other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge*, the Board shall, in addition to

the factors set forth in that section, consider criteria of merit established by regulation of the Board. Such criteria must include, without limitation:

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(b) Whether the owners, officers or board members of the proposed adult-use cannabis establishment have direct experience with the operation of a cannabis establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success;

(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment;

(d) Whether the applicant has an integrated plan for the care, quality and safekeeping of cannabis from seed to sale;

(e) The experience of key personnel that the applicant intends to employ in operating the type of adult-use cannabis establishment for which the applicant seeks a license;

(f) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment, including, without limitation, the inclusion of persons of backgrounds which are disproportionately underrepresented as owners, officers or board members of adult-use cannabis establishments; and

(g) Any other criteria of merit that the Board determines to be relevant.

2. The Board shall adopt regulations for determining the relative weight of each criteria of merit established by the Board pursuant to subsection 1.

Sec. 16.5. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A medical cannabis establishment license.

(d) An adult-use cannabis establishment license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license ~~including, without limitation, the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who is a social equity applicant,~~ may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter.

3. *The regulations adopted pursuant to subsection 2 must:*

(a) *Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~who is a social equity~~*

~~applicant~~ from transferring the license until at least ~~3~~ 2 years from the date on which the independent cannabis consumption lounge for which the license was issued ~~it~~ became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~who is a social equity applicant~~ and who wishes to cease operations before the ~~holder has held the license~~ independent cannabis consumption lounge for which the license was issued has been operational for at least ~~3~~ 2 years to surrender the license to the Board; and

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for ~~a future~~ issuance to ~~a social equity~~ an applicant ~~it~~ for such a license in the future.

Sec. 17. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection ~~2~~ 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store	6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	\$10,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility	3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory	5,000
<i>For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge</i>	<i>120,000 10,000</i>
<i>For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge.....</i>	<i>10,000</i>
<i>For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge</i>	<i>13,500 10,000</i>
<i>For an endorsement to the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge to engage in the sale of single use cannabis products and ready to consume cannabis products.....</i>	<i>6,500</i>
<i>For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge without an endorsement to engage in the sale of single use cannabis products and ready to consume cannabis products.....</i>	<i>3,000</i>
<i>For the renewal of an adult use cannabis establishment license for an independent cannabis consumption lounge with an endorsement to engage in the sale of single use cannabis products and ready to consume cannabis products.....</i>	<i>10,000</i>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor.....	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor	\$5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card.....	150
For each person identified in an application for the renewal of a cannabis establishment agent registration card	150

2. ~~It is the intent of the Board~~ *The Board may by regulation establish reduced fees for:*

(a) *The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and*

~~(b) *An endorsement to an adult-use cannabis establishment license for an independent cannabis consumption lounge to engage in the sale of single-use cannabis products and ready-to-consume cannabis products; and*~~
~~(c) *The application fee set forth in subsection 3,*~~

↪ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. *Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:*

(a) ~~It is the intent of the Board~~ *For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a* one-time, nonrefundable application fee of \$5,000; ~~and~~

(b) *For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;*

(c) *For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and*

(d) *The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.*

~~It is the intent of the Board~~ 4. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 17.5. NRS 678B.500 is hereby amended to read as follows:

678B.500 1. Each cannabis establishment must comply with all local ordinances and rules pertaining to zoning, land use and signage.

2. A cannabis establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the cannabis establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.

3. A local government shall not adopt or enforce any ordinance or rule pertaining to zoning or land use which imposes restrictions on retail

cannabis consumption lounges, unless such restrictions also apply to adult-use cannabis retail stores.

Sec. 18. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

- (a) For the oversight of the cannabis establishment; and
- (b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment:

(a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

(b) That is not a cannabis sales facility must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

➡ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment ***that is not a cannabis consumption lounge*** shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis

establishment. As used in this subsection, “vending machine” has the meaning ascribed to it in NRS 209.229.

Sec. 19. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis or medical cannabis with the words “THIS IS A MEDICAL CANNABIS PRODUCT” or “THIS IS A CANNABIS PRODUCT,” as applicable, in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each cannabis product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words “Keep out of reach of children”;

(2) A list of all ingredients used in the cannabis product;

(3) A list of all allergens in the cannabis product; and

(4) The total content of THC measured in milligrams.

(c) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Include a written notification with each sale of cannabis or cannabis products which advises the purchaser:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility , ~~for~~ cannabis sales facility *or cannabis consumption*

lounge which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, ~~for~~ cannabis sales facility ***or cannabis consumption lounge*** shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

- (1) “Keep out of reach of children”; and
- (2) “For use only by adults 21 years of age and older.”

12. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

- (a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;
- (b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;
- (c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and
- (d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

13. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

14. *To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.*

15. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:

- (a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.
- (b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.
- (c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.
- (d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

~~15.1~~ 16. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

Sec. 20. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such

regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;

(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable; ~~and~~

9. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:

(a) Standards for the air quality in a cannabis consumption lounge;

~~(b) Procedures and requirements for the delivery of a single-use cannabis product to a customer in an independent cannabis consumption lounge;~~

~~(c) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and~~

~~(d) (c) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; and~~

10. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 21. Chapter 678D of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 28, inclusive, of this act.

Sec. 22. 1. A cannabis consumption lounge shall:

~~(a) Require any single-use cannabis product brought into the cannabis consumption lounge by a customer to be contained in the sealed, opaque packaging in which the single-use cannabis product was originally sold;~~

~~(b) Require a person who wishes to bring single-use cannabis products into the cannabis consumption lounge to, before entry, submit each single-use cannabis product to an employee for inspection to ensure that:~~

~~(1) The single-use cannabis product satisfies the requirements of this subsection; and~~

~~(2) The person is in compliance with the legal limits on the possession of cannabis for adult use purposes as set forth in NRS 678D.200;~~

~~(c) Install a ventilation and exhaust system which is capable of sufficiently expelling odors generated in the cannabis consumption lounge, reducing volatile organic compounds and maintaining the standards for air quality in the cannabis consumption lounge as set forth by regulation of the Board;~~

~~(d) (b) Train each employee of the cannabis consumption lounge concerning paraphernalia, single-use cannabis products and ready-to-consume cannabis products, including, without limitation, the proper use of paraphernalia, the potency, absorption time and effects of single-use cannabis and products and ready-to-consume cannabis products, the recognition of impairment from and overconsumption of cannabis and the safe handling of a customer who is impaired;~~

~~(e) (c) Submit a security plan to the Board which, without limitation, provides for adequate security and lighting at the cannabis consumption lounge and for each entrance and exit of the cannabis consumption lounge to be adequately secured, and submit to the Board such updates to the plan as the Board may require;~~

~~##~~ (d) *Submit a plan to the Board setting forth protocols and procedures to deter customers from driving under the influence of cannabis, and submit to the Board such updates to the plan as the Board may require;*

~~##~~ (e) *Submit a plan to the Board setting forth protocols and procedures to ensure that cannabis and cannabis products are not sold or otherwise distributed in the cannabis consumption lounge other than as authorized in this chapter, and submit to the Board such updates to the plan as the Board may require;*

~~##~~ (f) *Dispose of cannabis or cannabis products which are left at the cannabis consumption lounge in accordance with the procedures for disposal set forth by the regulations of the Board;*

~~##~~ (g) *Comply with all local ordinances and rules; ~~pertaining to zoning, land use and signage;~~ and*

~~##~~ (h) *Comply with any requirements set forth by regulation of the Board.*

2. *As used in this section, “volatile organic compound” has the meaning ascribed to it in 40 C.F.R. § 51.100(s).*

Sec. 23. *A cannabis consumption lounge may:*

1. *Sell food and beverages to customers of the cannabis consumption lounge;*

2. *Sell any other item which does not contain cannabis or cannabis products and is not intended for use with cannabis or cannabis products to customers of the cannabis consumption lounge; and*

3. *Provide live entertainment at the cannabis consumption lounge.*

Sec. 24. *A cannabis consumption lounge shall not allow:*

1. *The consumption of cannabis or cannabis products at any place which is within view of a public place;*

2. *The entry of any person who is less than 21 years of age to the cannabis consumption lounge;*

3. *The consumption of any cannabis or cannabis product in the cannabis consumption lounge that is not a single-use cannabis product or ready-to-consume cannabis product; or*

4. *A single-use cannabis product or ready-to-consume cannabis product that was purchased at the cannabis consumption lounge to be removed from the premises of the cannabis consumption lounge.*

Sec. 25. 1. *A retail cannabis consumption lounge may:*

(a) *Obtain from the adult-use cannabis retail store to which the retail cannabis consumption lounge is attached or immediately adjacent:*

(1) *Single-use cannabis products for the purposes of resale; and*

(2) *Cannabis or cannabis products for the purposes of producing ready-to-consume cannabis products;*

(b) *Sell single-use cannabis products obtained pursuant to paragraph (a) to customers of the retail cannabis consumption lounge; and*

(c) Prepare ready-to-consume cannabis products using cannabis obtained pursuant to paragraph (a) and sell such products to customers of the cannabis consumption lounge.

2. A retail cannabis consumption lounge shall ensure that only single-use cannabis products or ready-to-consume cannabis products that were purchased from the retail cannabis consumption lounge are consumed in the lounge.

Sec. 26. ~~1. An independent cannabis consumption lounge shall allow single use cannabis products sold by an adult use cannabis retail store to be delivered to a customer in the independent cannabis consumption lounge. Such a delivery must comply with the applicable requirements for the delivery of cannabis or cannabis products to a consumer set forth in this title and any other requirements the Board may establish by regulation.~~

~~2. Except as otherwise provided in section 27 of this act, an independent cannabis consumption lounge shall not obtain from any source or sell cannabis or cannabis products.~~ (Deleted by amendment.)

Sec. 27. 1. ~~If an~~ An independent cannabis consumption lounge wishes to sell single use cannabis products or ready to consume cannabis products to customers of the lounge, the independent cannabis consumption lounge must submit to the Board a request for an endorsement to the license of the independent cannabis consumption lounge to engage in such activities. Such a request must be accompanied by the fee set forth in NRS 678B.390 and include any information the Board may by regulation require.

~~2. If the Board approves a request submitted pursuant to subsection 1, the independent cannabis consumption lounge may:~~

~~(a) Enter~~ shall enter into a contract with one or more adult-use cannabis retail stores to sell to the independent cannabis consumption lounge:

~~1. (1)~~ (a) Single-use cannabis products for the purpose of resale; and

~~2. (2)~~ (b) Cannabis and products for the purpose of preparing ready-to-consume cannabis products.

~~(b)~~ 2. An independent cannabis consumption lounge which has entered into a contract pursuant to subsection 1 may:

(a) Sell single-use cannabis products obtained pursuant to ~~paragraph (a)~~ subsection 1 to customers of the independent cannabis consumption lounge; and

~~(c)~~ (b) Prepare ready-to-consume cannabis products using cannabis and cannabis products obtained pursuant to ~~paragraph (a)~~ subsection 1 and sell such products to customers of the independent cannabis consumption lounge.

3. ~~The Board shall adopt regulations governing the manner in which the Board will accept and evaluate requests submitted pursuant to subsection 1. The regulations must prescribe, without limitation:~~

~~(a) The required contents of such a request;~~

~~(b) Procedures for the submission and evaluation of such a request; and~~

~~(c) The criteria by which the Board will evaluate such a request, which may include, without limitation:~~

~~(1) Whether the requestor holds an additional adult-use cannabis establishment license for another type of cannabis establishment;~~

~~(2) Whether the requestor is a social equity applicant; and~~

~~(3) Whether the requestor has previously been subject to disciplinary action by the Board.~~

An independent cannabis consumption lounge shall ensure that only single-use cannabis products or ready-to-consume cannabis products that were purchased from the independent cannabis consumption lounge are consumed in the lounge.

4. The Board may require an independent cannabis consumption lounge to submit a contract entered into pursuant to subsection 1 to the Board for review.

Sec. 28. The Board shall adopt regulations governing the sale and consumption of single-use cannabis products and ready-to-consume cannabis products at a cannabis consumption lounge. Such regulations must, without limitation:

1. Prescribe a list of a single-use cannabis products comprising each type of cannabis and adult-use cannabis product that the Board has determined to be appropriate for consumption at a cannabis consumption lounge;

2. Establish standards for the content, quality and potency of ready-to-consume cannabis products, including, without limitation, the maximum THC concentration for such products;

3. Prescribe procedures and protocols for the preparation and safe handling of ready-to-consume cannabis products to ensure that each such prepared product meets the standards established pursuant to subsection 1;

4. Establish requirements relating to the sale of ready-to-consume cannabis products, including, without limitation, requirements relating to notifications that must be provided to a purchaser of such a product at the time of sale; and

5. Set forth any other requirements concerning the preparation of ready-to-consume cannabis products and sale of single-use cannabis products and ready-to-consume cannabis products that the Board determines are necessary.

Sec. 29. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, any person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than \$600.

(b) For a second violation, a misdemeanor punished by a fine of not more than \$1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. ~~1A~~ ***Except as otherwise provided in subsection 9, a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.***

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor.

5. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than \$500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

6. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

7. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

8. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

9. ***A person may smoke or otherwise consume cannabis or a cannabis product in a cannabis consumption lounge.***

Sec. 30. NRS 678D.420 is hereby amended to read as follows:

678D.420 1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.

2. An adult-use cannabis product must be sold in a single package. A single package must not contain:

(a) More than 1 ounce of usable cannabis or one-eighth of an ounce of concentrated cannabis.

(b) For an adult-use cannabis product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(c) For an adult-use cannabis product sold as a tincture, more than 800 milligrams of THC.

(d) For an adult-use edible cannabis product, more than 100 milligrams of THC.

(e) For an adult-use cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(f) For an adult-use cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(g) For any other adult-use cannabis product, more than 800 milligrams of THC.

3. *To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section do not apply to a ready-to-consume cannabis product prepared and sold by a cannabis consumption lounge.*

Sec. 30.3. NRS 678D.510 is hereby amended to read as follows:

678D.510 1. The provisions of this chapter do not prohibit:

(a) A public or private employer from maintaining, enacting and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under this chapter;

(b) A state or local governmental agency that occupies, owns or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery or transfer of cannabis in that building;

(c) A person who occupies, owns or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery or transfer of cannabis on that property; or

(d) ~~1A~~ **Except as otherwise provided in section 17.5 of this act, a** local government from adopting and enforcing local cannabis control measures pertaining to zoning and land use for adult-use cannabis establishments ~~1A~~ **including, without limitation, a measure which prohibits the operation of adult-use cannabis establishments.**

2. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678C of NRS relating to the medical use of cannabis.

Sec. 30.5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person who serves, sells or otherwise furnishes cannabis or a cannabis product to another person who is 21 years of age or older is not liable in a civil action for any damages caused by the person to whom the*

cannabis or cannabis product was served, sold or furnished as a result of the consumption of the cannabis or cannabis product.

2. Except as otherwise provided in this section, a person who:

(a) Knowingly serves, sells or otherwise furnishes cannabis or a cannabis product to an underage person; or

(b) Knowingly allows an underage person to consume cannabis or a cannabis product on premises or in a conveyance belonging to the person or over which the person has control,

↪ is liable in a civil action for any damages caused by the underage person as a result of the consumption of the cannabis or cannabis product.

3. The liability created pursuant to subsection 2 does not apply to a person who is licensed to serve, sell or furnish cannabis or cannabis products or to a person who is an employee or agent of such a person for any act or failure to act that occurs during the course of business or employment and any such act or failure to act may not be used to establish proximate cause in a civil action and does not constitute negligence per se.

4. A person who prevails in an action brought pursuant to subsection 2 may recover the person's actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

5. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) "Underage person" means a person who is less than 21 years of age.

Sec. 30.6. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253 and 244.3535, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license

tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. A board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~or~~, **other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.**

Sec. 30.7. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsections 4 and 9 and NRS 268.0951, 268.0977 and 268.0979, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as “pledged revenues” for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized

employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The city council or other governing body of an incorporated city shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~HH~~, **other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.**

10. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 30.9. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsections 5, 6 and 7 and NRS 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in NRS 678A.095.

7. The town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~that~~, **other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.**

Sec. 31. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

“Cannabis consumption lounge” has the meaning ascribed to it in section 2 of this act.

Sec. 32. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and section 31 of this act***, unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, ***and section 31 of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 372A.250 is hereby amended to read as follows:

372A.250 “Taxpayer” means a:

1. Cannabis cultivation facility; ~~for~~
2. Adult-use cannabis retail store ~~for~~ ; ***or***

3. Cannabis consumption lounge.

Sec. 34. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store ***or cannabis consumption lounge*** at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the ~~adult-use cannabis retail store~~ ***seller of the cannabis or cannabis product***;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of \$5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) “Adult-use cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.025.

~~(b) “Adult-use cannabis retail store” has the meaning ascribed to it in NRS 678A.065.~~

~~—(c)—~~ “Cannabis product” has the meaning ascribed to it in NRS 678A.120.

~~+(d)+~~ (c) “Local government” has the meaning ascribed to it in NRS 360.640.

~~+(e)+~~ (d) “Medical cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.170.

~~+(f)+~~ (e) “Medical cannabis establishment” has the meaning ascribed to it in NRS 678A.180.

Sec. 35. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(e) The money identified in subsection 1 of NRS 328.450;

(f) The money identified in subsection 1 of NRS 328.460;

(g) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(i) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(j) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(k) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(l) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(m) The money identified in paragraph (b) of subsection ~~3~~ 4 of NRS 678B.390;

(n) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(o) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(p) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(q) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(r) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and

(s) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any

money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

Sec. 36. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$10,000.

3. This section does not apply to ~~any~~ :

(a) *Any* rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) *Any cannabis consumption lounge, as defined in section 2 of this act, whose activities are confined to those authorized in title 56 of NRS.*

Sec. 36.1. Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896, is hereby amended to read as follows:

Sec. 246. 1. This section and sections 199.3, 216.3 and 239.5 of this act become effective upon passage and approval.

2. Sections 197.5 and 198.5 of this act become effective upon passage and approval, ~~and expire by limitation on June 30, 2021.~~

3. Section 216.7 of this act becomes effective on November 23, 2019.

4. Sections 1 to 197, inclusive, 198, 199, 199.5, 201 to 216, inclusive, 217 to 239, inclusive, and 240 to 245, inclusive, of this act become effective:

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

(b) On July 1, 2020, for all other purposes.

5. ~~Section 199.7 of this act becomes effective on July 1, 2021.~~

~~6.~~ Sections 108 and 109 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to

withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

Sec. 36.3. 1. Any person who, on October 1, 2021, holds an adult-use cannabis establishment license for an adult-use cannabis retail store may, on or after October 1, 2021, submit to the Cannabis Compliance Board an application for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge in accordance with NRS 678B.250, as amended by section 14 of this act.

2. The Cannabis Compliance Board shall not issue an adult-use cannabis establishment license for a retail cannabis consumption lounge to a person who submits an application pursuant to subsection 1, unless the Board has determined that the person has satisfied all applicable requirements for the issuance of such a license, as set forth in chapter 678B of NRS, as amended by this act, and the regulations adopted pursuant thereto.

Sec. 36.5. 1. On or before January 1, 2023, the Cannabis Compliance Board shall prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature, a report regarding the effect of violations of NRS 598A.060 on independent cannabis consumption lounges. The report must include any recommendations for legislation that the Cannabis Compliance Board determines is necessary to ensure that such violations do not inhibit the growth of independent cannabis consumption lounges in this State.

2. As used in this section, “independent cannabis consumption lounge” has the meaning ascribed to it in section 3 of this act.

Sec. 36.7. Section 199.7 of chapter 595, Statutes of Nevada 2019, at page 3863 is hereby repealed.

Sec. 36.9. 1. This section and sections 36.1 and 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 36, inclusive, 36.3 and 36.5 of this act become effective on October 1, 2021.

TEXT OF REPEALED SECTION

Section 199.7 of chapter 595, Statutes of Nevada 2019:

Sec. 199.7. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsections 5 ~~and 6~~ ~~and 7~~ and NRS 269.183, 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in section 22 of this act.

~~{7. The town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.}~~

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 382.

Bill read third time.

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

Amendment No. 802.

AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; requiring student loan servicers to pay certain assessments and fees; authorizing and requiring the Student Loan Ombudsman to perform certain acts; providing for the regulation of private education loans and private education lenders by the Commissioner; requiring the Commissioner to adopt certain regulations; establishing certain duties and prohibitions applicable to postsecondary educational institutions and postsecondary vocational institutions; ~~requiring the Commission on Postsecondary Education to adopt certain standards concerning postsecondary vocational institutions; prohibiting the Commission from delegating certain duties;~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Commissioner of Financial Institutions to supervise and control various financial institutions, lenders and fiduciaries,

including, without limitation, banks, credit unions, payday lenders and trust companies. (Chapter 604A of NRS, titles 55 and 56 of NRS) **Sections 2-47** of this bill add a new chapter to the Nevada Revised Statutes to provide for the licensing and regulation of student loan servicers by the Commissioner as well as the regulation of private education loans and private education lenders. **Sections 3-13** of this bill define terms used in the new chapter. **Section 14** of this bill provides for money received pursuant to the new chapter to be accounted for separately and used for the regulation of student loan servicers. **Sections 15-21, 25, 41 and 42** of this bill set forth requirements relating to the licensing of student loan servicers. In particular, **section 15** of this bill prohibits a person from acting as a student loan servicer without obtaining a license from the Commissioner to do so, and also sets forth the persons exempted from this licensure requirement. **Section 16** of this bill sets forth various requirements for applying for a license, including, without limitation, the payment of a license fee and an investigation fee and the submission of a surety bond. **Section 42** of this bill provides that all fees paid are nonrefundable. **Section 20** of this bill requires the Commissioner to issue a license to persons who engage in student loan servicing in this State only pursuant to certain contracts with the federal government without requiring those persons to comply with the standard requirements for the issuance of a license. **Section 20** of this bill: (1) requires persons who are issued such a license to comply with other relevant provisions of law; and (2) provides for the expiration of such a license not later than 37 days after the expiration, revocation or termination of the federal contract that provided the basis for the issuance of the license. **Section 21** of this bill provides for the annual expiration and renewal of a license as a student loan servicer.

Sections 22-24 and 26-30 of this bill set forth requirements governing the business practices and other actions of student loan servicers. Specifically, **section 22** of this bill sets forth requirements applicable to a licensee ceasing to engage in the business of student loan servicing in this State. **Section 23** of this bill sets forth requirements applicable to a person who provides a check or other method of payment to the Commissioner which is returned or otherwise dishonored. **Section 24** of this bill requires licensees and applicants for licenses to notify the Commissioner of any changes in certain information provided to the Commissioner. **Sections 26 and 28** of this bill set forth requirements concerning business names, business locations and recordkeeping relating to student loan servicers and student education loans. **Section 29** of this bill prohibits a student loan servicer from engaging in specified conduct, including, without limitation, engaging in unfair or deceptive practices, knowingly misapplying payments, negligently making certain false statements or knowingly and willfully making certain omissions of material facts. **Section 30** of this bill authorizes the Student Loan Ombudsman in the Office of the State Treasurer or any member of the public to file a complaint with the Division of Financial Institutions of the Department of Business and Industry concerning the actions of a student loan servicer.

Sections 31-36.5 of this bill establish provisions for a particular type of student loan, the private education loan, and for private education loan borrowers and private education lenders. In particular, **sections 31 and 32** of this bill establish certain protections for cosigners of private education loans. **Section 32** also prohibits a private education lender from accelerating repayment of a private education loan except in cases of a default in payment. **Section 33** of this bill establishes the rights and duties of private education lenders in cases of the total and permanent disability of a private education loan borrower or his or her cosigner. **Sections 34-36** of this bill set forth requirements and prohibitions governing the business practices and other actions of private education lenders. **Section 36.5** of this bill provides that a private education lender is not exempt from any applicable licensing requirements imposed by any other specific statute.

Sections 37-40 of this bill: (1) authorize the Commissioner to conduct investigations and examinations relating to student loan servicers and student education loans; (2) require the Commissioner to conduct such investigations and examinations at least annually; (3) require licensees to pay for such investigations and examinations; (4) authorize the Commissioner to retain certain professionals and specialists, enter into certain agreements and use certain resources for the purposes of investigations and examinations; (5) describe the scope of the authority of the Commissioner with regard to investigations and examinations; and (6) prohibit a student loan servicer or other person under examination or investigation from knowingly withholding or otherwise preventing access to information relating to the examination or investigation. Existing law requires financial institutions to pay assessments established by the Commissioner to cover the costs of certain independent audits and examinations, legal services provided by the Attorney General to the Commissioner and Division of Financial Institutions and supervision and examinations by the Commissioner or Division. (NRS 658.055, 658.098, 658.101) **Sections 37.5 and 48.5** of this bill require a licensed student loan servicer to pay those assessments.

Section 41 of this bill sets forth grounds upon which the Commissioner may deny an application for a license or suspend, revoke or refuse to renew a license. **Section 43** of this bill requires a student loan servicer to comply with certain federal laws and regulations, and deems a violation of those federal laws or regulations to be a violation of Nevada law upon which the Commissioner may act. **Sections 44, 45 and 46** of this bill establish the rights, remedies and penalties available for violations of the new chapter. **Section 45.5** of this bill provides that any books, records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination are confidential. **Section 50.5** of this bill makes a conforming change. **Section 47** of this bill requires the Commissioner to adopt regulations for the new chapter. **Section 48** of this bill makes a conforming change to indicate the proper placement of the new chapter in Nevada Revised Statutes.

Existing law establishes the duties of the Student Loan Ombudsman designated by the State Treasurer. Those duties include receiving, reviewing and attempting to resolve complaints from student loan borrowers. (NRS 226.570) **Section 49** of this bill requires the Student Loan Ombudsman to make those complaints available to the Attorney General. **Section 50** of this bill makes a conforming change to indicate the placement of **section 49** in Nevada Revised Statutes.

~~Under existing law, the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation licenses and regulates postsecondary educational institutions that are operated by private persons or entities in this State and their agents. (NRS 394.383-394.560) In particular, existing law vests the Commission with exclusive authority to license postsecondary educational institutions. (NRS 394.415) Section 62 of this bill prohibits the Commission from delegating to another state its authority to oversee and enforce compliance with the laws applicable to postsecondary educational institutions located in this State even if the institution is authorized by, or has its home in, another state.~~ **Section 53** of this bill prohibits postsecondary educational institutions from refusing to provide transcripts to current or former students on the grounds that the student owes a debt to the institution and imposes certain limitations on the services that may be withheld from such students. **Section 54** of this bill imposes certain requirements on postsecondary educational institutions with respect to presentation of accurate information about the institution. **Section 54** also requires postsecondary educational institutions to timely notify the Commission **on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation** if ~~the institution~~ becomes subject to an investigation by any other oversight entity. **Section 55** of this bill prohibits postsecondary educational institutions, and their agents, from engaging in certain practices in its efforts to recruit students. **Sections 52, 58 and 59** of this bill establish additional requirements on postsecondary educational institutions that primarily offer vocational education services. **Section 52** defines such institutions as postsecondary vocational institutions, ~~and section 56 of this bill requires the Commission to establish certain minimum standards for private postsecondary vocational institutions that are in addition to those applicable to all postsecondary educational institutions.~~ **Section 57** of this bill authorizes and directs the Commission's actions if it ~~determines that a postsecondary vocational institution or one of its programs is at risk of closure or termination.~~ **Section 58** of this bill prohibits postsecondary vocational institutions from engaging in certain unfair business practices and provides that each violation of those prohibitions is subject to a civil penalty. **Section 59** of this bill provides that the rights, remedies and penalties established for violations of the provisions concerning postsecondary educational institutions are subject to any other rights, remedies or penalties that may exist at law or in equity.

Sections 60, 61, 63 and 64 of this bill make conforming changes.

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

Section 1. Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 47, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 3. 1. “Control person” means:

(a) An executive officer, director, general partner, trustee, member, qualified employee or shareholder of a student loan servicer, licensee or applicant for a license; or

(b) A person who is authorized to participate in direct or indirect control of the management or policies of a student loan servicer, licensee or applicant for a license.

2. *As used in this section, “executive officer” means an officer, manager, partner or managing member of a student loan servicer, licensee or applicant for*

a license. The term includes, without limitation, a chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer or a natural person who holds any similar position.

Sec. 4. “Cosigner” means:

1. *Any person who is liable for the obligation of another without compensation, regardless of how the person is designated in the contract or instrument with respect to that obligation, including, without limitation, an obligation under a private education loan extended to consolidate a borrower’s pre-existing private education loans. The term includes any person whose signature is requested as a condition to grant credit or to forbear on collection.*

2. *As used in this section, the term does not include a spouse of an individual described in subsection 1 whose signature is needed to perfect the security interest in a loan.*

Sec. 5. “License” means a license issued by the Commissioner pursuant to this chapter.

Sec. 6. “Licensee” means a student loan servicer licensed by the Commissioner pursuant to this chapter.

Sec. 7. 1. “Private education lender” means any person engaged in the business of securing, making or extending private education loans, or any holder of a private education loan.

2. *To the extent that state law is not preempted by federal law, the term does not include a:*

(a) *Federally chartered bank, savings bank, savings and loan association or credit union;*

(b) *Wholly owned subsidiary of a federally chartered bank or credit union; or*

(c) *Operating subsidiary if each owner of the operating subsidiary is wholly owned by the same federally chartered bank or credit union.*

Sec. 8. 1. *“Private education loan” means an extension of credit that is:*

(a) *Extended to a consumer expressly, in whole or in part, for postsecondary educational expenses, regardless of whether the loan is provided by the educational institution that the student attends;*

(b) *Not made, insured or guaranteed under Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1070 et seq.*

2. *The term does not include an:*

(a) *Open-end credit or any loan that is secured by real property or a dwelling; or*

(b) *Extension of credit in which the covered educational institution is the creditor if:*

(1) *The term of the extension of credit is 90 days or less; or*

(2) *An interest rate is not applied to the credit balance and the term of the extension of credit is 1 year or less, even if the credit is payable in more than four installments.*

Sec. 9. *“Private education loan borrower” means any resident of this State who has received or agreed to pay a private education loan for the borrower’s own educational expenses.*

Sec. 10. *“Student education loan” means any loan primarily for personal use to finance education or other school-related expenses. The term includes a private education loan.*

Sec. 11. *“Student loan borrower” means a:*

1. *Resident of this State who receives or agrees to pay a student education loan; and*

2. *Person who shares responsibility with such a resident for repaying the student education loan.*

Sec. 12. *“Student loan servicer” means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower. The term includes a licensee and a person who engages in student loan servicing without a license pursuant to subsection 2 of section 15 of this act.*

Sec. 13. *“Student loan servicing” or “servicing” means:*

1. *Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan or any notification that a student loan borrower made such a scheduled periodic payment and applying the payments to the account of a student loan borrower, as may be required pursuant to the terms of a student education loan or a contract governing the servicing of a student education loan;*

2. *During a period in which no payment is required on a student education loan, maintaining account records for a student education loan and communicating with the student loan borrower on behalf of the owner of the promissory note for the student education loan; or*

3. *Interacting with a student loan borrower concerning a student education loan with the goal of helping the student loan borrower avoid default on the student education loan or facilitating the activities described in subsection 1 or 2.*

Sec. 14. 1. *The Commissioner shall:*

(a) *Administer and account for separately the money received pursuant to this chapter.*

(b) *Use the money received pursuant to this chapter for the purposes set forth in this chapter.*

2. *Any money that remains in the account at the end of the fiscal year does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.*

3. *Any interest or income earned on the money in the account must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.*

Sec. 15. 1. *Except as otherwise provided in subsection 2, a person shall not act as a student loan servicer, directly or indirectly, without first obtaining a license from the Commissioner pursuant to this chapter.*

2. *The following persons may act as a student loan servicer without obtaining a license pursuant to this chapter:*

(a) *Any bank, savings and loan association, savings bank, thrift company or credit union, whether chartered by this State, another state or the Federal Government.*

(b) *Any wholly owned subsidiary of any person identified in paragraph (a).*

(c) *Any operating subsidiary of any person identified in paragraph (a) if each owner of the operating subsidiary is wholly owned by the same person identified in paragraph (a).*

Sec. 16. *A person may apply for a license as a student loan servicer by submitting a written application to the Commissioner on a form prescribed by the Commissioner. The application must be accompanied by:*

1. *A financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner or a corporate officer or a member authorized to execute such documents;*

2. *Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:*

(a) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);

(b) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and

(c) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;

3. *A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

4. *Any other information requested by the Commissioner or otherwise required in connection with the evaluation and investigation of the applicant's qualifications and suitability for licensure;*

5. *A nonrefundable license fee of \$1,000;*

6. *A nonrefundable investigation fee of \$800; and*

7. *A surety bond in an amount determined by the Commissioner.*

Sec. 17. 1. *In addition to any other requirements set forth in this chapter:*

(a) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall include the social security number of the applicant or control person, as applicable, in the application submitted to the Commissioner.

(b) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

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

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

(b) A separate form prescribed by the Commissioner.

3. *A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:*

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

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

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

5. *If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

6. *The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 18. 1. *In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.*

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

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

(b) A separate form prescribed by the Commissioner.

3. *A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:*

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

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

4. *If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order*

for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.

5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. Upon the filing of an application for an initial license and the payment of the license fee and the investigation fee and submission of the surety bond required by section 16 of this act, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The Commissioner may issue a license if the Commissioner finds that:

- 1. The applicant's financial condition is sound;*
- 2. The applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community;*
- 3. If the applicant is:*
 - (a) A natural person, the person is in all respects properly qualified and of good character;*
 - (b) A partnership, each partner is in all respects properly qualified and of good character;*
 - (c) A corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs similar functions as determined by the Commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character; or*

(d) A limited liability company, each member is in all respects properly qualified and of good character;

4. No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter;

5. No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the Commissioner any information lawfully required by the Commissioner;

6. The applicant has paid the license fee and the investigation fee and submitted the surety bond required by section 16 of this act; and

7. The applicant has met any other requirements set forth by the Commissioner in regulations adopted pursuant to this chapter.

Sec. 20. 1. A person seeking to act as a student loan servicer is exempt from the application procedures described in subsections 1 to 4, inclusive, of section 16 of this act upon a determination by the Commissioner that the person's student loan servicing performed in this State is conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The Commissioner shall, by regulation, prescribe the procedure for documenting a person's eligibility for this exemption.

2. Upon payment of the fees and the submission of the surety bond required by section 16 of this act, the Commissioner shall:

(a) Issue a license to a person determined to be exempt pursuant to this section; and

(b) Deem the person to have satisfied all requirements set forth in section 16 of this act.

3. A person issued a license pursuant to this section:

(a) Is exempt from the requirements of sections 17, 18 and 19 of this act; and

(b) Shall, except to the extent that those requirements are inconsistent with federal law, comply with all other applicable provisions of this chapter, including, without limitation, the record retention requirements set forth in section 28 of this act.

4. A person issued a license pursuant to this section shall provide the Commissioner with written notice within 7 days following notification of the expiration, revocation or termination of a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The person has 30 days following notification to satisfy all requirements established by section 16 of this act in order to continue to act as a student loan servicer. At the expiration of the 30-day period, if the requirements have not been satisfied, the Commissioner shall immediately suspend a license granted to the person pursuant to this section.

5. With respect to student loan servicing not conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f, nothing in this section prevents the Commissioner from

issuing or filing a civil action for an order to temporarily or permanently bar a person from acting as a student loan servicer for violating applicable law.

Sec. 21. 1. A license issued pursuant to this chapter expires on December 31 of each year following its issuance, unless renewed or earlier surrendered, suspended or revoked pursuant to this chapter.

2. A licensee may renew the license by filing with the Commissioner an application containing all required documents and fees as set forth in section 16 of this act for an initial license. Such a renewal application shall be deemed to be timely filed if filed on or before November 1 of the year in which the license expires. Any renewal application filed with the Commissioner after November 1 must be accompanied by a late fee of \$100 and, if so, such a filing also shall be deemed to be timely filed. If an application for renewal of a license is timely filed with the Commissioner pursuant to this subsection on or before the date the license expires, the license sought to be renewed continues in full force and effect until the issuance by the Commissioner of the renewed license or until the Commissioner notifies the licensee in writing of the Commissioner's refusal to issue a renewed license together with the grounds upon which such refusal is based. The Commissioner may refuse to issue a renewed license on any ground on which the Commissioner may refuse to issue an initial license.

3. Annually, on or before April 15, each licensee shall file with the Commissioner a report of operations of the licensed business for the preceding calendar year under oath and on a form prescribed by the Commissioner.

Sec. 22. 1. Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this State for any reason, including, without limitation, a business decision to terminate operations in this State, license revocation, bankruptcy or voluntary dissolution, the licensee shall provide written notice of surrender to the Commissioner and shall surrender to the Commissioner its license for each location in which the licensee has ceased to engage in such business.

2. A written notice of surrender provided pursuant to subsection 1 must identify the location where the records of the licensee will be stored and the name, address and telephone number of a natural person authorized to provide access to the records.

3. The surrender of a license does not reduce or eliminate the licensee's civil or criminal liability arising from acts or omissions occurring before the surrender of the license, including, without limitation, any administrative actions undertaken by the Commissioner to revoke or suspend a license, assess a civil penalty, order restitution or exercise any other authority provided to the Commissioner.

Sec. 23. If the Commissioner determines that a check or other method of payment which is provided to the Commissioner to pay any fee required pursuant to this chapter has been returned to the Commissioner or otherwise

dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment, the Commissioner shall automatically refuse to issue, suspend or refuse to renew the license, as applicable. The Commissioner must give the licensee reasonable advance notice of this automatic action and an opportunity for a hearing.

Sec. 24. A licensee or an applicant for a license shall notify the Commissioner, in writing, of any change in the information provided in the initial application for a license or the most recent application for renewal of such license, as applicable, not later than 10 business days after the occurrence of the event that results in such information becoming inaccurate.

Sec. 25. The Commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for information required pursuant to this chapter or any regulations adopted pursuant thereto. The Commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the date on which such a request for information was made, the application shall be deemed abandoned. Any fees paid before the date an application is deemed abandoned pursuant to this section must not be refunded. Abandonment of an application pursuant to this section does not preclude the applicant from submitting a new application for a license pursuant to this chapter.

Sec. 26. A licensee shall not act as a student loan servicer or engage in student loan servicing under any other name or at any other place of business than that identified in the license. The licensee must notify the Commissioner in advance of any change of location of a place of business of the licensee. Only one place of business may be maintained under one license, but the Commissioner may issue more than one license to the same licensee upon the licensee's application for a license for each place of business. A license is not transferable or assignable.

Sec. 27. 1. Except as otherwise provided by federal law or regulation, a student loan servicer shall:

(a) Respond to any written inquiry from a student loan borrower or the representative of a student loan borrower by:

(1) Acknowledging receipt of the inquiry within 10 business days; and
(2) Providing information relating to the inquiry, and, if applicable, the action the student loan servicer will take to correct the account or an explanation of the student loan servicer's position that the student loan borrower's account is correct, within 30 business days.

(b) Inquire of a student loan borrower how to apply an overpayment to a student education loan. A student loan borrower's instruction on how to apply an overpayment to a student education loan must stay in effect for any future overpayments during the term of the student education loan unless

the student loan borrower provides different instructions. For the purposes of this paragraph, “overpayment” means a payment on a student education loan that is in excess of the monthly amount due from the student loan borrower on the student education loan, commonly referred to as a prepayment.

(c) Apply a partial payment from a student loan borrower on a student education loan in a manner that minimizes late fees and negative credit reporting. If there are multiple loans on a student loan borrower’s account at an equal stage of delinquency, a student loan servicer shall satisfy the requirements of this subsection by applying the partial payment to satisfy as many individual loan payments as possible on the student loan borrower’s account. For purposes of this subsection, “partial payment” means a payment to a student education loan account that contains multiple individual loans if the payment is in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the student education loan account, commonly referred to as an “underpayment.”

2. If the sale, assignment or other transfer of the servicing of a student education loan results in a change in the identity of the person to whom a student loan borrower is required to send payments or direct any communication concerning the student education loan:

(a) As a condition of a sale, an assignment or any other transfer of the servicing of a student education loan, require the new student loan servicer to honor all benefits originally represented as available to the student loan borrower during the repayment of the student education loan and preserve the availability of those benefits, including, without limitation, any benefits for which the student loan borrower has not yet qualified;

(b) Transfer to the new student loan servicer for the student education loan all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower. The information must include, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower; and

(c) Complete the transfer of information required by paragraph (b) within 45 calendar days after the sale, assignment or other transfer of the servicing of the student education loan.

3. A student loan servicer who obtains the right to service a student education loan shall adopt policies and procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower including, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower.

4. A student loan servicer shall evaluate a student loan borrower for eligibility for an income-driven repayment program before placing the

student loan borrower in forbearance or default if an income-driven repayment program is available to the student loan borrower.

Sec. 28. 1. A student loan servicer shall maintain a record of each transaction relating to a student education loan for not less than 2 years following the final payment on the student education loan or the assignment of the student education loan, whichever occurs first, or such longer period as may be required by any other provision of law.

2. Upon the request of the Commissioner, a person required to maintain records pursuant to subsection 1 shall make such records available to the Commissioner, or send the records to the Commissioner, in the manner required by the Commissioner not later than 5 business days after requested by the Commissioner. Upon the person's request, the Commissioner may allow additional time to make the records available to the Commissioner or send the records to the Commissioner.

Sec. 29. A student loan servicer shall not:

1. Directly or indirectly employ any scheme, device or artifice to defraud or mislead a student loan borrower.

2. Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student education loan, including, without limitation, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement or the student loan borrower's obligations under the loan.

3. Obtain property by fraud or misrepresentation.

4. Knowingly misapply student education loan payments to the outstanding balance of a student education loan.

5. Knowingly or recklessly provide inaccurate information to a credit bureau in a manner which may harm a student loan borrower's creditworthiness.

6. Fail to report both the favorable and unfavorable payment history of the student loan borrower to a nationally recognized consumer credit bureau at least annually if the student loan servicer regularly reports information to a credit bureau.

7. Refuse to communicate with an authorized representative of the student loan borrower if the authorized representative:

(a) Provides a written authorization signed by the student loan borrower; and

(b) Complies with any reasonable procedures which may be adopted by the student loan servicer to verify that the representative is in fact authorized to act on behalf of the student loan borrower.

8. Negligently make any false statement or knowingly and willfully make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any

investigation conducted by the Commissioner or another governmental agency.

9. Fail to respond within 15 business days to communications from the Commissioner, or within a shorter, reasonable period of time as may be requested by the Commissioner.

10. Fail to respond within 15 business days to a consumer complaint submitted to the student loan servicer by the Commissioner or the Office of the Attorney General. If necessary, the student loan servicer may request additional time to respond to the complaint, up to a maximum of 45 business days, provided that the request is accompanied by an explanation of why additional time is reasonable and necessary.

11. Engage in abusive acts or practices when servicing a student loan in this State. An act or practice is abusive in connection with the servicing of a student loan if that act or practice does either of the following:

(a) Materially interferes with the ability of a student loan borrower to understand a term or condition of a student loan; or

(b) Takes unreasonable advantage of any of the following:

(1) A lack of understanding on the part of a student loan borrower of the material risks, costs or conditions of the student loan;

(2) The inability of a student loan borrower to protect the interests of the student loan borrower when selecting or using a student loan or feature, term or condition of a student loan; or

(3) The reasonable reliance by the student loan borrower on a person engaged in servicing a student loan to act in the interests of the student loan borrower.

Sec. 30. 1. The Student Loan Ombudsman designated pursuant to NRS 226.560 or a member of the public may submit a complaint concerning a student loan servicer to the Commissioner for investigation pursuant to section 37 of this act.

2. The Division of Financial Institutions shall share a complaint submitted pursuant to this section with the Office of the Attorney General in accordance with section 49 of this act.

Sec. 31. 1. Before the extension of a private education loan that requires a cosigner, a private education lender shall deliver to the cosigner information concerning, without limitation:

(a) How the private education loan obligation will appear on the cosigner's credit;

(b) How the cosigner will be notified if the private education loan becomes delinquent;

(c) How the cosigner can cure a delinquency in order to avoid negative credit furnishing and loss of cosigner release eligibility; and

(d) Eligibility of the cosigner to be released from his or her obligation on the private education loan, including, without limitation, the number of on-time payments and any other criteria required to approve the release of the cosigner from his or her obligation on the private education loan.

2. For any private education loan that obligates a cosigner, a private education lender shall provide the private education loan borrower and the cosigner an annual written notice containing information about the release of the cosigner from his or her obligation on the private education loan, including, without limitation:

(a) Any administrative, non-judgmental criteria the private education lender requires to approve the release of the cosigner from the private education loan obligation; and

(b) The process for applying for cosigner release.

3. If the private education loan borrower has met the applicable payment requirements to be eligible for cosigner release, the private education lender shall send the private education loan borrower and the cosigner a written notification by mail and by electronic mail, if the private education loan borrower or cosigner has elected to receive electronic communications from the private education lender, informing the private education loan borrower and cosigner that the payment requirement to be eligible for cosigner release have been met. The notification must also include information about any additional criteria to qualify for cosigner release and the procedure to apply for cosigner release.

4. A private education lender shall provide written notice to a private education loan borrower who applies for cosigner release but whose application is incomplete. The written notice shall include a description of the information needed to consider the application complete and the date by which the applicant must furnish the missing information.

5. Within 30 days after a private education loan borrower submits a completed application for cosigner release, the private education lender shall send the private education loan borrower and cosigner a written notice that informs the private education loan borrower and cosigner whether the cosigner release application has been approved or denied. If the private education lender denies a request for cosigner release, the private education loan borrower may request any documents or information used in the determination, including, without limitation, the credit score threshold used by the private education lender, the private education loan borrower's consumer credit report, the private education loan borrower's credit score and any other documents specific to the private education loan borrower. The private education lender shall also provide any notices of adverse action required under applicable federal law if the denial is based in whole or in part on any information contained in a consumer credit report.

6. In response to a written or oral request for cosigner release, a private education lender shall provide the information described in subsection 2.

7. A private education lender shall not impose any restriction that permanently bars a private education loan borrower from qualifying for cosigner release, including, without limitation, restricting the number of times a private education loan borrower may apply for cosigner release.

8. *A private education lender shall not impose any negative consequences on any private education loan borrower or cosigner during the 60 days following the issuance of the notice provided pursuant to subsection 4 or until the private education lender makes a final determination about a private education loan borrower's cosigner application for release. For the purposes of this subsection, "negative consequences" includes, without limitation, the imposition of additional eligibility criteria, negative credit reporting, lost eligibility for cosigner release, late fees, interest capitalization or other financial injury.*

9. *A private education lender shall not require more than 12 consecutive, on-time payments as criteria for cosigner release. Any private education loan borrower who has paid the equivalent of 12 months of principal and interest payments within any 12-month period shall be deemed to have satisfied the consecutive, on-time payment requirement, even if the private education loan borrower has not made payments monthly during the 12-month period.*

10. *If a private education loan borrower or cosigner requests a change in terms that restarts the count of consecutive, on-time payments required for cosigner release, the private education lender shall notify the private education loan borrower and cosigner in writing of the impact of the change and provide the private education loan borrower or cosigner the right to withdraw or reverse the request to avoid that impact.*

11. *A private education loan borrower has the right to request an appeal of a private education lender's determination to deny a request for cosigner release, and the private education lender shall permit the private education loan borrower to submit additional documentation evidencing the private education loan borrower's ability, willingness and stability to meet the payment obligations. The private education loan borrower may request review of the determination made regarding cosigner release by another employee of the private education lender.*

12. *A private education lender shall establish and maintain a comprehensive record management system reasonably designed to ensure the accuracy, integrity and completeness of data and other information about cosigner release applications and to ensure compliance with applicable state and federal laws, including, without limitation, the federal Equal Credit Opportunity Act, 15 U.S.C. §§ 1691 et seq., and the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq. This system must include the number of cosigner release applications received, the approval and denial rate and the primary reasons for any denial.*

13. *A private education lender shall provide a cosigner with access to all documents or records related to the cosigned private education loan that are available to the private education loan borrower.*

14. *If a private education lender provides electronic access to documents and records for a private education loan borrower, the private education lender shall provide equivalent electronic access to the cosigner.*

Sec. 32. 1. *A private education loan made on or after January 1, 2022, may not include a provision that allows the private education lender to accelerate, in whole or in part, payments on the private education loan, except in cases of payment default. A private education lender shall not place any loan or account into default or accelerate a loan for any reason, other than for payment default.*

2. *A private education loan made before January 1, 2022, may permit the private education lender to accelerate payments only if the promissory note or loan agreement explicitly authorizes an acceleration and only for the reasons stated in the note or agreement.*

3. *In the event of the death or bankruptcy of a cosigner:*

(a) *The private education lender must not attempt to collect against the cosigner's estate or bankruptcy estate, other than for payment default.*

(b) *Upon receiving notification of the death or bankruptcy of a cosigner, when the private education loan is not more than 60 days delinquent at the time of the notification, the private education lender shall not change any terms or benefits under the promissory note, repayment schedule, repayment terms or monthly payment amount or any other provision associated with the loan.*

4. *A private education lender shall not place any private education loan or account into default or accelerate a private education loan while a private education loan borrower is seeking a loan modification or enrollment in a flexible repayment plan, except that a private education lender may place a loan or account into default or accelerate a loan for payment default 90 days following the private education loan borrower's default.*

Sec. 33. 1. *A private education lender, when notified of the total and permanent disability of a private education loan borrower or cosigner, shall release any cosigner from the obligations of the cosigner under a private education loan. The private education lender shall not attempt to collect a payment from a cosigner following a notification of total and permanent disability of the private education loan borrower or cosigner.*

2. *A private education lender shall notify a private education loan borrower and cosigner for a private education loan if either a private education loan borrower or cosigner is released from the obligations of the private education loan under this section, within 30 days of the release.*

3. *A private education lender that extends a private education loan shall provide the private education loan borrower an option to designate an individual to have the legal authority to act on behalf of the private education loan borrower with respect to the loan in the event of the total and permanent disability of the private education loan borrower.*

4. *If a cosigner is released from the obligations of a private education loan pursuant to section 31 of this act:*

(a) *The private education lender shall not require the private education loan borrower to obtain another cosigner on the private education loan obligation.*

(b) The private education lender shall not declare a default or accelerate the debt against the private education loan borrower on the sole basis of the release of the cosigner from the private education loan obligation.

5. A private education lender, if notified of the total and permanent disability of a private education loan borrower:

(a) Shall discharge the liability of the private education loan borrower and cosigner on the private education loan; and

(b) Shall not:

(1) Attempt to collect on the outstanding liability of the private education loan borrower or cosigner; or

(2) Monitor the disability status of the private education loan borrower at any point after the date of discharge.

6. As used in this section, “total and permanent disability” is the condition of an individual who:

(a) Has been determined by the United States Secretary of Veterans Affairs to be unemployable due to a service-connected disability; or

(b) Is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 12 months or can be expected to last for a continuous period of not less than 12 months.

Sec. 34. 1. A private education lender shall, before offering a person a private education loan that is being used to refinance an existing private education loan, provide to the person a disclosure that informs the person that benefits and protections applicable to the existing private education loan may be lost due to the refinancing. The information must be provided on a one-page information sheet in at least 12-point font and must be written in simple, clear, understandable and easily readable language.

2. If a private education lender offers any private education loan borrower flexible repayment options in connection with a private education loan, those flexible repayment options must be made available to all private education loan borrowers of loans by the private education lender. A private education lender shall:

(a) Provide on its Internet website a description of any flexible repayment options offered by the private education lender for private education loans;

(b) Establish and consistently implement policies and procedures that facilitate the evaluation of private education loan flexible repayment option requests, including, without limitation, policies and procedures that provide accurate information regarding any private education loan flexible repayment option that:

(1) May be available to the private education loan borrower through the promissory note; or

(2) May have been marketed to the private education loan borrower through marketing materials; and

(c) If the private education lender offers flexible repayment options, consistently present and offer similar options to private education loan borrowers with similar financial circumstances; and

(d) Annually issue a letter to the private education loan borrower and cosigner that sets forth, without limitation:

(1) The total cumulative principal and interest amount of all private education loans owed by the private education loan borrower or cosigner to the private education lender;

(2) The total payoff amount of the loans listed in subparagraph (1); and

(3) Estimated monthly payment amounts if the private education loan borrower or cosigner were to enroll in a flexible repayment plan offered by the private education lender.

Sec. 35. *A private education lender shall not:*

1. Offer any private education loan that does not comply with the provisions of sections 31 to 34, inclusive, of this act, or that is in violation of any other state or federal law.

2. Engage in any unfair, deceptive or abusive act or practice.

3. Make a private education loan upon the security of any assignment of or order for the payment of any salary, wages, commissions or other compensation for services earned, or to be earned. No assignment or order to secure a private education loan may be taken by a private education lender in connection with a private education loan, or for the enforcement or repayment thereof. Any assignment or order taken or given to secure any loan made by any lender pursuant to sections 31 to 35, inclusive, of this act is void.

4. Make, advertise, print, display, publish, distribute, electronically transmit, telecast or broadcast in any manner any statement or representation that is false, misleading or deceptive.

Sec. 36. *A private education lender shall:*

1. Establish and maintain records and permit the Division of Financial Institutions to access and copy any records required to be maintained pursuant to the provisions of this chapter; and

2. Retain a loan file, including, without limitation, any record specified for retention by regulations adopted by the Commissioner, for not less than 6 years after the termination of the private education loan account.

Sec. 36.5. *Sections 31 to 36.5, inclusive, of this bill do not exempt a private education lender from complying with any requirement to obtain a license imposed by any other specific statute, including, without limitation, the provisions of chapter 675 of NRS. The Commissioner shall determine the particular license that a private education lender is required to obtain.*

Sec. 37. *In addition to any other authority provided under this title, the Commissioner may conduct investigations and examinations as follows:*

1. For purposes of initial licensing, license renewal, license suspension, license revocation or termination or general or specific inquiry or investigation to determine compliance with this chapter, the Commissioner

may access, receive and use any books, accounts, records, files, documents, information or evidence, including, without limitation:

(a) Criminal, civil and administrative history information;

(b) Personal history and experience information, including, without limitation, independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a; and

(c) Any other documents, information or evidence the Commissioner deems relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.

2. For the purposes of investigating violations or complaints arising under this chapter or for the purposes of examination, the Commissioner may review, investigate or examine any student loan servicer or other person subject to this chapter as often as necessary in order to carry out the purposes of this chapter. The Commissioner may direct, subpoena or order the attendance of and examine under oath any person whose testimony may be required regarding a student education loan, the business of a student loan servicer or the subject matter of any examination or investigation, and may direct, subpoena or order such a person to produce books, accounts, records, files and any other documents the Commissioner deems relevant to the inquiry.

3. In making any examination or investigation authorized by this section, the Commissioner may control access to any documents and records of a student loan servicer or other person under examination or investigation. The Commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, a person shall not remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the Commissioner. Unless the Commissioner has reasonable grounds to believe the documents or records of the student loan servicer or other person under examination or investigation have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this chapter, the student loan servicer, the other person under examination or investigation or the owner of the documents and records must be allowed access to the documents or records as necessary to conduct ordinary business affairs.

4. At least once each year, the Commissioner or his or her authorized representative shall conduct an investigation and examination of each licensee pursuant to this section.

5. In addition to the fees prescribed in section 16, if it becomes necessary to examine or investigate the books and records of a licensee pursuant to this chapter, the licensee shall be liable for and shall pay to the Commissioner, within 30 days after the presentation of an itemized statement therefor, an amount determined by the Commissioner at the rate for supervision and

examination of a financial institution established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 37.5. Each licensee shall pay, in addition to any other assessment, fee or cost required pursuant to this chapter:

1. The assessment levied pursuant to NRS 658.055 to cover all the costs related to the employment by the Commissioner of a certified public accountant and the performance by the certified public accountant of independent audits and examinations; and

2. The assessment levied pursuant to NRS 658.098 to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions.

Sec. 38. To carry out the purposes of this chapter, the Commissioner may:

1. Retain attorneys, accountants or other professionals and specialists as examiners, auditors or investigators to conduct or assist in the conduct of examinations or investigations;

2. Enter into agreements or relationships with other governmental officials or regulatory associations to improve efficiency and reduce any regulatory burden by sharing resources, standardizing or making uniform any applicable methods or procedures and sharing documents, records, information or evidence obtained pursuant to this chapter;

3. Use, hire, contract or employ publicly or privately available analytical systems, methods or software to examine or investigate a student loan servicer or other person under examination or investigation;

4. Accept and rely on examination or investigation reports made by other governmental officials, within or outside this State; and

5. Accept audit reports made by an independent certified public accountant for a student loan servicer or other person under examination or investigation in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in any report of examination, report of investigation or other writing of the Commissioner.

Sec. 39. The authority of the Commissioner pursuant to this chapter with regard to a student loan servicer or other person under examination or investigation remains in effect, without regard to whether the student loan servicer or other person acts or claims to act under any other licensing or registration law of this State, or claims to act without such authority.

Sec. 40. A student loan servicer or other person under examination or investigation pursuant to this chapter shall not knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information related to an investigation or examination pursuant to this chapter.

Sec. 41. The Commissioner may, as applicable, deny an application for a license issued pursuant to this chapter or suspend, revoke or refuse to

renew a license issued pursuant to this chapter if the Commissioner finds that:

1. The applicant, licensee or a control person of the applicant or licensee has violated any provision of this chapter or any regulation adopted pursuant thereto;

2. With regard to a licensee or a control person of the licensee, any fact or condition exists which, if it had existed at the time of the original application for the license, would have resulted in a denial of the application; or

3. The licensee has failed to pay, within 30 days after receiving an itemized statement or other demand for payment from the Commissioner, any assessment, fee or cost required pursuant to this chapter.

Sec. 42. All fees paid pursuant to this chapter are nonrefundable, including, without limitation, if a license is surrendered, revoked or suspended before the expiration of the period for which it was issued.

Sec. 43. A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing, including, without limitation, the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., and the regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the Commissioner may take action pursuant to this chapter.

Sec. 44. 1. A person who suffers damage as a result of the failure of a student loan servicer to comply with section 43 of this act may bring an action on his or her own behalf and on behalf of a similarly situated class of persons against that student loan servicer to recover or obtain:

(a) Actual damages, but in no case may the total award be less than \$500 per plaintiff, per violation;

(b) An order enjoining the methods, acts or practices;

(c) Restitution of property;

(d) Punitive damages;

(e) Attorney's fees; and

(f) Any other relief that the court deems proper.

2. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence that a student loan servicer has engaged in conduct that substantially interferes with a student loan borrower's right to a flexible payment arrangement, forgiveness, cancellation, discharge of a loan or any other financial benefit as established under the terms of a student loan borrower's promissory note or under the Higher Education Act of 1965, 20 U.S.C. § 1070a et seq., and the regulations promulgated thereunder, the court shall award treble actual damages to the plaintiff, but in no case may the total award of damages be less than \$1,500 per plaintiff, per violation.

3. A person claiming loss in connection with tuition or fees as a result of an unfair business practice by a student loan servicer may file a complaint

with the Student Loan Ombudsman designated by the State Treasurer pursuant to NRS 226.560. The complaint must set forth the alleged violation and include any information required by the Student Loan Ombudsman.

Sec. 45. 1. *A violation of any provision of this chapter may also be a violation of chapter 598B of NRS, the Nevada Equal Credit Opportunity Law.*

2. *In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence in a civil action that a person or entity that makes a student education loan, including, without limitation, a private education lender, has filed information required pursuant to this chapter that is false, the court shall award treble damages to the student loan borrower, including, without limitation, a private education loan borrower, but in no case may the total award of damages in action be less than \$1,500.*

3. *The rights, remedies and penalties provided by this chapter are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.*

Sec. 45.5. *Except as otherwise provided in this section and NRS 239.0115, any books, records, computer records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination pursuant to this chapter or in response to a subpoena are confidential and may be disclosed only to:*

1. *The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and*

2. *Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.*

Sec. 46. *The Attorney General may bring an action in the name of the people of this State to restrain or prevent any violation of this chapter or any continuance of any such violation.*

Sec. 47. *The Commissioner shall adopt any regulations necessary to carry out the provisions of this chapter.*

Sec. 48. NRS 657.005 is hereby amended to read as follows:

657.005 As used in chapters 657 to 671, inclusive, of NRS, **and sections 2 to 47, inclusive, of this act**, unless the context otherwise requires, the words and terms defined in NRS 657.016 to 657.085, inclusive, have the meanings ascribed to them in those sections.

Sec. 48.5. NRS 658.098 is hereby amended to read as follows:

658.098 **1.** On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; ~~and~~

(i) Credit union that is supervised pursuant to chapter 672 of NRS ~~†~~;

(j) Consumer litigation funding company that is supervised pursuant to chapter 604C of NRS ~~†~~; **and**

(k) Student loan servicer that is supervised pursuant to the chapter consisting of sections 2 to 47, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 49. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Student Loan Ombudsman shall make all complaints received pursuant to NRS 226.570 available to the Office of the Attorney General.

2. The Student Loan Ombudsman and the Attorney General shall enter into an information sharing agreement for the sharing of complaints between offices.

Sec. 50. NRS 226.500 is hereby amended to read as follows:

226.500 As used in NRS 226.500 to 226.590, inclusive, *and section 49 of this act*, unless the context otherwise requires, the words and terms defined in NRS 226.510 to 226.550, inclusive, have the meanings ascribed to them in those sections.

Sec. 50.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,

439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, **section 45.5 of this act**, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 51. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 52 to 59, inclusive, of this act.

Sec. 52. *“Postsecondary vocational institution” means a postsecondary educational institution that offers postsecondary education that does not result in a student earning a degree at a college or university and that is primarily for the purpose of instructing, training or preparing persons for a vocation or profession.*

Sec. 53. 1. *Notwithstanding any provision of law, a postsecondary educational institution shall not:*

(a) Refuse to provide a transcript for a current or former student on the grounds that the student owes a debt;

(b) Condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript;

(c) Charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or

(d) *Use transcript issuance as a tool for debt collection.*

2. *A postsecondary educational institution shall adopt policies and rules providing for:*

(a) *The withholding of institutional services from students or former students who have been notified in writing at the student's or former student's last known address that they are in default on a loan or loans under the Federal Family Education Loan Program, 20 U.S.C. §§ 1071 to 1087-4, inclusive.*

(b) *The services otherwise withheld may be provided during a period when the facts are in dispute or when the student or former student demonstrates to the governing board of the postsecondary educational institution ~~for Commission~~ and the appropriate entity or its designee, that reasonable progress has been made to repay the loan or that there exists a reasonable justification for the delay as determined by the postsecondary educational institution. The policies and rules must specify the services that may be withheld from the student, including, without limitation:*

(1) *The provision of grades; or*

(2) *The provision of a diploma or certificate.*

↪ *The policies and rules must not authorize the withholding of registration privileges or transcripts.*

3. *A guarantor, or person acting as the agent or otherwise acting under the control of the guarantor or agent, who provides information to a postsecondary educational institution pursuant to this section, shall defend, indemnify and hold harmless the governing board of the postsecondary educational institution from a civil or administrative action resulting from compliance with this section if the action arises as a result of incorrect, misleading or untimely information provided to the postsecondary educational institution by the guarantor, agent, or person acting under the control of the guarantor or agent.*

4. *If a student transfers from one postsecondary educational institution to another within this State, the appropriate records or a copy thereof shall be transferred by the former postsecondary educational institution upon a request from the student. Any postsecondary educational institution making a transfer of these records shall notify the student of the student's right to receive a copy of the record and the student's right to a hearing to challenge the content of the record.*

5. ~~*The Commission may adopt regulations concerning the transfer of the records described in subsection 4 to, from or between postsecondary educational institutions licensed to operate in this State.*~~

~~6.~~ *For the purposes of this section, "default" means the failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the guarantee agency finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay if this failure persists:*

(a) *For 180 days if the loan is repayable in monthly installments; or*

(b) For 240 days if the loan is repayable in installments that are less frequent than monthly.

~~7.1~~ 6. *As used in this section, “debt” means any money, obligation, claim or sum due or owing, or alleged to be due or owing, from a student. The term does not include the fee, if any, charged to the student for the actual costs of providing a transcript.*

Sec. 54. A postsecondary educational institution authorized to operate pursuant to this chapter shall:

1. Present data about its completion rates, employment rates, loan or indebtedness metrics or its graduates’ median hourly or annual earnings that is consistent with any applicable data published by the Commission or the United States Department of Education.

2. Disclose to the Commission any pending investigations by an oversight entity, including, without limitation, the nature of that investigation, within 30 days after the postsecondary educational institution’s first knowledge of the investigation. For the purposes of this subsection:

(a) “Investigation” means any inquiry into possible violations of any applicable laws or accreditation standards.

(b) “Oversight entity” means:

(1) Any federal or state entity that provides financial aid to students of the institution or approves the institution for participation in a financial aid program.

(2) The Attorney General of the United States, the Office of the Attorney General of the State of Nevada or the United States Department of Justice.

(3) If applicable, any regulator that approves the operation of the postsecondary vocational institution.

(4) The Consumer Financial Protection Bureau or the Securities and Exchange Commission.

(5) Any accrediting agency.

Sec. 55. A postsecondary educational institution or its agent shall not:

1. Provide a prospective student with any testimonial, endorsement or other information that a reasonable person would find is likely to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, post-graduation employment by industry, probable earnings in the occupation for which the education was designed, the likelihood of obtaining financial aid or low-interest loans for tuition or the ability of graduates to repay loans;

2. Use any official United States military logo in advertising or promotional materials; or

3. Engage in any practice regarding the sale of, or inducing students to obtain, specific consumer student loan products to fund education that provides a financial benefit to any person or entity that has an ownership interest in the postsecondary educational institution, unless the

postsecondary educational institution can demonstrate to the Commission that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. The prohibition in this subsection applies to any postsecondary educational institution authorized to operate by the Commission, and any agent of the postsecondary educational institution, that has not less than 150 students enrolled in this State in any given year, or that has been operating in the State for less than 2 consecutive years. For the purposes of this subsection:

(a) “Agent” means any employee, officer or contractor working on behalf of the postsecondary educational institution.

(b) “Financial benefit” does not include merely having an interest in students with loans enrolling in the postsecondary educational institution or assisting students with financial aid matters.

Sec. 56. ~~1. In addition to the minimum standards for postsecondary educational institutions required pursuant to NRS 394.251, the Commission shall establish minimum standards for applicants for a license to operate a private postsecondary vocational institution, or for an agent’s permit. The minimum standards must require a private postsecondary vocational institution to:~~

~~(a) Disclose to the Commission information about its ownership and financial position and to demonstrate that the private postsecondary vocational institution is financially viable and responsible and that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the Commission shall not be subject to public disclosure;~~

~~(b) Follow the most stringent applicable cancellation and refund policy, as specified by the Commission.~~

~~(c) Disclose to students through use of a school catalog, Internet website, brochure or other written material necessary information so that students may make informed enrollment decisions. The Commission shall specify what data and information are required to be discussed pursuant to this paragraph. To the extent that these Internet websites or materials present any data on the completion rates, employment rates, loan or indebtedness metrics and its graduates’ median hourly and annual earnings for the private postsecondary vocational institution or its programs, the posted data must be consistent with any applicable data published by the Commission or United States Department of Education;~~

~~(d) Use an enrollment contract or agreement that includes, without limitation:~~

~~(1) The cancellation and refund policy of the private postsecondary educational institution;~~

~~(2) A brief statement that the private postsecondary educational institution is licensed pursuant to this chapter and that inquiries, concerns or complaints may be made to the Commission;~~

~~(3) Other necessary information as determined by the Commission.~~

~~—(e) Describe accurately and completely in writing to students before their enrollment the prerequisites and requirements for:~~

~~—(1) Successful completion of the programs of study in which they are interested;~~

~~—(2) Qualifying for the fields of employment for which their education is designed.~~

~~—(f) Discuss with each prospective student the prospective student's obligations in signing any enrollment contract or incurring any debt for educational purposes. If applicable, the discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given the employment opportunities and average starting salaries in the prospective student's chosen field of employment.~~

~~—(g) Ensure that any enrollment contract between the private postsecondary vocational institution and a student has an attachment in a format provided by the Commission. The attachment must be signed by both the private postsecondary educational institution and the student. The attachment must stipulate, without limitation, that:~~

~~—(1) The private postsecondary educational institution has complied with paragraph (f);~~

~~—(2) The student understands and accepts his or her responsibilities in signing any enrollment contract or debt application.~~

~~—(3) The enrollment contract is not binding for at least 5 business days immediately following the signature of the enrollment contract by both parties.~~

~~— 2. A private postsecondary vocational institution that has not less than 150 students enrolled in this State during any given year, has been operating in this State for less than 2 consecutive years or has not had at least one of its programs recognized by the Commission as an eligible training provider for at least 2 consecutive years may not engage in any practice regarding the sale of, or inducing students to obtain, specific consumer student loan products to fund education that provide a financial benefit to any person or entity that has an ownership interest in the private postsecondary educational institution, unless the postsecondary educational institution can demonstrate to the Commission that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. As used in this subsection, "financial benefit" does not include merely having an interest in students with loans enrolling in the private postsecondary vocational institution or assisting students with financial aid matters.~~

~~— 3. The Commission may deny a private postsecondary vocational institution's application for licensure if the private postsecondary vocational institution fails to meet the requirements in this section.~~ (Deleted by amendment.)

Sec. 57. ~~1. The Commission may determine that a licensed postsecondary vocational institution or a particular program of a postsecondary vocational institution is at risk of closure or termination if:~~

~~(a) There is a pattern or history of substantiated student complaints filed with the Commission; or~~

~~(b) The postsecondary vocational institution fails to meet minimum licensing requirements established by the Commission or has a pattern or history of failing to meet the minimum licensing requirements.~~

~~2. If the Commission determines that a postsecondary vocational institution or a particular program is at risk of closure or termination, the Commission shall require the postsecondary vocational institution to take corrective action.~~ (Deleted by amendment.)

Sec. 58. 1. A postsecondary vocational institution or an agent shall not engage in an unfair business practice, including, without limitation:

(a) Failing to comply with the terms of a student enrollment contract or agreement;

(b) Using an enrollment contract form, catalog, brochure or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the Commission and authorized for use;

(c) Advertising in the “help wanted” section of a newspaper or otherwise represent falsely, directly or by implication, that the postsecondary vocational institution is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a postsecondary vocational institution;

(d) Representing falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation or profession;

(e) Representing falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(f) Representing falsely, directly or by implication, in advertising or in any other manner the postsecondary vocational institution’s size, location, facilities, equipment, faculty qualifications, number of faculty or the extent or nature of any approval received from an accrediting association;

(g) Representing falsely, directly or by implication, the probable total cost to obtain a diploma or certificate;

(h) Representing that the postsecondary vocational institution is approved, recommended or endorsed by the State or the Commission, except the fact that the postsecondary vocational institution is licensed to operate pursuant to this chapter may be stated if true;

(i) Providing a prospective student with:

(1) Any testimonial, endorsement or other information that a reasonable person would find likely to mislead or deceive prospective students or the public, including, without limitation, those regarding current practices of the postsecondary vocational institution;

(2) Information regarding rates of completion or post-graduation employment, or its graduates' median hourly or annual earnings, that is not consistent with any applicable data published by the Commission or the United States Department of Education;

(3) Current conditions for employment opportunities;

(4) Post-graduation employment by industry or probable earnings in the occupation for which the education was designed;

(5) The acceptance of a diploma or certificate by employers as a qualification for employment;

(6) The acceptance of courses, a diploma or a certificate by any institution of higher education;

(7) The likelihood of obtaining financial aid or low-interest loans for tuition; and

(8) The ability of graduates to repay loans;

(j) Designating or referring to a sales or admissions representative as a "counselor," an "advisor" or a similar term that may have the tendency to mislead or deceive a prospective student or the public regarding the authority or qualifications of the sales representative;

(k) Making or causing to be made any statement or representation in connection with the offering of education if the postsecondary vocational institution or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate or misleading;

(l) Engaging in methods of advertising, sales, collection, credit or other business practices that are false, deceptive, misleading or unfair, as determined by the Commission;

(m) Attempting to recruit students in or within 40 feet of a building that contains a welfare or unemployment office;

(n) If applicable, violating subsection 3 of section 55 of this act regarding the sale of, or inducing students to obtain, a specific consumer student loan product; and

(o) Using an official United States military logo in advertising or promotional materials.

➡ As used in this subsection, "recruiting" includes, without limitation, canvassing and surveying. The term does not include leaving materials at or near an office for a person to pick up of his or her own accord or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number or other data or to otherwise actively pursue the enrollment of the prospective student.

2. The Commission may deny, revoke or suspend the license of any postsecondary vocational institution or agent that is found to have engaged

in repeated unfair business practices or that has engaged in significant unfair business practices, as determined by the Administrator.

3. A postsecondary vocational institution or agent that violates this section is subject to a civil penalty of not more than \$100 for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The civil penalty may be imposed by the Commission or in any court of competent jurisdiction.

Sec. 59. The rights, remedies and penalties provided by sections 51 to 58, inclusive, of this act are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

Sec. 60. NRS 394.005 is hereby amended to read as follows:

394.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 394.006 to 394.112, inclusive, **and section 52 of this act** have the meanings ascribed to them in those sections.

Sec. 61. NRS 394.099 is hereby amended to read as follows:

394.099 **1.** “Postsecondary educational institution” means an academic, vocational, technical, home study, business, professional or other school, college or university that is privately owned, or any person offering postsecondary education if he or she:

~~1-1~~ **(a)** Is not licensed as a postsecondary educational institution in this state by a federal or another state agency;

~~2-1~~ **(b)** Charges tuition, requires or requests donations or receives any consideration from a student for any portion of the instruction, including written or audiovisual material;

~~3-1~~ **(c)** Educates or trains persons who are not his or her employees; and

~~4-1~~ **(d)** Educates or trains, or claims or offers to educate or train, students in a program leading toward:

~~(a)~~ **(1)** Employment at a beginning or advanced level;

~~(b)~~ **(2)** Educational credentials;

~~(c)~~ **(3)** Credits that are intended to be applied toward an educational credential awarded in another state which does not require the person to obtain a majority of the credits required in that state; or

~~(d)~~ **(4)** Preparation for examinations for initial licensing in a profession or vocation.

~~1-1~~

2. The term includes a ~~branch~~ :

(a) Postsecondary vocational institution; and

(b) Branch or extension of a public or private postsecondary educational institution of another state that is located in this state or which offers educational services or education in this state.

3. The term does not include an institution or person offering only educational services or programs at the introductory level on the use of

computer software to persons who have purchased that software from the institution or person.

Sec. 62. ~~NRS 394.415 is hereby amended to read as follows:~~

~~394.415 1. Except as otherwise provided in NRS 397.060, the Commission is the sole authority for licensing a postsecondary educational institution. Any person who operates or claims to operate such an institution must be licensed by the Commission. The Administrator may require any person who operates or claims to operate such an institution to furnish information which will allow the Commission to determine whether a license is required.~~

~~2. The Commission shall not delegate to any other state its authority to oversee and enforce compliance with this chapter or its authority to respond to complaints made by students in this State, regardless of whether the postsecondary educational institution is authorized by, or has its home in, another state. Participation in interstate reciprocity agreements consistent with the purposes of this section does not delegate authority for compliance with this section or authority to respond to student complaints.~~ (Deleted by amendment.)

Sec. 63. NRS 394.570 is hereby amended to read as follows:

394.570 Funds to carry out the provisions of NRS 394.201 to 394.610, inclusive, **and sections 52 to 59, inclusive, of this act** shall be provided by legislative appropriation from the General Fund, and shall be paid out on claims as other claims against the State are paid.

Sec. 64. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.560, inclusive, **and 52 to 59, inclusive, of this act** is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 65. As soon as practicable after January 1, 2022, the Student Loan Ombudsman designated by the State Treasurer pursuant to NRS 226.560 and the Attorney General shall enter into the information sharing agreement required by section 49 of this act.

Sec. 66. 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. 67. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 17, inclusive, and 19 to 66, inclusive, of this act become effective:

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

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

3. Section 18 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures

under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,
➔ are repealed by the Congress of the United States.

4. Section 17 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,
➔ are repealed by the Congress of the United States.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 486.

Bill read third time.

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

Amendment No. 780.

AN ACT relating to property; defining certain terms; temporarily ~~requiring a court to stay certain proceedings for~~ **authorizing tenants subject to designated** eviction ~~under certain circumstances where a tenant who has defaulted in the payment of rent has a pending application for~~ **proceedings to assert certain affirmative defenses relating to** rental assistance ~~and establishing procedures relating thereto; temporarily~~ establishing procedures relating to ~~certain~~ claims for wrongful eviction; temporarily ~~expanding the circumstances under which~~ **requiring** a court ~~is required~~ to stay ~~proceedings for~~ **designated** eviction **proceedings** in order to facilitate alternative dispute resolution; **temporarily** requiring notices for certain proceedings for eviction to contain certain information; establishing temporary procedures relating to the provision of rental assistance to certain landlords of single family residences with at least one tenant who has defaulted in the payment of rent; requiring the disbursement of certain federal money in certain circumstances relating to rental assistance; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions which govern landlords and tenants of dwelling units and manufactured homes. (Chapters 118A and 118B of

~~NRS) Existing law establishes provisions relating to summary proceedings for the eviction of such tenants. ~~[of dwellings, apartments, mobile homes, recreational vehicles and commercial premises.]~~ (NRS 40.215-40.425)~~

~~Section 1 of this bill defines certain terms for purposes of this bill. ~~It~~ including the term “designated eviction proceeding,” which refers to certain proceedings relating to the eviction of tenants who have defaulted in the payment of rent.~~

~~Section 2 of this bill authorizes a tenant ~~[who has defaulted in the payment of rent]~~ to claim as an affirmative defense to a ~~[proceeding for]~~ designated eviction proceeding that: (1) the tenant has a pending application for rental assistance; or (2) the landlord of the tenant refused to participate in the application for rental assistance or accept rental assistance provided on behalf of the tenant.~~

~~Section 2 requires the court to stay the proceedings upon the assertion of such an affirmative defense unless the landlord receives an exemption. Section 2 also authorizes the landlord to file a motion to rebut the affirmative defense.~~

~~In assessing the affirmative defense, section 2 authorizes a court to: (1) refer the designated eviction proceedings to mediation; (2) hold a hearing; or (3) maintain the stay of the proceedings.~~ If the claim relates to a pending application for rental assistance, ~~section 2~~ requires the court to stay the proceedings ~~[for eviction]~~ until such time as a determination is made on the application for rental assistance. ~~[is granted or denied, and further]~~ **Moreover, if the court stays such proceedings, section 2** requires the court to dismiss the proceedings for eviction upon the granting of the application for rental assistance. ~~It~~ **and receipt of the rental assistance by the landlord.**

~~If a tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant, section 2 : (1) requires the court to ~~[dismiss the proceedings for]~~ deny the designated eviction proceeding; and (2) authorizes the court to award damages to the tenant. ~~[to file a claim for wrongful eviction.]~~~~

~~Existing law provides that a tenant of real property or a mobile home is guilty of an unlawful detainer if the tenant continues in possession of the real property or mobile home, as applicable, after defaulting in the payment of rent. (NRS 40.2512) Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises, with periodic rent due by the month or a shorter period, defaults in the payment of the rent. (NRS 40.253, 40.2542). Additionally, in determining the award of such damages, section 2 requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application for rental assistance or accept the rental assistance.~~

~~Section 3 of this bill provides that if a landlord accepted rental assistance on behalf of a tenant who has defaulted in the payment of rent and the ~~tenant was~~ evicted from the real property or mobile home despite landlord pursued,~~

continued to pursue or evicted the tenant for any reason that existed or arose during the period of default for which the rental assistance was received by the landlord, ~~receiving rental assistance for the period of default,~~ the tenant or the governmental entity who administered the rental assistance may file a claim of ~~fraudulent~~ **wrongful** eviction against the landlord. **Section 3** also authorizes a court to: (1) impose certain civil penalties on a landlord who is found to have wrongfully evicted a tenant; and (2) require the landlord to pay costs and attorney's fees of the plaintiff.

Section 3.5 of this bill establishes similar provisions which provide that if a governmental entity brings any other cause of action relating to a landlord who accepted rental assistance on behalf of a tenant who has defaulted in the payment of rent and the landlord pursued, continued to pursue or evicted a tenant for any reason that existed or arose during the period of default for which the rental assistance was received by the landlord, the governmental entity may be entitled to damages in an amount not to exceed the amount of rental assistance obtained by the landlord and is entitled to costs and attorney's fees.

Existing law authorizes a court to stay proceedings for eviction against a tenant of any dwelling unit, apartment, mobile home, recreational vehicle or part of a low-rent housing program operated by a public housing authority for a period of not more than 30 days to facilitate a program of alternative dispute resolution under certain circumstances. (NRS 40.2544) **Section 8.5 of this bill repeals those provisions and instead section 4 of this bill ~~requires~~ establishes similar provisions with expanded applicability to designated eviction proceedings, ~~for eviction, except those relating to nuisances or the sale of a property, to be stayed in order to facilitate alternative dispute resolution.~~**

Existing law requires a landlord to provide notice of proceedings for evictions to tenants. (NRS 40.215-40.425) In addition to the existing requirements, **section 5** of this bill requires the notice to include information relating to rental assistance and the provisions of **sections 2, 3 and 4**.

Section 6 of this bill requires: (1) Home Means Nevada, Inc., or its successor organization, to create an electronic form which may be completed by a landlord who wishes to obtain rental assistance on behalf of a tenant who has defaulted in the payment of rent; and (2) the form to collect certain information relating to such landlords and tenants. Upon submission of the form by the landlord, **section 6** requires Home Means Nevada, Inc., or its successor organization, to determine whether the landlord is an eligible landlord, meaning that the landlord: (1) owns a single family residence; (2) is seeking rental assistance for least one dwelling unit in the single family residence; (3) is domiciled in this State or employs a property manager in this State; and (4) has an annual gross revenue from the rental of all premises in this State of less than \$4,000,000. If Home Means Nevada, Inc., or its successor organization, determines that the landlord is an eligible landlord, **section 6** requires Home Means Nevada, Inc., or its successor organization, to forward relevant

information relating to the landlord and tenant to an appropriate housing or social service agency. **Section 6** then requires the housing or social service agency to attempt to contact the tenant to provide information relating to a program for rental assistance. If the tenant is unresponsive or fails to apply to the program for rental assistance, **section 6** requires the housing or social service agency to inform the eligible landlord of that fact and authorizes the eligible landlord to receive rental assistance, without the application of the tenant, if the eligible landlord agrees to certain conditions.

Section 7 of this bill requires the disbursement of certain federal money in the amount of \$5,000,000 for the purpose of providing rental assistance ~~to~~ **directly to landlords.**

~~Section 8~~ of this bill expires the provisions of ~~sections 1-5~~ **1-3.5, 5 and 6** on June 5, 2023. **Section 8 expires the provisions of section 4 on the earlier of: (1) the date that the Nevada Supreme Court determines that there are insufficient funds for the programs of alternative dispute resolution; or (2) June 5, 2023.**

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

Section 1. As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires:

1. ~~“Dwelling unit” has the meaning ascribed to it in NRS 118A.080.~~ **“Designated eviction proceeding” means:**

(a) A proceeding for summary eviction pursuant to NRS 40.253;

(b) A proceeding for summary eviction pursuant to NRS 40.254 where the tenant has defaulted in the payment of rent, except for those proceedings relating to an unlawful detainer pursuant to subsection 4 of NRS 40.2514;

(c) A proceeding for eviction for an unlawful detainer pursuant to NRS 40.2512; or

(d) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.

2. ~~“Landlord” has the meaning ascribed to it in NRS 118A.100.~~ **means a landlord governed by chapter 118A or 118B of NRS.**

3. ~~“Rent” has the meaning ascribed to it in NRS 118A.150.~~ **means all periodic payments to be made by a tenant to a landlord for occupancy of a premises.**

4. ~~“Rental agreement” has the meaning ascribed to it in NRS 118A.160.~~ **assistance” includes, without limitation, federal, state or local funds:**

(a) Provided by a governmental entity; and

(b) Administered for the purpose of paying any amount of delinquent rent.

5. ~~“Tenant” has the meaning ascribed to it in NRS 118A.170.~~ **means a tenant governed by chapter 118A or 118B of NRS.**

Sec. 2. Notwithstanding any other provision of law:

1. In ~~in a proceeding for~~ **any designated** eviction ~~pursuant to NRS 40.215 to 40.425, inclusive, where the tenant has defaulted in the payment of rent,~~ **proceeding**, the tenant may **, at any point in the proceeding,** claim as an affirmative defense that:

- (a) The tenant has a pending application for rental assistance; or
- (b) The landlord has refused to ~~accept~~ **;**

(1) Participate in the application process for rental assistance; or

(2) Accept rental assistance on behalf of the tenant.

2. If ~~the~~ **an** affirmative defense described in ~~paragraph (a) of~~ subsection 1 is asserted by the tenant ~~, the~~ **;**

(a) Except as otherwise provided in subsection 6, the court shall stay the proceedings for designated eviction proceeding until the applicable time described in subsection 4; and

(b) The landlord may file a motion to rebut the affirmative defense asserted by the tenant.

3. **In assessing an affirmative defense described in subsection 1, the court may:**

(a) Refer the designated eviction proceeding to mediation;

(b) Schedule a hearing on the motion filed pursuant to paragraph (b) of subsection 2, if any; or

(c) Maintain the stay until the applicable time described in subsection 4.

4. **The stay of the designated eviction proceeding must be maintained by the court:**

(a) Until the designated eviction proceeding is referred to mediation;

(b) If the affirmative defense asserted was that described in paragraph (a) of subsection 1, until such time as a determination is made on the pending application for rental assistance ~~is granted or denied. If~~, and if the application for rental assistance is granted, the court ~~shall~~ must dismiss the proceedings for designated eviction ~~;~~

~~3.~~ proceeding at the time that the rental assistance is received by the landlord; or

(c) If the affirmative defense ~~asserted was that~~ described in paragraph (b) of subsection 1 ~~is asserted by the tenant~~;

~~(a) The court shall dismiss the proceedings against the tenant if~~, until such time as the tenant proves the validity of the claim ~~;~~, in which case the court:

(1) Must deny the eviction; and

~~(b) The~~

(2) May award damages to the tenant ~~, may file a claim of wrongful eviction against the landlord.~~

5. **In determining the amount of damages to award to a tenant pursuant to subsection 4, the court shall consider the degree of harm caused to the tenant by the refusal of the landlord to:**

(a) Participate in the application process for rental assistance; or

(b) Accept rental assistance on behalf of the tenant.

6. The court may grant a landlord an exemption from the requirement to stay a designated eviction proceeding pursuant to this section if:

(a) The landlord:

(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant pursuant to NRS 40.280; and

(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and

(b) The court finds:

(1) That there is a pending designated eviction proceeding; and

(2) Evidence that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant.

7. As used in this section, “pending application for rental assistance” means an application for rental assistance filed in good faith by a tenant. The term does not include an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance.

Sec. 3. Notwithstanding any other provision of law:

1. If ~~the landlord proceeds to evict~~ a tenant ~~who~~ has defaulted in the payment of rent ~~after the landlord received~~ and the landlord pursues, continues to pursue or otherwise evicts the tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant, ~~for the period of default,~~ the tenant or the governmental entity administering the program for the rental assistance may file a claim of ~~fraudulent~~ wrongful eviction against the landlord.

2. ~~The~~ The claim of ~~fraudulent~~ wrongful eviction must be filed with ~~the justice~~ the court ~~in the township in which the premises from which the tenant was evicted is located.~~ with jurisdiction over the underlying designated proceeding for eviction.

3. If the ~~justice~~ court finds that the landlord accepted rental assistance on behalf of the tenant and ~~proceeded to evict~~ pursued, continued to pursue or otherwise evicted the tenant for ~~nonpayment of rent despite receiving~~ any reason that existed or arose during the period of default for which the landlord received rental assistance ~~to cure the default.~~ on behalf of the tenant;

(a) The ~~justice~~ court may:

(1) Impose a civil penalty:

(I) If the claim was filed by the governmental entity administering the program for rental assistance, in an amount equal to the amount of rental assistance obtained by the landlord; or

(II) If the claim was filed by the tenant, in an amount equal to 25 percent of the amount described in sub-subparagraph (I); and

(2) Order the landlord to pay costs and attorney's fees of the tenant or governmental entity, as applicable.

(b) The landlord may not file any claim against the tenant for any delinquent amount of rent paid with the rental assistance.

Sec. 3.5. Notwithstanding any other provision of law, and in addition to the remedy described in section 3 of this act, if a governmental entity administering a program for rental assistance brings a cause of action relating to a landlord who accepted rental assistance on behalf of a tenant and pursued, continued to pursue or otherwise evicted a tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant:

1. Any damages awarded to the governmental entity must not exceed an amount equal to the amount of rental assistance obtained by the landlord; and

2. The governmental entity is entitled to costs and attorney's fees.

~~Sec. 4. Notwithstanding any other provision of law, and except for evictions pursuant to subsection 4 of NRS 40.2514 or NRS 40.255, any~~ **Any designated eviction** ~~proceeding for eviction pursuant to NRS 40.215 to 40.425, inclusive,~~ must be stayed for not more than 30 days to facilitate a program of alternative dispute resolution established by rule by the Supreme Court or a district court or justice court.

Sec. 5. In addition to any requirement for a notice of any proceeding for eviction pursuant to NRS 40.215 to 40.425, inclusive, each notice must contain information relating to:

1. The availability of rental assistance; and
2. The procedures described in sections 2, 3 and 4 of this act.

Sec. 6. 1. Home Means Nevada, Inc., or its successor organization, shall create an electronic form which may be completed by a landlord who seeks to secure rental assistance for a tenant who has defaulted in the payment of rent.

2. The form described in subsection 1 must include, without limitation:

(a) Verification that the tenant:

(1) Has defaulted in the payment of rent; and

(2) Has not enrolled in a program for rental assistance or has not otherwise been responsive to any communication of the landlord relating to a program for rental assistance;

(b) A description of the premises affected by the defaulting tenant, including, without limitation, ~~+~~

~~(1) Whether the premises is commercial or residential; and~~

~~(2) The total number of dwelling units on the premises;~~

(c) A description of the landlord, including, without limitation:

(1) The domicile of the landlord;

(2) Whether the landlord employs a property manager for a premises in this State; and

(3) Whether the annual gross revenue obtained from all premises rented by the landlord in this State totals \$4,000,000 or more; and

(d) The contact information of the landlord and tenant.

3. Upon the submission of the electronic form described in subsection 1, Home Means Nevada, Inc., or its successor organization, shall determine whether the landlord is an eligible landlord.

4. If Home Means Nevada, Inc., or its successor organization, determines that the landlord is an eligible landlord, Home Means Nevada, Inc., or its successor organization, shall forward any relevant information relating to the defaulting tenant and the landlord to an appropriate housing or social service agency.

5. Upon the receipt of the information forwarded by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4, the housing or social service agency shall attempt to contact the tenant who defaulted in the payment of rent in order to relay any relevant information relating to programs for rental assistance.

6. Any action described in subsection 3, 4 or 5 must be taken within 60 days after the receipt of the form described in subsection 1 by Home Means Nevada, Inc., or its successor organization.

7. Except as otherwise provided by federal law, if the defaulting tenant does not respond to the housing or social service agency or otherwise does not apply for rental assistance within the time prescribed by subsection 6, the housing or social service agency shall inform the eligible landlord of that fact and determine whether the eligible landlord will accept the rental assistance on behalf of the tenant who defaulted in the payment of rent. If the landlord accepts rental assistance on behalf of the tenant pursuant to this subsection, the eligible landlord must sign a document which states that the landlord:

(a) Agrees to accept ~~75%~~ **100** percent of the total delinquent amount of rent from the rental assistance; ~~and not collect the remainder of the delinquency;~~ and

(b) Is prohibited from commencing an action for eviction against the tenant for at least 90 days after receipt of the rental assistance.

8. The State Treasurer, an administrator of a program for rental assistance and any other person involved in the distribution of rental assistance in this State shall promote or otherwise provide information to persons relating to the procedures established in this section.

9. As used in this section:

(a) **“Dwelling unit” has the meaning ascribed to it in NRS 40.215.**

(b) “Eligible landlord” means a landlord who:

(1) Owns a single family residence;

(2) Is seeking rental assistance for least one dwelling unit in the single family residence;

(2) Is domiciled in this State or employs a property manager in this State; and

(3) Has an annual gross revenue obtained from all premises rented in this State of less than \$4,000,000.

~~(b)~~ **(c)** “Single family residence” means a structure that comprises not more than four dwelling units.

Sec. 7. If the State of Nevada receives money from the Federal Government on or after ~~July 1, 2021,~~ **the effective date of this act** that the State of Nevada is authorized to use for **the direct payment of** rental assistance **to landlords on behalf of tenants who have defaulted in the payment of rent** in this State, the Chief of the Budget Division of the Office of Finance in the Office of the Governor created by NRS 223.400 shall disburse \$5,000,000 of that money for ~~providing~~ **the direct payment of** rental assistance **to landlords.**

Sec. 8. 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. 8.5. NRS 40.2544 is hereby repealed.

Sec. 9. 1. This act becomes effective ~~on July 1, 2021,~~ **upon passage and approval.**

2. Sections 1 to **3.5, inclusive, 5 and 6,** ~~inclusive,~~ of this act expire by limitation on June 5, 2023.

3. Section 4 of this act expires by limitation on the earlier of:

(a) The date that the Supreme Court determines that the programs of alternative dispute resolution established by rule by the Supreme Court or a district court or justice court do not have sufficient funds to administer the programs; or

(b) June 5, 2023.

TEXT OF REPEALED SECTION

40.2544 Unlawful detainer: Stay of eviction proceeding to facilitate program of alternative dispute resolution. If the Supreme Court or a district court or justice court establishes by rule an expedited program of alternative dispute resolution concerning the eviction of a tenant of any dwelling unit, apartment, mobile home, recreational vehicle or part of a low-rent housing program operated by a public housing authority, any such eviction proceedings pursuant to this chapter may be stayed for not more than 30 days to facilitate the program of alternative dispute resolution.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 241, 262, 280, and 486 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 241.

Bill read third time.

Roll call on Assembly Bill No. 241:

YEAS—39.

NAYS—Black, Dickman—2.

EXCUSED—Martinez.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Thank you Mr. Speaker. Assembly Bill 262 is related to education and allows our Native American students to attend any of our University of Nevada system schools, whether it is a community college or a four-year school.

I ask for your support in the bill for a number of reasons, but probably the most important is because the land that we are currently standing on belonged to the Native Americans. This community has given so much to our state, whether it is the land that many of the universities currently sit on, or many of our beliefs. There are a number of individuals who have given so much, from veterans affairs or other areas.

AB 262 will take away financial barriers from this community to be able to continue to enroll in education. More importantly, it is an investment in a community that has invested in us. I ask for your support of AB 262.

Roll call on Assembly Bill No. 262:

YEAS—40.

NAYS—Ellison.

EXCUSED—Martinez.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Roll call on Assembly Bill No. 280:

YEAS—36.

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

EXCUSED—Martinez.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Roll call on Assembly Bill No. 486:

YEAS—29.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Krasner, Matthews, McArthur, O'Neill, Titus, Wheeler—12.

EXCUSED—Martinez.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 341 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 341.

Bill read third time.

Roll call on Assembly Bill No. 341:

YEAS—29.

NAYS—Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, McArthur, O'Neill, Titus, Tolles, Wheeler—12.

EXCUSED—Martinez.

Assembly Bill No. 341 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 22, 34, 165, 210, 219, 254, 295, 385, 438, 443, and 450 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 21; Senate Concurrent Resolutions Nos. 9 and 14.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, May 28, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:43 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly