

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 28, 2021

Assembly called to order at 1:22 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Father, as we near the end of this legislative session, we greatly need Your help and Your presence to see us through. Please enable us with strength, wisdom, patience, and compassion to accomplish what is good. Thank You for the privilege to serve our people.

Since this is the last prayer I will lead in this session, we deeply thank You for those at the front desk and the many other people who have enabled us to have this 81st Session take place

I pray these things in the Name of the Savior.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 355, 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. 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 409, 421, 422, 446, 447, 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 were referred Senate Bills Nos. 411, 412, 413, 414, 415, 418, 426, 427, 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 referred Senate Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 355.

Bill read third time.

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

Amendment No. 809.

SUMMARY—Makes ~~an appropriation~~ **appropriations** for ~~allocation to the International Gaming Institute of the University of Nevada, Las Vegas for the “Expanding the Leaderverse” initiative to increase the diversity of the leadership in the gaming industry;~~ **various purposes relating to health and education.** (BDR S-976)

AN ACT making ~~an appropriation from the State General Fund to the Interim Finance Committee for allocation to the International Gaming Institute of the University of Nevada, Las Vegas for the “Expanding the Leaderverse” initiative to increase the diversity of the leadership in the gaming industry;~~ **appropriations for various purposes relating to health and education;** and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~(\$500,000)~~ **\$750,000** for allocation to the International Gaming Institute of the University of Nevada, Las Vegas for the “Expanding the Leaderverse” initiative to increase the diversity of the leadership in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee

proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

3. 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 money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Nevada Center for Civic Engagement to support the We the People: The Citizen and the Constitution Program in Nevada's elementary, junior high, middle and high schools the following sums:

For the Fiscal Year 2021-2022..... \$175,000

For the Fiscal Year 2022-2023..... \$175,000

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Center for Civic Engagement agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Center for Civic Engagement through December 1, 2022;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Center for Civic Engagement through June 30, 2023; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Center for Civic Engagement, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums 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. 3. 1. There is hereby appropriated from the State General Fund to the Lou Ruvo Center for Brain Health the sum of \$2,000,000 for research, clinical studies, operations and educational programs at the Center.

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. 4. 1. There is hereby appropriated from the State General Fund to the Lou Ruvo Center for Brain Health for operations and educational programs to restore funding previously received by the Center for this purpose from the University of Nevada, Reno, School of Medicine the following sums:

For the Fiscal Year 2021-2022..... \$542,343

For the Fiscal Year 2022-2023..... \$542,343

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. 5. Upon acceptance of the money appropriated by sections 3 and 4 of this act, the Lou Ruvo Center for Brain Health agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money appropriated by sections 3 and 4 of this act from the date on which the money was received by the Lou Ruvo Center for Brain Health through December 1, 2022;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money appropriated by sections 3 and 4 of this act from the date on which the money was received by the Lou Ruvo Center for Brain Health through June 30, 2023; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Lou Ruvo Center for Brain Health, regardless of their form or location, that

the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to sections 3 and 4 of this act.

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Nevada Blind Children's Foundation the sum of \$1,000,000 for children to attend afterschool programs offered by the Nevada Blind Children's Foundation.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Blind Children's Foundation agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 16, 2022, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Blind Children's Foundation through December 1, 2022;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 15, 2023, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Blind Children's Foundation through June 30, 2023; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Blind Children's Foundation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. 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. 7. 1. There is hereby appropriated from the State General Fund to the Nevada State Museum Las Vegas the sum of \$2,000,000 to provide grant money to the Springs Preserve Foundation to be used to design and construct an ethnobotanical garden at the Las Vegas Springs Preserve to interpret plant life and crops used by prehistoric indigenous communities for agricultural, medicinal and construction purposes.

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. 2.}~~ **Sec. 8. 1. This section and sections 1, 3, 5, 6 and 7 of this act becomes effective upon passage and approval.**

2. Sections 2 and 4 of this act become effective on July 1, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read third time.

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

Amendment No. 794.

AN ACT relating to energy; requiring the Director of the Office of Energy to adopt standards of energy efficiency for certain appliances; prohibiting the sale, lease, rental or installation of certain new appliances that are not in compliance with energy efficiency standards; authorizing the Director to adopt standards of energy efficiency for certain additional appliances; **requiring the Director to adopt regulations establishing a procedure for a consumer to apply for a delay in the implementation of a standard of energy efficiency for certain appliances;** requiring a manufacturer to submit a certification for certain appliances prior to sale; authorizing the Director to take certain actions to investigate possible violations; establishing a civil penalty for violations; authorizing the adoption of appliance standards to facilitate the implementation of flexible demand technology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-30 of this bill establish definitions for terms related to the energy efficiency of appliances.

Section 31 of this bill requires the Director of the Office of Energy to adopt regulations establishing minimum standards of energy efficiency for certain appliances sold in this State and methods for verifying whether appliances comply with those standards. **Section 31** prohibits, after certain dates, the sale, lease, rental or installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director. **Section 31** prescribes minimum standards of energy efficiency which the standards of energy efficiency adopted by the Director must meet or exceed.

Section 32 of this bill authorizes the Director, if certain findings are made, to adopt standards of energy efficiency for appliances other than the appliances for which standards of energy efficiency are specifically required to be adopted by this bill. **Section 32** prohibits, after certain dates, the sale, lease, rental or

installation of a new appliance that does not meet the standards for energy efficiency adopted by the Director pursuant to that section.

Section 32.5 of this bill requires the Director to adopt regulations establishing a procedure for a consumer to apply to the Director to delay by not more than 1 year the implementation of a standard of energy efficiency for an appliance. Section 32.5 authorizes the Director to grant such a request if the consumer has set forth sufficient evidence that the requirement to procure an appliance that meets the established standard would impose an unreasonable burden on consumers in this State.

Section 34 of this bill requires a manufacturer, before an appliance is made available for sale, lease or rent in this State, to submit to the Director a certification for the appliance demonstrating that the appliance complies with the energy efficiency standards established by the Director. Section 34 requires a manufacturer to ensure that a new appliance that has received a certification demonstrating that it complies with the minimum standards of energy efficiency includes a mark, label or tag at the time of sale or installation identifying the appliance as a certified appliance. Section 34 requires the Director to adopt regulations governing the certification of appliances and the labeling of certified appliances.

Section 35 of this bill authorizes the Director to investigate complaints concerning alleged violations of the provisions of this bill. Section 35 establishes a civil penalty for violations of the provisions of this bill and authorizes the Attorney General to institute a civil action against a manufacturer, distributor, retailer or installer for such violations.

Section 36 of this bill authorizes the Director to adopt regulations to carry out the provisions of this bill ~~and~~ **and requires the Director, in designing such regulations, to attempt to minimize the cost to consumers for appliances.**

Section 37 of this bill authorizes the Director to adopt standards for appliances and other provisions to facilitate the deployment of flexible demand technologies.

Section 38 of this bill excludes certain appliances from the provisions of this bill.

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

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. *As used in sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 30, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Air purifier” means an electric, cord-connected, portable appliance with the primary function of removing particulate matter from the air and which can be moved from room to room.*

Sec. 4. *“Cold only water cooler” means a water cooler that dispenses cold water only.*

Sec. 5. *“Cold-temperature fluorescent lamp” means a fluorescent lamp that:*

- 1. Is not a compact fluorescent lamp;*
- 2. Is specifically designed to operate at temperatures as low as -20 degrees Fahrenheit when used with a ballast conforming to the requirements of Standard Nos. C78.81 and C78.901 of the American National Standards Institute; and*
- 3. Is expressly designated as a cold-temperature fluorescent lamp both in markings on the lamp and in marketing materials, including, without limitation, catalogs, sales literature or promotional materials.*

Sec. 6. *“Commercial dishwasher” means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils and trays by applying sprays of detergent solution, with or without blasting media granules, and a sanitizing rinse, and which is distributed for industrial or commercial use.*

Sec. 7. *“Commercial fryer” means an appliance, including, without limitation, a cooking vessel, in which:*

- 1. Oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel.*
- 2. Heat is delivered to the cooking fluid by means of an immersed electric element or band-wrapped vessel for electric fryers or by heat transfer from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid for gas fryers.*

Sec. 8. *“Commercial hot-food holding cabinet”:*

- 1. Means a heated, fully enclosed compartment with one or more solid or transparent doors designed to maintain the temperature of hot food that has been cooked using a separate appliance.*
- 2. Does not include heated glass merchandizing cabinets, drawer warmers or cook-and-hold appliances.*

Sec. 9. *“Commercial oven” means a chamber designed for heating, roasting or baking food by conduction, convection, radiation or electromagnetic energy and which is distributed for industrial or commercial use.*

Sec. 10. *“Commercial steam cooker”:*

- 1. Means a device with one or more food steaming compartments in which the energy in the steam is transferred to the food by direct contact.*
- 2. Includes, without limitation, countertop models, wall-mounted models and floor models mounted on a stand, pedestal or cabinet-style base.*

Sec. 11. *“Compensation” means money or any other thing of value, regardless of form, received by a person for services rendered.*

Sec. 12. *“Computer”:*

- 1. Means a device that performs logical operations and processes data and is composed of, at a minimum:*

(a) *A central processing unit to perform operations or, if no central processing unit is present, then the device must function as a client gateway to a server and the server acts as a computational central processing unit;*

(b) *The ability to support user input devices such as a keyboard, mouse or touchpad; and*

(c) *An integrated display screen or the ability to support an external display screen to output information.*

2. *Includes both stationary and portable units, and includes, without limitation, a desktop computer, portable all-in-one computer, notebook computer, mobile gaming system, high-expandability computer, small-scale server, thin client or workstation.*

3. *Does not include a tablet, game console, television, small computer device, server other than a small-scale server or an industrial computer.*

Sec. 13. *“Computer monitor”:*

1. *Means an analog or digital device of diagonal screen size not less than 17 inches and not more than 61 inches, that has a pixel density of more than 5,000 pixels per square inch and that is designed primarily for the display of computer generated signals for viewing by one person in a desk-based environment and which is composed of a display screen and associated electronics.*

2. *Does not include:*

(a) *Displays with integrated or replaceable batteries designed to support primary operation without alternating current mains or external direct current power, including, without limitation, electronic readers, mobile phones, tablets and battery-powered digital frames; or*

(b) *A television or signage display.*

Sec. 14. *“Cook and cold water cooler” means a water cooler that dispenses both cold water and room-temperature water.*

Sec. 15. *“Decorative gas fireplace” means a vented fireplace, including, without limitation, an appliance that is freestanding, recessed or zero clearance or a gas fireplace insert, that is:*

1. *Fueled by natural gas or propane;*

2. *Marked for decorative use only; and*

3. *Not equipped with a thermostat or intended for use as a heater.*

Sec. 15.5. *“Distributor” means a person:*

1. Whose primary business is the wholesale distribution of commercial goods for resale;

2. Who maintains an inventory of commercial goods for resale;

3. Who has the right to sell or distribute commercial goods in this State for resale to retailers or other resellers or to an industrial or commercial manufacturer; and

4. Who conducts business in this State.

Sec. 16. *“Electric vehicle supply equipment”:*

1. *Means the conductors, including, without limitation, the ungrounded, grounded and equipment-grounding conductors, the electric vehicle*

connectors, the attachment plugs and all other fittings, devices, power outlets or apparatuses, installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle.

2. Does not include conductors, connectors and fittings that are part of a vehicle.

Sec. 17. “Flexible demand” means the capability to schedule, shift or curtail the electrical demand of a customer of a utility through direct action by the customer or through action by a third party, the utility or a grid-balancing authority, with the consent of the customer.

Sec. 18. “Gas fireplace” means a decorative gas fireplace or a heating gas fireplace.

Sec. 19. “Heating gas fireplace” means a vented fireplace, including, without limitation, an appliance that is freestanding, recessed or zero clearance or a gas fireplace insert, that is:

1. Fueled by natural gas or propane; and
2. Not a decorative gas fireplace.

Sec. 20. “High color rendering index fluorescent lamp” means a fluorescent lamp with a color rendering index of 87 or more that is not a compact fluorescent lamp.

Sec. 21. “Hot and cold water cooler” means a water cooler that dispenses both hot and cold water and which may or may not dispense room-temperature water.

Sec. 22. “Impact-resistant fluorescent lamp” means a fluorescent lamp that:

1. Is not a compact fluorescent lamp;
2. Has a coating or equivalent technology that is compliant with Standard No. 51 of the American National Standards Institute and is designed to contain the glass if the glass envelope of the lamp is broken; and
3. Is designated and marketed for the intended application with:
 - (a) The designation on the lamp packaging; and
 - (b) Marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatterproof or shatter-protected.

Sec. 23. “Industrial air purifier” means an indoor air-cleaning device manufactured, advertised, marketed, labeled and used solely for industrial use and that is marketed solely through industrial supply outlets or businesses and prominently labeled as follows: “Solely for industrial use. Potential health hazard: emits ozone.”

Sec. 23.3. “Installer” means a person engaged in the attachment of a regulated appliance or an appliance for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act that the installer has purchased or been contracted to attach to a structure by means of the electrical, plumbing or ventilation system of the structure.

Sec. 23.7. “Manufacturer” means a person who makes new products by hand or machine.

Sec. 24. “New” means that an appliance has not previously been sold to an end user.

Sec. 25. “On-demand” means a water cooler that heats water as it is requested, and which may take a few minutes to deliver hot water.

Sec. 26. “Portable electric spa” means a factory-built electric spa or hot tub which may or may not include any combination of integral controls, water heating or water-circulating equipment.

Sec. 27. “Regulated appliance” includes the following appliances:

1. An air purifier that is not an industrial air purifier;
2. A cold-temperature fluorescent lamp;
3. A commercial dishwasher;
4. A commercial fryer;
5. A commercial hot-food holding cabinet;
6. A commercial oven;
7. A commercial steam cooker;
8. A computer;
9. A computer monitor;
10. Electric vehicle supply equipment;
11. A gas fireplace;
12. A high color rendering index fluorescent lamp;
13. An impact-resistant fluorescent lamp;
14. A portable electric spa;
15. A residential ventilating fan; and
16. A water cooler.

Sec. 28. “Residential ventilating fan” means a ceiling or wall-mounted fan, or remotely mounted in-line fan, designed to be used in a bathroom or utility room for the purpose of moving air from inside the building to outside the building.

Sec. 28.5. “Retailer” means a person engaged in the business of making retail sales of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act within this State.

Sec. 29. “Storage-type”:

1. Means a water cooler that stores thermally conditioned water in a tank and makes such water available instantaneously.
2. Includes point-of-use, dry storage compartment and bottled water coolers.

Sec. 30. “Water cooler” means a freestanding device that consumes energy to cool or heat potable water.

Sec. 31. 1. Not later than October 1, 2022, the Director of the Office of Energy shall adopt regulations establishing minimum standards of energy efficiency for regulated appliances and methods for verifying whether a regulated appliance complies with those standards.

2. On and after July 1, 2023, a new regulated appliance may not be sold, leased or rented in this State, or offered for sale, lease or rent in this State,

unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for regulated appliances, the Director shall establish an effective date for such amended regulations which must be not earlier than 365 days after the date on which the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. *On and after January 1, 2024, a new regulated appliance may not be installed for compensation in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1. If the Director amends the regulations adopted pursuant to subsection 1 to establish more stringent standards of energy efficiency for new regulated appliances, beginning 1 year after the amended regulations are filed with the Secretary of State pursuant to NRS 233B.070, it shall be unlawful to install for compensation in this State a new regulated appliance that does not meet or exceed the more stringent standards of energy efficiency adopted by the Director.*

4. *The minimum standards of energy efficiency for regulated appliances adopted by the Director pursuant to subsection 1 must meet or exceed the following standards:*

(a) An air purifier which is not an industrial air purifier must meet the following requirements as measured in accordance with version 2.0 of the “ENERGY STAR Product Specification for Room Air Cleaners” adopted by the United States Environmental Protection Agency:

(1) The clean air delivery rate for smoke must be not less than 30 cubic feet per minute;

(2) For models with a clean air delivery rate for smoke that is less than 100 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.7 cubic feet per minute;

(3) For models with a clean air delivery rate for smoke that is 100 or more but less than 150 cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 1.9 cubic feet per minute;

(4) For models with a clean air delivery rate for smoke that is 150 or more cubic feet per minute, the clean air delivery rate per watt for smoke must be not less than 2.0 cubic feet per minute;

(5) For ozone-emitting models, the measured ozone must be not more than 50 parts per billion;

(6) For models with a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode power must be not more than 2 watts; and

(7) For models without a wireless fidelity network connection enabled by default when shipped, the energy consumed when in partial on mode must be not more than 1 watt.

(b) Commercial dishwashers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for

Commercial Dishwashers” must meet the eligibility criteria of that specification.

(c) Commercial fryers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Fryers” must meet the criteria of that specification.

(d) Commercial hot food holding cabinets included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Commercial Hot Food Holding Cabinets” must meet the criteria of that specification.

(e) Commercial ovens included in the scope of version 2.2 of the “ENERGY STAR Program Requirements Product Specification for Commercial Ovens” must meet the criteria of that specification.

(f) Commercial steam cookers included in the scope of version 1.2 of the “ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers” must meet the criteria of that specification.

(g) Computers and computer monitors must meet the requirements set forth in section 1605.3(v) of Title 20 of the California Code of Regulations as in effect on January 1, 2020, and the test procedures for computers and computer monitors adopted by the Director must be in accordance with the testing method prescribed in section 1604(v) of Title 20 of the California Code of Regulations as in effect on January 1, 2020, except that the Director may elect to amend the test procedure to reflect changes to section 1604(v) of Title 20 of the California Code of Regulations that occur after January 1, 2020.

(h) Electric vehicle supply equipment included in the scope of version 1.0 of the “ENERGY STAR Program Requirements for Electric Vehicle Supply Equipment” must meet the eligibility criteria of that specification.

(i) Gas fireplaces must:

(1) Be capable of automatically extinguishing any pilot flame when the main gas burner flame is extinguished.

(2) Prevent any ignition source for the main gas burner flame from operating continuously for more than 7 days.

(3) If the gas fireplace is a heating gas fireplace, have a fireplace efficiency greater than or equal to 50 percent when tested in accordance with Standard No. P.4.1-15 of the Canadian Standards Association, “Testing Method for Measuring Annual Fireplace Efficiency.”

(j) High color rendering index fluorescent lamps, cold temperature fluorescent lamps and impact-resistant fluorescent lamps must meet the minimum efficacy requirements contained in 10 C.F.R. § 430.32(n)(4), as in effect on January 1, 2020, as measured in accordance with 10 C.F.R. Part 430, subpart B, Appendix R, “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps,” as in effect on January 1, 2020.

(k) Portable electric spas must meet the requirements of the “American National Standard for Portable Electric Spa Energy Efficiency,” ANSI/APSP/ICC 14-2019 of the Association of Pool and Spa Professionals.

(l) In-line residential ventilating fans must have a fan motor efficacy of not less than 2.8 cubic feet per minute per watt.

(m) Residential ventilating fans other than in-line residential ventilating fans must have a fan motor efficacy of not less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and not less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with HVI Publication 916, “HVI Airflow Test Procedure,” of the Home Ventilating Institute.

(n) Water coolers included in the scope of version 2.0 of the “ENERGY STAR Program Requirements Product Specification for Water Coolers” must have an on mode with no water draw energy consumption of the following values as measured in accordance with the test requirements of that specification:

(1) Not more than 0.16 kilowatt-hours per day for cold only water coolers and cook and cold water coolers;

(2) Not more than 0.87 kilowatt-hours per day for storage-type hot and cold water coolers; and

(3) Not more than 0.18 kilowatt-hours per day for on-demand hot and cold water coolers.

Sec. 32. 1. The Director may adopt regulations establishing minimum standards of energy efficiency for new appliances other than regulated appliances and methods for verifying whether such an appliance complies with those standards upon a finding that the adoption of such standards would serve to promote energy or water conservation in this State and would be cost effective for consumers who purchase and use such new appliances.

2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. On and after the effective date of any regulations adopted pursuant to subsection 1, a new appliance may not be sold, leased or rented in this State or offered for sale, lease or rent in this State unless it meets or exceeds the minimum standards of energy efficiency established by the Director pursuant to subsection 1.

4. Beginning 1 year after the effective date of any regulations adopted pursuant to subsection 1, it shall be unlawful to install for compensation in this State a new appliance that does not meet or exceed the standards of energy efficiency adopted by the Director pursuant to subsection 1.

Sec. 32.5. 1. The Director shall adopt regulations establishing a procedure whereby a consumer may apply to the Director to delay the implementation of a minimum standard of energy efficiency adopted pursuant to section 31 or 32 of this act for a period of not more than 1 year.

The Director may grant a request to delay the implementation of a minimum standard of energy efficiency adopted pursuant to section 31 or 32 of this act if the Director determines that the consumer has set forth sufficient evidence that a requirement to procure a product that conforms to the minimum standard would impose an unreasonable burden on consumers in this State.

2. As used in this section, “unreasonable burden” includes, without limitation, fewer than three manufacturers having a product that conforms to the minimum standard available for purchase.

Sec. 33. (Deleted by amendment.)

Sec. 34. 1. Before a new regulated appliance is made available for sale, lease or rent in this State, the manufacturer of the regulated appliance shall submit to the Director a certification which demonstrates that the regulated appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 31 of this act.

2. Before a new appliance for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act is made available for sale, lease or rent in this State, the manufacturer of the appliance shall submit to the Director a certification which demonstrates that the appliance complies with the minimum standard of energy efficiency for that appliance adopted by the Director pursuant to section 32 of this act.

3. A manufacturer of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act shall comply with such other requirements or submit such other information as the Director may require by regulation.

4. The Director shall adopt regulations governing the certification of regulated appliances or appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act. In doing so, the Director shall coordinate with the certification programs of other states and federal agencies with similar standards of energy efficiency.

5. A manufacturer shall ensure that, at the time of sale or installation, a new appliance for which the manufacturer has submitted a certification pursuant to subsection 1 or 2 includes a mark, label or tag on the product and packaging of the appliance which identifies the appliance as meeting the standards of energy efficiency established by the Director pursuant to sections 31 and 32 of this act. The Director shall adopt regulations governing the identification of certified appliances through the inclusion of a mark, label or tag, coordinating to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent standards of energy efficiency. The Director shall permit the use of existing marks, labels or tags which connote compliance with the standards of energy efficiency adopted pursuant to sections 31 and 32 of this act.

Sec. 35. 1. The Director may investigate complaints received concerning alleged violations of sections 2 to 38, inclusive, of this act and may report any alleged violation of sections 2 to 38, inclusive, of this act

which the Director verifies or discovers after investigation to the Attorney General.

2. Whenever it appears that a manufacturer, distributor, retailer or installer has violated or is violating the provisions of sections 2 to 38, inclusive, of this act, the Attorney General may institute a civil action in any district court of this State for injunctive relief to restrain the violation and for the assessment and recovery of a civil penalty.

3. Any manufacturer, distributor, retailer or installer who violates any of the provisions of sections 2 to 38, inclusive, of this act must, for a first time violation, be issued a warning and, for any subsequent violation, is liable to the State for a civil penalty of:

(a) For the first time a civil penalty is assessed, not more than \$100 for each day of violation and for each act of violation.

(b) For any subsequent assessment of a civil penalty, not more than \$500 for each day of violation and for each act of violation.

4. Nothing in this section or in sections 2 to 38, inclusive, of this act shall be construed to require a city or county to take any action or to enforce the provisions of sections 2 to 38, inclusive, of this act.

Sec. 36. The Director may adopt such regulations as are necessary to carry out the provisions of sections 2 to 38, inclusive, of this act. In designing such regulations, the Director shall attempt to minimize the overall cost to consumers for regulated appliances and appliances for which the Director has adopted a minimum standard of energy efficiency pursuant to section 32 of this act, considering the needs of consumers related to appliances, technological feasibility and anticipated product availability and performance.

Sec. 37. 1. The Director may adopt by regulation standards for appliances and other provisions which are necessary and convenient to facilitate the deployment of flexible demand technologies, including, without limitation, regulations relating to the labeling of appliances incorporating flexible demand technologies to promote the use of such appliances. Any such regulations must be based on feasible and attainable efficiencies or feasible improvements that will enable appliance operations to be scheduled, shifted or curtailed to reduce emissions of greenhouse gases associated with electricity generation.

2. The Director shall establish an effective date for regulations adopted pursuant to subsection 1 which must be not earlier than 365 days after the date on which the regulations are filed with the Secretary of State pursuant to NRS 233B.070.

3. In establishing standards for appliances pursuant to subsection 1, the Director shall:

(a) Consider the reliability and cybersecurity protocols of the National Institute of Standards and Technology of the United States Department of Commerce, or other cybersecurity protocols that are equally or more protective and adopt, at minimum, the North American Electric Reliability

Corporation Critical Infrastructure Protection Standards, as those standards exist on the effective date of this act.

(b) Consult with the Public Utilities Commission of Nevada and electric utilities to better align the flexible demand appliance standards with demand response programs and to incentivize the deployment of flexible demand appliances.

4. Flexible demand appliance standards adopted pursuant to subsection 1 must prioritize:

(a) Appliances that can more conveniently have their electrical demand controlled by load-management technology and third-party load-management programs.

(b) Appliances with load-management technology options that are readily available.

(c) Appliances that have a user-friendly interface and follow a straightforward setup and connection process, such as remote setup by means of an Internet website or application.

(d) Appliances with load-management technology options that follow simple standards for third-party direct operation of the appliances.

(e) Appliances that are interoperable or open source.

Sec. 38. *The provisions of sections 2 to 38, inclusive, of this act, and any regulations adopted pursuant thereto, do not apply to:*

1. A new appliance manufactured in this State and sold outside of this State.

2. A new appliance sold at wholesale in this State for final retail sale outside of this State.

3. An appliance installed in a mobile home or manufactured home at the time of construction.

4. An appliance designed expressly for installation and use in a recreational vehicle, as defined in NRS 482.101.

Sec. 39. This act becomes effective on July 1, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 445.

Bill read third time.

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

Amendment No. 807.

AN ACT relating to financial administration; transferring the Office of Grant Procurement, Coordination and Management in the Department of Administration to the Office of the Governor; renaming the Office as the Office of Federal Assistance; requiring the Governor to appoint a Director of the Office; requiring the Director to develop a State Plan for Maximizing

Federal Assistance; revising the duties of the Office relating to the procurement, coordination and management of federal assistance; creating the Nevada Grant Matching Program to provide funds to certain public agencies, tribal governments and nonprofit organizations as matching funds for federal grants; requiring that certain money from the Abandoned Property Trust Account be transferred to ~~to trust fund~~ **an account** established as part of the Program; revising the membership and duties of the Nevada Advisory Council on Federal Assistance; **making appropriations**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Grant Procurement, Coordination and Management of the Department of Administration to assist state agencies with identifying, obtaining and managing federal grants. (NRS 232.213, 232.222-232.227) **Sections 2-25, 27.5, 29 and 34** of this bill transfer the Office of Grant Procurement, Coordination and Management into the Office of the Governor on July 1, 2022, and rename the Office as the Office of Federal Assistance. **Section 16 of this bill makes a conforming change as a result of this transfer.** **Section 8** of this bill requires: (1) the Governor to propose a budget for the Office; and (2) the Office to maintain an office in northern Nevada and southern Nevada. **Section 20** of this bill requires the Governor to appoint a Director of the Office, who serves in the ~~(nonclassified)~~ **unclassified** service of the State. Subject to the limits of available funding, **section 21** of this bill: (1) authorizes the Director to employ such persons as are necessary to carry out the duties of the Office; and (2) provides that such persons serve in the ~~(nonclassified)~~ **classified or unclassified** service of the State. ~~[Section 16 of this bill makes a conforming change relating to the employment by the Director of certain persons in the nonclassified service of the State.]~~

Section 9 of this bill requires the Director to develop a State Plan for Maximizing Federal Assistance and post the plan on the Internet website maintained by the Office. **Section 22** of this bill requires the Director to: (1) carry out the State Plan developed pursuant to **section 9**; (2) administer a grant management system; (3) develop a manual of policies and procedures relating to federal assistance and post the manual on the Internet website maintained by the Office; (4) serve as the designated entity to perform certain duties for purposes of an Executive Order; and (5) perform certain duties previously performed by the Administrator of the Office of Grant Procurement, Coordination and Management.

Existing law: (1) directs the Administrator of the Office of Grant Procurement, Coordination and Management to create a pilot program to provide funds as grants to state agencies, local governments, tribal governments and nonprofit organizations for the purpose of satisfying the matching requirement for a federal or nongovernmental organization grant; and (2) creates the Grant Matching Fund to hold money for the pilot program to provide such grants to satisfy grant matching requirements. (Sections 1.5-5 of chapter 575, Statutes of Nevada 2019, at page 3709) The pilot program

expires on June 30, 2021. (Section 8 of chapter 575, Statutes of Nevada 2019, at page 3710) **Sections 29.3, 29.5 and 34** of this bill extend the pilot program until June 30, 2022, and revise it to: (1) **rename the Grant Matching Fund the Grant Matching Account;** (2) ~~prohibit money deposited in the Grant Matching ~~Fund~~ Account from being used for the purpose of providing grants to satisfy matching requirements for nongovernmental organization grants; ~~(2) authorize the Office to use not more than 10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs;~~~~ and (3) provide that the balance remaining at the end of the fiscal year, except any money received from a gift, grant or donation, reverts to the State General Fund. **Sections 11 and 34** of this bill create the Nevada Grant Matching Program within the Office of Federal Assistance effective July 1, 2022, and require the Program to serve the same purpose the pilot program served. **Section 12** of this bill creates the Grant Matching ~~Fund~~ **Account** as part of the Program, and requires the ~~Fund~~ **Account** to be administered by the Office of Federal Assistance in the same manner as the Grant Matching ~~Fund~~ **Account** created for the pilot program.

Existing law provides for the creation of the Abandoned Property Trust Account into which proceeds from the sale of abandoned property are deposited. Under existing law, the first \$7,600,000 of the balance in the Account is required to be transferred to the Millennium Scholarship Trust Fund at the end of each fiscal year. (NRS 120A.620) **Sections 26 and 29.7** of this bill provide for the transfer of the next \$1,000,000 of the balance in the **Abandoned Property Trust** Account to the Grant Matching ~~Fund~~ **Account** at the end of each fiscal year, commencing with a transfer from the balance in the **Abandoned Property Trust** Account ~~at~~ **as soon as practicable after the ~~fund~~ close** of the Fiscal Year 2020-2021.

Section 13 of this bill requires the Director to: (1) consult with the Nevada Advisory Council on Federal Assistance and certain other persons to develop certain processes relating to the Program; and (2) administer all applicable aspects of those processes. **Section 14** of this bill adopts the same criteria for eligibility for a grant from the Grant Matching ~~Fund~~ **Account** as were adopted for eligibility for a grant under the pilot program. **Section 15** of this bill requires the Director to prepare and submit a biennial report to the Legislature that includes certain information relating to grant requests received and approved by the Director.

Existing law creates the Nevada Advisory Council on Federal Assistance for the purposes of advising and assisting state and local agencies with respect to obtaining and maximizing federal assistance that may be available from any agency or authority of the Federal Government. (NRS 358.020, 358.040) **Section 27** of this bill expands the membership of the Nevada Advisory Council on Federal Assistance effective July 1, 2021, to include: (1) two voting members who represent a nonprofit organization, a local agency or a tribal government and are appointed by the Majority Leader of the Senate and the Speaker of the Assembly, respectively; (2) the State Treasurer, who serves as

a voting member; and (3) the State Controller, who serves as a voting member. **Sections 28 and 34** of this bill revise the duties of the Council to require the Council, beginning on July 1, 2022, to: (1) advise and assist the Director with developing and carrying out the State Plan for Maximizing Federal Assistance and carrying out certain other responsibilities; and (2) develop legislative and executive recommendations relating to obtaining and maximizing federal assistance in this State. **Sections 3-7 and 10** of this bill define certain terms relating to the Office and Program. **Sections 29.6, 29.63 and 29.67 of this bill make appropriations to implement the provisions of this bill.**

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, inclusive, of this act, and NRS 232.222 to 232.227, inclusive, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Director” means the Director of the Office.*

Sec. 4. *“Federal assistance” means money, equipment, material or services that may be available to a state agency, local agency, tribal government or nonprofit organization from any agency or authority of the Federal Government pursuant to a federal program.*

Sec. 5. *“Local agency” means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.*

Sec. 6. *“Office” means the Office of Federal Assistance created by section 8 of this act.*

Sec. 7. *“State agency” means an agency, bureau, board, commission, department, division or any other unit of government of the State Government.*

Sec. 8. 1. *There is hereby created within the Office of the Governor the Office of Federal Assistance for the purpose of obtaining and maximizing federal assistance.*

2. *The Governor shall propose a budget for the Office.*

3. *The Office shall maintain an office located in an urban area in northern Nevada and an office located in an urban area in southern Nevada.*

Sec. 9. 1. *The Director shall, in consultation with the Nevada Advisory Council on Federal Assistance created by NRS 358.020, develop and may periodically revise a State Plan for Maximizing Federal Assistance, which must identify:*

(a) Methods for expanding opportunities for obtaining federal assistance, including, without limitation, expanding opportunities for obtaining matching funds for federal assistance through the Nevada Grant Matching Program created by section 11 of this act;

(b) *Methods for streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that exist at each level of federal, state or local government;*

(c) *Methods for the effective administration of grants, including, without limitation, best practices relating to indirect cost allocation;*

(d) *Opportunities for:*

(1) *Reducing administrative costs associated with obtaining federal assistance; and*

(2) *Coordination between state agencies, local agencies, tribal governments and nonprofit organizations to avoid duplication and achieve common goals;*

(e) *Specific tasks which must be performed to improve the administration of grants and maximize the amount of federal assistance received by this State and a schedule for implementing any such tasks;*

(f) *Performance metrics and targets relating to obtaining and maximizing federal assistance and improving the administration of grants; and*

(g) *Best practices for considering whether to respond to a grant opportunity, including, without limitation, the monetary and programmatic cost of implementing a grant.*

2. *The Director shall post the State Plan for Maximizing Federal Assistance on the Internet website maintained by the Office.*

Sec. 10. *As used in sections 10 to 15, inclusive, of this act, unless the context otherwise requires, “Program” means the Nevada Grant Matching Program created by section 11 of this act.*

Sec. 11. 1. *The Nevada Grant Matching Program is hereby created within the Office. The Program must:*

(a) *Allow state agencies, local agencies, tribal governments and nonprofit organizations to request grants from the Grant Matching ~~Fund~~ Account created by section 12 of this act for the purpose of satisfying the matching funds requirement for a federal grant;*

(b) *Provide a clear, streamlined and timely process for state agencies, local agencies, tribal governments and nonprofit organizations to apply for matching funds for a specific federal grant and receive a prompt decision from the Director; and*

(c) *Prioritize grants that:*

(1) *Add services to constituents;*

(2) *Align with the documented priorities of the state agency, local agency, tribal government or nonprofit organization;*

(3) *Address the needs of underserved or frontier communities;*

(4) *Help state agencies, local agencies, tribal governments and nonprofit organizations build capacity for future grant opportunities; and*

(5) *Enable a state agency, local agency, tribal government or nonprofit organization to sustain the grant in its next budget.*

Sec. 12. 1. *The Grant Matching ~~Fund~~ Account is hereby created ~~as a trust fund in the State Treasury~~ in the State General Fund. The Office shall administer the Grant Matching ~~Fund~~ Account.*

2. *Money received from:*

(a) *A direct legislative appropriation to the Grant Matching ~~Fund~~ Account;*

(b) *A transfer from the Abandoned Property Trust Account pursuant to NRS 120A.620; and*

(c) *A grant, gift or donation to the Grant Matching ~~Fund~~ Account, must be deposited in the Grant Matching ~~Fund~~ Account. The interest and income earned on the money in the Grant Matching ~~Fund~~ Account must be credited to the Grant Matching ~~Fund~~ Account.*

3. ~~*The Office may use not more than 10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs.*~~

~~4.~~ *Except as otherwise provided in subsection ~~5~~ 4, the balance remaining in the Grant Matching ~~Fund~~ Account that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year reverts to the State General Fund.*

~~5.~~ *4. All money received from a grant, gift or donation to the Grant Matching ~~Fund~~ Account:*

(a) *Must be accounted for separately in the ~~Fund~~ Account;*

(b) *Must be expended in accordance with the terms of the gift, grant or donation; and*

(c) *Does not revert to the State General Fund and must be carried over into the next fiscal year.*

Sec. 13. 1. *The Director shall consult with the Nevada Advisory Council on Federal Assistance created by NRS 358.020, grant professionals employed by the State and other grant experts to develop:*

(a) *A process for:*

(1) *State agencies, local agencies, tribal governments and nonprofit organizations to make a request for a grant for matching funds;*

(2) *The payment or transfer of grant money; and*

(3) *Reporting on the use and implementation of grant awards; and*

(b) *Criteria for the review, award and notification of grant requests.*

2. *The Director shall administer all applicable aspects of the process set forth in subsection 1.*

Sec. 14. *To be eligible for a grant from the Grant Matching ~~Fund~~ Account created by section 12 of this act, a state agency, local agency, tribal government or nonprofit organization must:*

1. *Demonstrate that:*

(a) *It is pursuing a bona fide federal grant for which it is eligible;*

(b) *It attempted but was unable to secure adequate matching funding through its own budget or in-kind resources;*

(c) *The grant is within its scope;*

(d) *The grant is a competitive grant; and*

(e) *The grant will provide not less than \$2 for each \$1 received from the Grant Matching ~~Fund~~ Account.*

2. *Apply for a grant in the form and process prescribed by the Director.*

3. *Adhere to other requirements deemed appropriate for the Program.*

Sec. 15. *On or before January 1 of each odd-numbered year, the Director of the Office shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a summary report for the Program detailing:*

1. *The number and purpose of grant requests received from state agencies, local agencies, tribal governments and nonprofit organizations;*

2. *The number and purpose of grant requests approved and the amount of money awarded from the Grant Matching ~~Fund~~ Account created by section 12 of this act to each approved grant request applicant; and*

3. *The amount of federal grant funding received by each grant applicant as a result of receiving money from the Grant Matching ~~Fund~~ Account.*

Sec. 16. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, ***the Office of Federal Assistance***, the Office of Science, Innovation and Technology, the Office of the Western Regional Education Compact, the Office of Workforce Innovation and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

2. Except as otherwise provided by specific statute, the Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; or

(b) Designate the Administrator as the Chief Information Officer of the State.

➡ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

Sec. 17. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following:

(a) Risk Management Division.

(b) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

(c) State Public Works Division.

(d) Purchasing Division.

(e) Administrative Services Division.

(f) Division of Human Resource Management.

(g) Division of Enterprise Information Technology Services.

(h) Division of State Library, Archives and Public Records.

(i) ~~Office of Grant Procurement, Coordination and Management.~~

~~(j)~~ Fleet Services Division.

~~(k)~~ (j) Public Employees' Deferred Compensation Program.

Sec. 18. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint an Administrator of the:

(a) Risk Management Division;

(b) State Public Works Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) Division of Human Resource Management;

(f) Division of Enterprise Information Technology Services;

(g) Division of State Library, Archives and Public Records;

~~(h) Office of Grant Procurement, Coordination and Management;~~ and

~~(i)~~ (h) Fleet Services Division.

2. Shall, with the concurrence of the Governor and the Committee to Administer the Public Employees' Deferred Compensation Program, appoint the Executive Officer of the Public Employees' Deferred Compensation Program.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 233F, 242 and 284 of NRS, NRS 287.250 to 287.370, inclusive, and chapters 331, 333, 336, 338, 341 and 378 of NRS and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

Sec. 19. NRS 232.2165 is hereby amended to read as follows:

232.2165 1. The Administrator of:

(a) The State Public Works Division;

(b) The Purchasing Division;

(c) The Administrative Services Division;

- (d) The Division of Human Resource Management;
- (e) The Division of Enterprise Information Technology Services;
- (f) The Division of State Library, Archives and Public Records;
- ~~{(g) The Office of Grant Procurement, Coordination and Management;}~~ and
- ~~{(h)}~~ (g) The Fleet Services Division,

↪ of the Department serves at the pleasure of the Director and is in the unclassified service of the State.

2. The Executive Officer of the Public Employees' Deferred Compensation Program appointed pursuant to NRS 232.215 is in the unclassified service of the State and serves at the pleasure of the Director, except that he or she may be removed by a majority vote of the Committee to Administer the Public Employees' Deferred Compensation Program.

Sec. 20. NRS 232.222 is hereby amended to read as follows:

232.222 1. The ~~{person appointed to serve as the Administrator}~~ **Governor shall appoint a Director** of the Office ~~{of Grant Procurement, Coordination and Management}~~ **who must have:** *possess:*

- (a) Extensive expertise and experience in applying for and receiving ~~{grants;}~~ **federal assistance;**
- (b) Specialized knowledge of the process of grant writing and approval in the public and private ~~{sector;}~~ **sectors;** and
- (c) Proven experience in designing and managing programs which rely solely or partially upon ~~{money received from grants.}~~ **federal assistance.**

2. The ~~{Administrator}~~ **Director** shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.

3. **The Director is ~~not~~ in the ~~classified or~~ unclassified service of the State and serves at the pleasure of the Governor.**

Sec. 21. NRS 232.223 is hereby amended to read as follows:

232.223 ~~{1.}~~ The ~~{Administrator of the Office of Grant Procurement, Coordination and Management}~~ **Director** shall, within the limits of money appropriated or authorized to be expended for this purpose, employ such persons **in the classified or unclassified service of the State** as he or she deems necessary to ~~{serve}~~ **carry out the provisions of sections 2 to 15, inclusive, of this act.**

~~{2. A person employed pursuant to subsection 1 is not in the classified or unclassified service of the State for the purposes set forth in this section.~~

~~{2. A person employed pursuant to this section shall, under the direction of the Administrator of the Office of Grant Procurement, Coordination and Management, assist the Administrator in carrying out the provisions of NRS 232.222 to 232.227, inclusive. and serves at the pleasure of the Director.}~~

Sec. 22. NRS 232.224 is hereby amended to read as follows:

232.224 1. The ~~{Administrator}~~ **Director** of the Office of ~~{Grant Procurement, Coordination and Management}~~ **Federal Assistance** shall:

- (a) ~~{Research and identify federal grants which may be available to state agencies.}~~ **Coordinate and collaborate with state agencies, local agencies,**

tribal governments and nonprofit organizations to implement the State Plan for Maximizing Federal Assistance developed pursuant to section 9 of this act;

~~(b) Write grants for federal funds for state agencies.~~

~~(c) Coordinate. To the extent money is available, administer a grant management system;~~

(c) Develop a manual of policies and procedures relating to federal assistance and post the manual on the Internet website maintained by the Office;

(d) Serve as the entity designated by the State to review and coordinate proposed federal financial assistance and direct federal development for purposes of 47 Fed. Reg. 30,959 (July 14, 1982);

(e) To the greatest extent practicable, coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal ~~grants and related programs.~~

~~(d) assistance;~~

(f) If requested by a state agency, research the availability of ~~grants and write grant proposals and applications~~ federal assistance for the state agency.

~~(e) (g)~~ *(g)* To the greatest extent practicable, ensure that state agencies are aware of any ~~grant~~ opportunities *to obtain federal assistance* for which they are or may be eligible.

~~(f) (h)~~ *(h)* If requested by the ~~director~~ *executive head* of a state agency, advise the ~~director and the~~ state agency concerning the requirements for receiving and managing ~~grants.~~

~~(g) federal assistance;~~

(i) To the greatest extent practicable, coordinate with state agencies and local agencies that have received ~~grants~~ federal assistance for similar projects to ensure that the efforts and services of those ~~state and local~~ agencies are not duplicated.

~~(h) (j)~~ *(j)* Serve as a clearinghouse for disseminating information relating to unexpended grant money of state agencies by ~~compiling~~ :

(1) Compiling and updating periodically a list of the grants and unexpended amounts thereof for which the Office received notification from state agencies pursuant to subsection 3 of NRS 232.225 ; and ~~making~~

(2) Making the list available on the Internet website maintained by the ~~Department.~~

~~(i) Office;~~

(k) To the greatest extent practicable, develop and provide to state agencies, local agencies, tribal governments and nonprofit organizations, training opportunities relating to the acquisition and administration of grants, including, without limitation, compliance with requirements during the term of the grant; and

(l) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a

report regarding all activity relating to the application for, receipt of and use of grants in this State.

2. The ~~{Administrator}~~ **Director** may:

(a) Adopt regulations to carry out the provisions of this section and NRS 232.225 and 232.226.

(b) ~~{Provide training on grant procurement, coordination and management to state agencies.}~~ ***If requested by a state agency, local agency, tribal government or nonprofit organization, write grant proposals and applications and otherwise assist such an entity in obtaining federal resources.***

(c) ~~{Provide training and technical assistance regarding grant procurement, coordination and management to local governments, tribal governments and nonprofit organizations.}~~

~~—(d)—~~ Provide administrative support to the Nevada Advisory Council on Federal Assistance created by NRS 358.020.

Sec. 23. NRS 232.225 is hereby amended to read as follows:

232.225 In addition to any other requirement concerning applying for or receiving a grant, a state agency shall notify the Office , ~~{of Grant Procurement, Coordination and Management.}~~ on a form prescribed by the Office, of:

1. Any grant for which the state agency applies.

2. Any grant which the state agency receives.

3. The amount of any portion of a grant received by the state agency that the state agency determines will be unexpended by the end of the period for which the grant was made.

Sec. 24. NRS 232.226 is hereby amended to read as follows:

232.226 The Office ~~{of Grant Procurement, Coordination and Management}~~ may apply for and receive any gift, grant, contribution or other money from any source to carry out the provisions of NRS 232.222 to 232.227, inclusive.

Sec. 25. NRS 232.227 is hereby amended to read as follows:

232.227 1. The Account for the Office of ~~{Grant Procurement, Coordination and Management}~~ ***Federal Assistance*** is hereby created in the State General Fund. The Account must be administered by the ~~{Administrator of the Office.}~~ **Director.**

2. Any money accepted pursuant to NRS 232.226 must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account which is donated for a purpose specified by the donor, within the scope of the duties of the ~~{Administrator of the Office of Grant Procurement, Coordination and Management.}~~ **Director**, must only be used for that purpose. If no purpose is specified, the money in the Account must only be used to carry out the duties of the ~~{Administrator.}~~ **Director.**

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 26. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) ***The next \$1,000,000 each year must be transferred to the Grant Matching ~~Fund~~ Account created by section 12 of this act.***

(c) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund ~~or~~ ***or the Grant Matching ~~Fund~~ Account.***

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4 or NRS 120A.525, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 27. NRS 358.020 is hereby amended to read as follows:

358.020 1. The Nevada Advisory Council on Federal Assistance is hereby created. The Council consists of the following ~~seven~~ **11** members:

(a) One member of the Senate appointed by the Majority Leader of the Senate.

(b) One member of the Assembly appointed by the Speaker of the Assembly.

(c) *One member appointed by the Majority Leader of the Senate who represents a nonprofit organization, a local agency or a tribal government.*

(d) *One member appointed by the Speaker of the Assembly who represents a nonprofit organization, a local agency or a tribal government.*

(e) One member appointed by the Governor who represents a nonprofit organization that provides grants in this State.

~~[(d)]~~ (f) One member appointed by the Governor who represents a local government.

~~[(e)]~~ (g) One member appointed by the Governor who represents private businesses.

~~[(f)]~~ (h) *The State Treasurer, who may name a designee to serve on the Council on his or her behalf.*

(i) *The State Controller, who may name a designee to serve on the Council on his or her behalf.*

(j) The Chief of the Budget Division of the Office of Finance.

~~[(g)]~~ (k) The Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration.

2. The members described in:

(a) Paragraphs (a) to ~~[(e)]~~ (i), inclusive, of subsection 1 are voting members.

(b) Paragraphs ~~[(f)]~~ (j) and ~~[(g)]~~ (k) of subsection 1 are nonvoting members.

3. The Governor shall, to the extent practicable, collaborate to ensure that the persons appointed pursuant to paragraphs ~~[(e)], (d) and~~ (e), (f) and (g) of subsection 1 are representative of the urban and rural areas of this State.

4. Each appointed member of the Council serves a term of 2 years.

5. An appointed member of the Council:

(a) May be reappointed.

(b) Shall not serve more than three terms.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Council for the remainder of the original term of appointment.

7. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The ~~{Department of Administration}~~ **Office of Grant Procurement, Coordination and Management of the Department of Administration** shall provide the Council with administrative support.

Sec. 27.5. NRS 358.020 is hereby amended to read as follows:

358.020 1. The Nevada Advisory Council on Federal Assistance is hereby created. The Council consists of the following 11 members:

(a) One member of the Senate appointed by the Majority Leader of the Senate.

(b) One member of the Assembly appointed by the Speaker of the Assembly.

(c) One member appointed by the Majority Leader of the Senate who represents a nonprofit organization, a local agency or a tribal government.

(d) One member appointed by the Speaker of the Assembly who represents a nonprofit organization, a local agency or a tribal government.

(e) One member appointed by the Governor who represents a nonprofit organization that provides grants in this State.

(f) One member appointed by the Governor who represents a local government.

(g) One member appointed by the Governor who represents private businesses.

(h) The State Treasurer, who may name a designee to serve on the Council on his or her behalf.

(i) The State Controller, who may name a designee to serve on the Council on his or her behalf.

(j) The Chief of the Budget Division of the Office of Finance.

(k) The ~~Administrator~~ **Director** of the Office of ~~Grant Procurement, Coordination and Management of the Department of Administration.~~ **Federal Assistance.**

2. The members described in:

(a) Paragraphs (a) to (i), inclusive, of subsection 1 are voting members.

(b) Paragraphs (j) and (k) of subsection 1 are nonvoting members.

3. The Governor shall, to the extent practicable, collaborate to ensure that the persons appointed pursuant to paragraphs (e), (f) and (g) of subsection 1 are representative of the urban and rural areas of this State.

4. Each appointed member of the Council serves a term of 2 years.

5. An appointed member of the Council:

(a) May be reappointed.

(b) Shall not serve more than three terms.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Council for the remainder of the original term of appointment.

7. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The Office of ~~{Grant Procurement, Coordination and Management in the Department of Administration}~~ **Federal Assistance** shall provide the Council with administrative support.

Sec. 28. NRS 358.040 is hereby amended to read as follows:

358.040 1. The Council shall ~~{, within the scope of its authority, advise}~~
:

(a) ~~Advise and assist {state and local agencies with respect}~~ **the Director with:**

(1) *Developing and carrying out the State Plan For Maximizing Federal Assistance required by section 9 of this act; and*

(2) *Carrying out the provisions of sections 2 to 15, inclusive, of this act, including, without limitation, any training provided by the Director pursuant to subsection 2 of section NRS 223.224; and*

(b) *Develop legislative and executive recommendations relating to obtaining and maximizing federal assistance {,} in this State.*

2. The Council may request information from state and local agencies , **tribal governments and nonprofit organizations** for the purposes of **advising and assisting the Director with** evaluating and monitoring the success of such agencies , **governments or organizations** in accordance with the stated purpose of the ~~{Council}~~ **Office** pursuant to ~~{subsection 1,}~~ **section 8 of this act.** A state ~~{or}~~ **agency**, local agency , **tribal government or nonprofit organization** may provide any information, collaborate with the Council or utilize any assistance offered by the Council for the purpose of obtaining and maximizing any federal assistance that may be available to the ~~{state or local}~~ agency ~~{,}~~ **, government or organization.**

3. ~~{The Council shall:~~

~~—(a) Address methods and models for identifying, procuring, utilizing and maintaining federal assistance, including, without limitation:~~

~~—(1) Streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that may exist at each level of federal, state or local government.~~

~~—(2) Developing and expanding opportunities for obtaining matching funds for federal assistance.~~

~~—(3) Ensuring sufficient personnel and technical expertise in state and local governments and nonprofit organizations.~~

~~—(4) Developing and expanding opportunities to work with nonprofit organizations to achieve common goals.~~

~~—(5) Standards for balancing the costs to a state or local agency of maximizing eligibility for federal assistance relative to the ability of the agency to utilize effectively such federal assistance.~~

~~—(b) Develop legislative and executive recommendations on matters described in paragraph (a).~~

~~—4,} As used in this section {, “federal” :~~

(a) **“Director” means the Director of the Office.**

(b) *“Federal assistance”* ~~means money, equipment, material or services that may be available to a state or local agency from any agency or authority of the Federal Government pursuant to a federal program.~~ **has the meaning ascribed to it in section 4 of this act.**

(c) *“Office”* **means the Office of Federal Assistance created by section 8 of this act.**

Sec. 29. NRS 439.263 is hereby amended to read as follows:

439.263 1. It is the policy of this State to:

(a) Improve the completeness and quality of data concerning diverse demographic groups that is collected, reported and analyzed for the purposes of clinical trials of drugs and medical devices;

(b) Identify barriers to participation in clinical trials by persons who are members of demographic groups that are underrepresented in such trials and employ strategies recognized by the United States Food and Drug Administration to encourage greater participation in clinical trials by such persons; and

(c) Make data concerning demographic groups that is collected, reported and analyzed for the purposes of clinical trials more available and transparent.

2. To assist in carrying out this policy:

(a) The Division shall review the most recent version of “Collection of Race and Ethnicity Data in Clinical Trials—Guidance for Industry and Food and Drug Administration Staff,” published by the United States Food and Drug Administration, and establish, using existing infrastructure and tools, a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such clinical trials. The program must include, without limitation:

(1) Collaboration with medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices to assist such investigators and institutions in identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(2) The establishment and maintenance of an Internet website that:

(I) Provides information concerning methods recognized by the United States Food and Drug Administration for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(II) Contains links to Internet websites maintained by medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices in this State.

(b) With the assistance of the Office of ~~Grant Procurement, Coordination and Management of the Department of Administration,~~ **Federal Assistance**, the Division shall apply for grants from any source, including, without

limitation, the Federal Government, to fund the program established pursuant to paragraph (a).

(c) Not later than May 1 of each even-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the status and results of the program established pursuant to paragraph (a).

(d) Each state or local governmental entity that conducts clinical trials of drugs or medical devices, including, without limitation, the Board of Regents of the University of Nevada, shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in those clinical trials. Such a policy must include, without limitation, requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States Food and Drug Administration to identify and recruit such persons to participate in those clinical trials.

3. For the purposes of this section, demographic groups that are underrepresented in clinical trials may include, without limitation, persons who are underrepresented by race, sex, sexual orientation, socioeconomic status and age.

4. The Division may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

5. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 29.3. Section 1.5 of chapter 575, Statutes of Nevada 2019, as amended by chapter 5, Statutes of Nevada 2020, 31st Special Session, at page 38, is hereby amended to read as follows:

Sec. 1.5. **1.** There is hereby created ~~in the State Treasury a special fund which shall be designated as~~ the Grant Matching ~~Fund.~~ Account in the State General Fund.

~~1. The~~

2. Money received from:

(a) A direct legislative appropriation to the Grant Matching ~~Fund.~~ Account;

(b) A transfer from the Abandoned Property Trust Account created by NRS 120A.620; and

(c) A gift, grant or donation to the Grant Matching ~~Fund.~~ Account, must be deposited in the Grant Matching ~~Fund.~~ Account.

3. ~~Except as otherwise provided in subsection 4, money~~ Money in the Grant Matching ~~Fund.~~ shall hold appropriated money in trust for the exclusive purpose of providing Account may be used only to provide grants to state agencies, local governments, tribal governments and nonprofit organizations to satisfy federal ~~and nongovernmental organization~~ grant matching requirements and for any other purpose authorized by the Legislature.

~~2. 4. The Office of Grant Procurement, Coordination and Management of the Department of Administration may use not more than~~

~~10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs.~~

~~5.~~ The Interim Finance Committee must authorize the transfer of money from the Grant Matching ~~Fund~~ Account before the acceptance of a federal grant award greater than \$150,000. ~~for a nongovernmental organization grant award greater than \$20,000.~~

~~6.~~ 5. Except as otherwise provided in subsection ~~7.~~ 6., the balance remaining in the Grant Matching ~~Fund~~ Account that has not been committed for expenditure on or before the end of the fiscal year reverts to the State General Fund.

~~7.~~ 6. All money received from a grant, gift or donation to the Grant Matching ~~Fund~~ Account:

(a) Must be accounted for separately in the Grant Matching ~~Fund~~ Account;

(b) Must be expended in accordance with the terms of the gift, grant or donation; and

(c) Does not revert to the State General Fund.

Sec. 29.5. Section 8 of chapter 575, Statutes of Nevada 2019, at page 3710, is hereby amended to read as follows:

Sec. 8. 1. This act becomes effective on July 1, 2019.

2. Sections 1.5 to 5, inclusive, of this act expire by limitation on June 30, ~~2021.~~ 2022.

Sec. 29.6. 1. There is hereby appropriated from the State General Fund to the Office of Grant Procurement, Coordination and Management of the Department of Administration the sum of \$279,979 in Fiscal Year 2021-2022 for personnel and operating costs and the costs of upgrades to the grant management system related to carrying out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2022, 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 16, 2022, 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 16, 2022.

Sec. 29.63. 1. There is hereby appropriated from the State General Fund to the Office of Federal Assistance created by section 8 of this act the sum of \$1,091,010 in Fiscal Year 2022-2023 for personnel and operating costs and the costs of upgrades to the grant management system related to carrying out the provisions of this act.

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. 29.67. 1. There is hereby appropriated from the State General Fund to the Office of the State Controller for personnel costs related additional reporting of federal funding resulting from the carrying out of the provisions of this act the following sums:

For the Fiscal Year 2021-2022 \$89,537

For the Fiscal Year 2022-2023 \$115,772

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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 16, 2022, and September 15, 2023, respectively, 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 16, 2022, and September 15, 2023, respectively.

Sec. 29.7. 1. As soon as practicable after the close of the Fiscal Year 2020-2021, the State Controller shall transfer \$1,000,000 from the balance of the Abandoned Property Trust Account created by NRS 120A.620 ~~at the end of Fiscal Year 2020-2021~~ to the Grant Matching ~~Fund~~ Account created by section 1.5 of chapter 575, Statutes of Nevada 2019, at page 3708, as amended by section 29.3 of this act.

2. As soon as practicable on or after July 1, 2022, the State Controller shall transfer the balance of the Grant Matching ~~Fund~~ Account created by section 1.5 of chapter 575, Statutes of Nevada 2019, at page 3708, as amended by section 29.3 of this act, to the Grant Matching ~~Fund~~ Account created by section 12 of this act.

Sec. 30. The State Controller shall change the designation of the name of the Account for the Office of Grant Procurement, Coordination and Management created pursuant to NRS 223.227, as amended by section 25 of this act, to the Account for the Office of Federal Assistance without making any transfer of the money in the Account. The assets and liabilities of the Account are unaffected by the change of the name.

Sec. 31. (Deleted by amendment.)

Sec. 32. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 33. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 34. 1. This section and sections 29.5, 31, 32 and 33 of this act become effective upon passage and approval.

2. Sections 27, 29.3 and 29.7 of this act become effective:

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

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

3. **Sections 29.6, 29.63 and 29.67 of this act become effective on July 1, 2021.**

4. Sections 1 to 26, inclusive, 27.5, 28, 29 and 30 of this act become effective:

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

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

~~4.3~~ **5.** Section 29.3 of this act expires by limitation on June 30, 2022.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 410.

Bill read third time.

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

Amendment No. 805.

AN ACT making an appropriation to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety for the modernization program for the Nevada Criminal Justice Information System; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of ~~(\$18,643,998)~~ **\$15,643,998** for the continuing costs

of the modernization program for the Nevada Criminal Justice Information System.

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. 2. 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, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 254 be taken from its place on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 254.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 801.

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Equal Rights Commission. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) Existing law also sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120)

In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing related transactions. (42 U.S.C. §§ 3601 et seq.)

Sections 17, 20 and 21 of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.

Section 21 of this bill authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. **Section 23** of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. **Section 24** of this bill requires the Commission to serve upon an aggrieved person certain information.

Section 14 of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission's investigation of a complaint, if the Administrator of the Commission determines that probable cause exists to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have the matter determined by a court, prepare and prosecute the complaint in a public hearing before the Commission. If the Commission, based on a preponderance of the evidence presented at the hearing, determines that an unlawful discriminatory practice in housing has occurred, the Commission may issue an order to cease and desist, order appropriate injunctive or other equitable relief, award actual damages, impose civil penalties and award costs and attorney's fees. **Section 27** of this bill makes a conforming change to eliminate the requirement for the Commission to hold an informal meeting of the parties.

Section 15 of this bill provides for the determination of the complaint by a court instead of the Commission. **Section 16** of this bill establishes procedures for the judicial review of a final decision of the Commission. **Sections 2-13 and 18** of this bill move the existing definitions in chapter 233 of NRS and define various terms relating to the complaint process. **Sections 24-26 and 28** make changes to existing provisions to use these terms.

Section 29 of this bill provides that the provisions of chapter 233 of NRS for judicial review of decisions of the Commission concerning unlawful discriminatory practice in housing prevail over the provisions of the Administrative Procedure Act.

Section 22 of this bill authorizes the Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law.

Section 33 of this bill prohibits, with certain exceptions, a person seeking to rent or lease a dwelling, or renting or leasing a dwelling, from: (1) inquiring

into the arrest record, conviction record or record of criminal history of an applicant or tenant; (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the applicant's arrest record, conviction record or record of criminal history; (3) making, printing or publishing any notice or advertisement which indicates a preference based on the arrest record, conviction record or record of criminal history of an applicant; and (4) evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense unless the offense occurred on the premises of the dwelling. **Section 33** provides that a person may inquire into or conduct a background check into the conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses on his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record. **Section 33** also requires a person who makes a dwelling available for rent or lease to provide applicants with information regarding these unlawful discriminatory practices and information on how to file an appeal of a denial to rent or lease or file a complaint with the Commission. **Section 33** limits the applicability of these provisions to ~~the (1) any dwelling that is owned by a natural person and contains five or more dwelling units, and (2) any dwelling that is owned by a corporation or other business entity.~~ For purposes of **section 33**, a "dwelling" is defined, with certain exceptions, as: (1) public housing; (2) any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or (3) any housing which accepts vouchers for rental payment. A "dwelling" does not include: (1) a manufactured home; or (2) a single family house owned by a natural person or any other housing that is owned by a natural person and has four or fewer dwelling units.

Sections 31, 32 and 34-44 of this bill amend the Nevada Fair Housing Law to conform to federal law. **Section 36** of this bill revises the definition of "disability" to exclude any current illegal use of or addiction to a controlled substance. **Sections 37 and 38** of this bill revise the definitions of "dwelling" and "person." **Sections 31 and 32** define the terms "aggrieved person" and "unlawful discriminatory practice in housing."

Section 39 of this bill revises the prohibited practices which constitute an unlawful discriminatory practice in housing in Nevada. **Section 39** prohibits discrimination in real estate related transactions. **Section 39** also sets forth certain exceptions to the application of its provisions.

Section 40 of this bill prohibits a person from refusing: (1) to allow a person with a disability to make reasonable modifications to a dwelling which may be necessary to afford the person with a disability full enjoyment of the dwelling, if the person with the disability pays for the modifications; or (2) to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

Section 41 of this bill revises accessibility requirements relating to the design and construction of a covered multifamily dwelling. **Section 42** of this bill revises provisions prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a service animal.

Sections 43 and 44 of this bill revise provisions governing civil actions to enforce certain provisions relating to discrimination in housing.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *“Administrator” means the Administrator of the Commission.*

Sec. 3. *“Aggrieved person” has the meaning ascribed to it in section 31 of this act.*

Sec. 4. *“Commission” means the Nevada Equal Rights Commission.*

Sec. 5. 1. *“Complainant” means a person by whom, or on whose behalf, a complaint is made which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

2. *As used in this section, “person” includes the Commission.*

Sec. 6. *“Conciliation” means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.*

Sec. 7. *“Disability” has the meaning ascribed to it in NRS 118.045.*

Sec. 8. *“Familial status” has the meaning ascribed to it in NRS 118.065.*

Sec. 9. *“Gender identity or expression” has the meaning ascribed to it in NRS 118.075.*

Sec. 10. *“Member” means a member of the Commission.*

Sec. 11. *“Respondent” means a natural person or other person against whom is made a complaint which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

Sec. 12. *“Sexual orientation” has the meaning ascribed to it in NRS 118.093.*

Sec. 13. *“Unlawful discriminatory practice in housing” has the meaning ascribed to it in section 32 of this act.*

Sec. 14. 1. *When a complaint is filed whose allegations if true would support a finding of an unlawful discriminatory practice in housing:*

(a) The Commission shall, to the extent practicable throughout the complaint process, engage in conciliation with respect to the complaint. If an agreement is reached with regard to the matters alleged in the complaint, no further action may be taken by the complainant or the Commission with regard to the matters alleged in the complaint.

(b) Each conciliation agreement between a complainant and a respondent must be approved by the Commission. The Commission may reject any conciliation agreement that it determines is not in the public interest. A conciliation agreement may provide for binding arbitration of the matters alleged in the complaint and for the awarding of any appropriate relief in the arbitration, including, without limitation, monetary relief.

(c) The Commission shall make a conciliation agreement public unless the complainant and the respondent agree that it not be made public and the Commission determines that public disclosure of the agreement would not further the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act.

2. The Commission shall, at the conclusion of the investigation required by NRS 233.157, prepare a final investigative report containing:

(a) The name of and the date of contact with each witness;

(b) A summary and the dates of correspondence and other contact with the complainant and the respondent;

(c) A summary description of other pertinent records;

(d) A summary of witness statements; and

(e) Answers to interrogatories.

↪ The Commission may amend the final investigative report if additional evidence is discovered.

3. If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is not probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Administrator shall dismiss the complaint and notify the complainant and the respondent.

4. If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed:

(a) The Attorney General shall prepare a notice of hearing which complies with the requirements of NRS 233B.121 and serve a copy of the notice upon the complainant, the aggrieved person and the respondent, together with notice of the right to elect, in lieu of the hearing, to have the matter determined in a civil action in a court of competent jurisdiction pursuant to section 15 of this act.

(b) Any aggrieved person may intervene as a party in the proceeding.

5. Unless an election is made to have the matter determined in a court of competent jurisdiction pursuant to section 15 of this act, the Commission shall hold a public hearing on the matter in conformance with the requirements of chapter 233B of NRS, except that the provisions of subsection 5 of NRS 233B.121 and NRS 233B.124 do not apply to the hearing. The Attorney General shall prepare and prosecute the complaint on behalf of the complainant.

6. *If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has occurred, the Commission shall serve a copy of its findings of fact and conclusions of law upon the complainant, the aggrieved persons and the respondent within 10 days after such a finding and may:*

- (a) Order the respondent to cease and desist from the unlawful practice;*
- (b) Order such injunctive or other equitable relief as may be appropriate;*
- (c) Award actual damages to the complainant;*
- (d) Impose upon the respondent:*

(1) Except as otherwise provided in this paragraph, a civil penalty of not more than \$16,000;

(2) If the respondent has been adjudged in a separate action to have committed any violation of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act within the 5-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$37,500; or

(3) If the respondent has been adjudged in one or more separate actions to have committed two or more violations of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act within the 7-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$65,000; and

- (e) Award costs and reasonable attorneys' fees to the complainant.*

7. *If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has not occurred, the Commission:*

- (a) Shall dismiss the matter and make the dismissal public; and*

(b) May, upon motion of the respondent, award costs and reasonable attorney's fees to the respondent if the Commission determines that the complaint, had it been filed with a court, would have violated and been grounds for sanctions under Rule 11 of the Nevada Rules of Civil Procedure.

8. *Any resolution of a complaint before a final order of the Commission following a hearing held pursuant to subsection 5 must, to the extent practicable, be agreed to by the aggrieved person.*

9. *If the respondent fails to comply with a final order of the Commission, the Commission shall apply to the district court for an order compelling compliance. If the court finds that the respondent has violated the order by failing to cease and desist from the unlawful practice, failing to make any payment ordered or otherwise failing to comply with the order, the court shall award the aggrieved person actual damages caused by the noncompliance.*

10. *After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.*

Sec. 15. 1. *If, pursuant to subsection 4 of section 14 of this act, the Administrator has determined that there is probable cause to believe that an*

unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed, the complainant, the aggrieved person or the respondent may, in lieu of a hearing before the Commission pursuant to section 14 of this act, elect to have the claims of an unlawful discriminatory practice in housing that were set forth in the complaint decided by a court of competent jurisdiction.

2. The election must be made in writing and be received by the Commission not later than 20 days after the date on which the notice was served as required by subsection 4 of section 14 of this act.

3. The Attorney General shall, if requested by the complainant or the aggrieved person, prepare, file and litigate a civil action on behalf of the complainant or the aggrieved person.

4. Any aggrieved person, with respect to the issues to be determined in the civil action, may intervene as a matter of right in the civil action.

5. If the court, based on a preponderance of the evidence, determines that the defendant has committed or is about to commit an unlawful discriminatory practice in housing, the court may:

(a) Award actual and punitive damages to the complainant or the aggrieved person, except that the court may not award monetary damages to an aggrieved person who does not intervene if that aggrieved person has not complied with discovery orders entered by the court;

(b) Award costs and reasonable attorney's fees to the complainant or the aggrieved person; and

(c) Order such other relief as the court determines appropriate, including, without limitation:

(1) Ordering a permanent or temporary injunction;

(2) Issuing a temporary restraining order; or

(3) Enjoining the defendant from engaging in the unlawful practice or ordering such other affirmative action as the court determines appropriate.

6. If the court, based on a preponderance of the evidence, determines that the defendant has not committed and is not about to commit an unlawful discriminatory practice in housing, the court shall dismiss the action and may, upon the motion of the defendant, award costs and reasonable attorney's fees to the defendant if the court determines that the complaint was prosecuted in violation of Rule 11 of the Nevada Rules of Civil Procedure.

7. The Commission shall notify the complainant, all aggrieved persons and the respondent of the court's decision in any action filed pursuant to this section.

Sec. 16. 1. An order of the Commission issued pursuant to section 14 of this act in a complaint alleging an unlawful discriminatory practice in housing is a final decision in a contested case for the purpose of judicial review.

2. Any person identified as a party of record in a hearing before the Commission on a complaint alleging an unlawful discriminatory practice in

housing who is aggrieved by a final decision of the Commission may request judicial review.

3. A petition for judicial review must:

(a) Name as respondents the Commission and all parties of record to the hearing;

(b) Be instituted by filing the petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county in which the hearing occurred; and

(c) Be filed within 30 days after service of the final decision of the Commission.

4. A cross-petition for judicial review must be filed within 10 days after service of a petition for judicial review.

5. The Commission and any party wishing to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the petitioner and each named respondent within 20 days after service of the petition.

6. The petition for judicial review and any cross-petition for judicial review must be served upon the Commission and each party of record within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.

7. The Commission shall, within 30 days after receipt of service of the petition for judicial review or such time as allowed by the court, transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, a transcript of the evidence resulting in the final decision of the Commission. The record may be shortened by stipulation of the parties to the proceeding. If the court determines that a party has unreasonably refused to stipulate to limit the record, the court may assess any additional costs resulting from the refusal against that party. The court may require or permit subsequent corrections or additions to the record.

8. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the court may order that the additional evidence and any rebuttal evidence be taken before the Commission upon such conditions as the court determines appropriate. After receipt of any additional evidence, the Commission:

(a) May modify its findings and decision; and

(b) Shall file the evidence and any modification, new finding or decision with the court.

9. A petitioner or cross-petitioner who is seeking judicial review shall serve and file a memorandum of points and authorities within 40 days after the Commission gives written notice to the parties that the record of the proceeding under review has been filed with the court.

10. *The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities.*

11. *The petitioner or cross-petitioner may serve and file a reply memoranda of points and authorities within 30 days after service of the reply memorandum.*

12. *Within 7 days after the expiration of the period within which the petitioner is required to reply, any party may request a hearing. Unless a request for a hearing has been filed, the matter shall be deemed submitted.*

13. *All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.*

14. *The court, for good cause, may extend the times allowed in this section for filing memoranda.*

15. *Judicial review of a final decision of the Commission must be:*

(a) Conducted by the court without a jury; and

(b) Confined to the record.

➡ *In cases concerning alleged irregularities in procedure before the Commission that are not shown in the record, the court may receive evidence concerning the irregularities.*

16. *The final decision of the Commission shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 17.*

17. *The court shall not substitute its judgment for that of the Commission as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the Commission is:*

(a) In violation of any constitutional or statutory provision;

(b) In excess of the statutory authority of the Commission;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

18. *A petitioner who applies for a stay of the final decision of the Commission shall file and serve a written motion for the stay on the Commission and all parties of record to the proceeding at the time of filing the petition for judicial review. The petitioner must provide security before the court may issue a stay.*

19. *In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.*

20. *In making a ruling, the court shall:*

- (a) *Give deference to the Commission; and*
- (b) *Consider the risk to the public, if any, of staying the decision of the Commission.*

21. *An aggrieved party may obtain a review of any final judgment of the district court by appeal to the Nevada Supreme Court. The appeal may be taken as in other civil cases.*

Sec. 17. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, ***familial status***, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, ~~religious creed,~~ ***religion***, color, age, sex, disability, sexual orientation, national origin ~~ancestry~~ or gender identity or expression.

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, ~~religious creed,~~ ***religion***, color, age, sex, disability, sexual orientation, gender identity or expression ~~or~~ ***or*** national origin ~~ancestry~~.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 18. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter ~~the~~:

- ~~1. “Administrator” means the Administrator of the Commission.~~
- ~~2. “Commission” means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.~~
- ~~3. “Disability” means, with respect to a person:~~
 - ~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;~~
 - ~~(b) A record of such an impairment; or~~
 - ~~(c) Being regarded as having such an impairment.~~
- ~~4. “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.~~
- ~~5. “Member” means a member of the Nevada Equal Rights Commission.~~

~~6. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality. , unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.~~

Sec. 19. NRS 233.085 is hereby amended to read as follows:

233.085 The Governor may designate another agency to perform the duties and functions of the Commission set forth in NRS 233.150 ~~1, 233.160, 233.165 and 233.170.~~ **and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this act.**

Sec. 20. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all groups, including, without limitation, those based on race, religion, disability, ethnicity, sexual orientation and gender identity or expression, and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, **color**, religion, sex, sexual orientation, gender identity or expression, age, disability, **familial status** or ~~nationality.~~ **national origin.**

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, ~~creed,~~ **religion**, sex, sexual orientation, gender identity or expression, age, disability, **familial status** or national origin, ~~for ancestry.~~ and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various groups, including, without limitation, those based on race, religion, sex, sexual orientation, gender identity or expression, age, disability, nationality and ethnicity, veterans’ organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.4353 to 613.4383, inclusive.

Sec. 21. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ **religion**, sex, age, disability, **familial status**, sexual

orientation, national origin ~~or ancestry~~ or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ **religion**, sex, age, disability, **familial status**, sexual orientation, gender identity or expression ~~or~~ **or** national origin , ~~or ancestry,~~ and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ **religion**, sex, age, disability, **familial status**, sexual orientation, gender identity or expression ~~or~~ **or** national origin , ~~or ancestry,~~ and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. ***Initiate a complaint against an unlawful discriminatory practice in housing.***

6. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 22. NRS 233.153 is hereby amended to read as follows:

233.153 1. The Commission ~~shall not~~ **may** contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency . ~~unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.~~

2. As used in this section:

(a) “Certified agency” has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

(b) “Memorandum of understanding” means the memorandum of understanding described in 24 C.F.R. § ~~115.210~~ **115.205**.

Sec. 23. NRS 233.157 is hereby amended to read as follows:

233.157 **1.** The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter.

2. The Commission shall adopt regulations setting forth the manner in which the Commission will process ~~any such~~ a complaint ~~and~~ *received pursuant to subsection 1.*

3. *If a complaint alleges an unlawful discriminatory practice in employment or public accommodations, the Commission shall* determine whether to hold an informal *settlement* meeting or conduct an investigation concerning the complaint.

4. *If a complaint alleges an unlawful discriminatory practice in housing, the Commission shall investigate the complaint and shall, to the extent practicable, engage in conciliation with respect to the complaint.*

Sec. 24. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

➡ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the ~~party against whom an unlawful discriminatory practice is alleged;~~ **respondent:**

(a) A copy of the complaint;

(b) An explanation of the rights which are available to ~~that party;~~ **the respondent;** and

(c) A copy of the Commission's procedures.

4. The Commission shall notify each party to the complaint of the limitation on the period of time during which a person may apply to the district court for relief pursuant to NRS 613.430.

5. If a person files a complaint pursuant to paragraph (b) of subsection 1 which alleges an unlawful discriminatory practice in employment, the Commission shall, as soon as practicable after receiving the complaint, notify in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice pursuant to NRS 613.412.

6. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on:

(a) Except as otherwise provided in paragraph (b), the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

(b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commission determines by regulation that the section, as amended, provides greater protection for employees than the section as it existed on January 1, 2019, the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

7. If a person files a complaint pursuant to paragraph (a) of subsection 1 which alleges an unlawful discriminatory practice in housing:

(a) The Commission shall, not later than 10 days after receiving the complaint:

(1) Serve upon the aggrieved person:

(I) Notice that the complaint was filed with the Commission;

(II) A copy of the procedures of the Commission;

(III) The information set forth in sections 14 and 15 of this act; and

(IV) Information relating to the state and federal administrative bodies and courts with which the aggrieved person may file the complaint.

(2) Send to the respondent the information set forth in subsection 3.

(b) The respondent may file with the Commission an answer to the complaint not later than 10 days after the respondent receives the information set forth in subsection 3.

(c) A person who is not named as a respondent but who is identified as a respondent in the course of the investigation may be joined as an additional or substitute respondent upon written notice from the Commission to that person.

Sec. 25. NRS 233.165 is hereby amended to read as follows:

233.165 1. ~~If the Commission determines to conduct~~ **In conducting** an investigation of a complaint which alleges an unlawful discriminatory practice in housing in accordance with the regulations adopted pursuant to NRS 233.157, the Commission ~~must~~ **shall:**

(a) Begin ~~an~~ **the** investigation of the complaint within 30 days after it receives the complaint.

(b) Complete its investigation of the complaint within 100 days after it receives the complaint unless it is impracticable to do so.

(c) Make a final disposition of the complaint within 1 year after the date it receives the complaint unless it is impracticable to do so.

2. If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within the period prescribed in subsection 1, the Commission shall send to the complainant and the ~~person against whom the complaint was filed~~ **respondent** a statement setting forth its reasons for not completing the investigation or making a final disposition of the complaint within that period.

Sec. 26. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of **an** unlawful practice ~~to the~~ **in employment or public accommodations:**

(a) *The* Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.

~~12.1~~ (b) If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The ~~party against whom a complaint was filed~~ **respondent** may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.

~~13.1~~ (c) If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter ~~After~~ **in accordance with the requirements of chapter 233B of NRS.**

2. **If, after the hearing ~~is~~ held pursuant to paragraph (c) of subsection 1,** the Commission determines that an unlawful practice has occurred, ~~it may:~~ **the Commission:**

(a) ~~Serve~~ **Shall serve** a copy of its findings of fact within 10 calendar days upon any ~~person~~ **respondent** found to have engaged in the unlawful practice; and

(b) ~~Order~~ **May order** the ~~person~~ **respondents** to:

(1) Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the ~~person~~ **respondent** must take.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period described in subsection ~~4.1~~ **3**, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission for lost wages that would have been earned in the absence of discrimination or other economic damages resulting from the discrimination, including, without limitation, lost payment for overtime, shift differential, cost of living adjustments, merit increases or promotions, or other fringe benefits.

(4) In cases involving an unlawful employment practice committed by an employer with 50 or more employees that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the ~~person~~ **respondent** has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$5,000.

(II) For the second unlawful employment practice that the ~~person~~ **respondent** has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$10,000.

(III) For the third and any subsequent unlawful employment practice that the ~~person~~ **respondent** has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$15,000.

~~4-1~~ 3. For the purposes of subparagraph (2) of paragraph (b) of subsection ~~3-1~~ 2, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection ~~3-1~~ 2.

~~5-1~~ 4. Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection ~~3-1~~ 2, the Commission must allow the ~~person~~ **respondent** found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection ~~3-1~~ 2. If the ~~person~~ **respondent** takes such corrective action, the Commission shall not impose the civil penalty.

~~6-1~~ 5. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the ~~person~~ **respondent** fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the ~~person~~ **respondent** has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.

~~7-1~~ 6. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

~~8-1~~ 7. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.

Sec. 27. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission determines that the

practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission, ~~after the informal meeting and~~ before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.

Sec. 28. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. Except as otherwise provided in subsection 5, the Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the ~~party against whom the unlawful discriminatory practice is alleged~~ **respondent** or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the ~~party against whom the unlawful discriminatory practice is alleged~~ **respondent** if:

(a) Each has consented to such disclosure; or

(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the ~~party against whom the unlawful discriminatory practice is alleged~~ **respondent**.

(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.

(b) Any investigative notes or reports made by the Commission.

(c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. After the filing of a complaint with the Commission, access to information related to the complaint must be limited only to such staff of the Commission as is necessary to carry out the duties of the Commission relating to the complaint. Such staff shall not disclose such information to the other officers and employees of the Department of Employment, Training and Rehabilitation, including, without limitation, supervisors and the Director of the Department, unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.

6. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

7. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 29. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The Governor.
- (b) Except as otherwise provided in NRS 209.221, the Department of Corrections.
- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- (i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
- (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
- (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.
- (m) The Silver State Health Insurance Exchange.
- (n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

- (a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) *Chapter 233 of NRS for the judicial review of decisions of the Nevada Equal Rights Commission concerning an unlawful discriminatory practice in housing;*

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

~~[(d)]~~ (e) NRS 90.800 for the use of summary orders in contested cases,
 ➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; or

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 30. Chapter 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 31, 32 and 33 of this act.

Sec. 31. *“Aggrieved person” means any person who:*

1. *Claims to have been injured by an unlawful discriminatory practice in housing; or*

2. *Believes that he or she will be injured by an unlawful discriminatory practice in housing that is about to occur.*

Sec. 32. *“Unlawful discriminatory practice in housing” means a practice prohibited by NRS 118.100 and section 33 of this act.*

Sec. 33. 1. *Except as otherwise provided in this section, it is an unlawful discriminatory practice for any person to:*

(a) *Inquire into or conduct a background check to determine the arrest record, conviction record or record of criminal history of an applicant for the rental or lease of a dwelling or a tenant;*

(b) *Refuse to rent or lease or refuse to negotiate for the rental or lease of, or otherwise make unavailable, a dwelling to an applicant because of any arrest record, conviction record or record of criminal history;*

(c) *Make, print or publish, or cause to be made printed or published, any notice, statement or advertisement with respect to the rental or lease of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination, on the basis of an applicant’s arrest record, conviction record or record of criminal history; or*

(d) *Evict a tenant on the basis of an arrest record, conviction record or record of criminal history for a misdemeanor offense unless the misdemeanor offense occurred on the premises of the dwelling that is being rented or leased to the tenant.*

2. *A person may inquire into or conduct a background check to determine whether an applicant for the rental or lease of a dwelling has a conviction record or record of criminal history that includes:*

(a) *First degree arson pursuant to NRS 205.010, or the equivalent offense in another jurisdiction, within the immediately preceding year;*

(b) *At least two instances of second, third or fourth degree arson pursuant to NRS 205.015, 205.020 or 205.025, or the equivalent offense in another jurisdiction, within the immediately preceding year;*

(c) *A violent or sexual offense as defined in NRS 202.876, or the equivalent offense in another jurisdiction; or*

(d) *If the rental or lease is being made available by a public housing authority and the public housing authority has adopted a policy to use such offenses as a basis for denying the rental or lease in the public housing and has made a list of the offenses publicly available, any offense set forth in 24 C.F.R. § 982.553 as a permissive prohibition, other than drug-related criminal offenses related to cannabis from another jurisdiction, if such offense would not be a criminal offense in this State.*

➡ *A person who inquires into or conducts a background check in accordance this subsection may refuse to rent or lease, refuse to negotiate for the rental or lease of, or otherwise make unavailable a dwelling on the*

basis of a conviction record or record of criminal history for the offenses set forth in this subsection.

3. A person who is subject to this provisions of this section shall provide to each applicant for the rental or lease of a dwelling information on:

- (a) The provisions of this section and NRS 118.110 and 118.120;
- (b) How the applicant may appeal a denial for a rental or lease of a dwelling in public housing to a public housing authority; and
- (c) How the applicant may file a complaint with the Commission pursuant to NRS 233.160 if the applicant believes that his or her application was denied on the basis of an unlawful discriminatory practice.

4. The provisions of this section:

- (a) Except as otherwise provided in paragraph (b), apply to the rental or lease, including, without limitation, a week to week tenancy, of ~~the~~

~~(1) Any dwelling that is owned by a natural person and contains five or more dwelling units, and~~

~~(2) Any dwelling that is owned by a corporation or other business entity.~~

- (b) Do not apply to any action taken by a person:

(1) Pursuant to any federal or state law or regulation that requires the person to inquire into or conduct a background check to determine the arrest record, conviction record or criminal history of an applicant and exclude certain applicants based on certain types of criminal history, including, without limitation, the provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. § 982.553.

(2) To review the statewide registry of sex offenders and offenders convicted of a crime against a child established pursuant to NRS 179B.200.

(3) Who makes available for rent a dwelling for tenancy on a week to week basis to determine whether an applicant has any outstanding felony warrants pending against him or her.

5. As used in this section:

- (a) “Applicant” means a person who:

- (1) Seeks information about, visits or applies to rent or lease a dwelling;
- (2) Applies for a housing rental assistance program, including, without limitation, the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; or
- (3) Seeks to be added to an existing lease for a dwelling.

(b) “Arrest record” means any information indicating that a person has been apprehended, detained, taken into custody, held for investigation or restrained by a law enforcement department of military authority due to an accusation or suspicion that a person committed a crime. The term includes pending criminal charges where an accusation has not resulted in a final judgment, acquittal, conviction, plea, dismissal or withdrawal.

(c) “Background check” means any report regarding the arrest record, conviction record or record of criminal history of a person intended to obtain the person’s record of criminal history.

(d) *“Conviction record” means any information regarding a final adjudication or other criminal disposition adverse to a person. The term includes, without limitation, dispositions for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.*

(e) *“Dwelling”:*

(1) *Except as otherwise provided in subparagraph (2), means:*

(I) *Public housing;*

(II) *Any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or*

(III) *Any housing which accepts rental payments of vouchers from a federal, state or local housing voucher program.*

(2) *Does not include:*

(I) *A manufactured home; or*

(II) *A single-family house owned by a natural person or any other housing that is owned by a natural person and has four or fewer dwelling units.*

(f) *“Dwelling unit” means a building or a portion of a building planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the unit.*

(g) *“Housing authority” has the meaning ascribed to it in NRS 315.021.*

(h) *“Public housing” has the meaning ascribed to it in NRS 315.021.*

(i) *“Record of criminal history” has the meaning ascribed to it in NRS 179A.070.*

Sec. 33.5. (Deleted by amendment.)

Sec. 34. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, ~~religious creed,~~ color, national origin, **religion**, disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial status or sex.

2. Nothing in ~~this chapter~~ **NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act** shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.

Sec. 35. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, **and sections 31, 32 and 33 of this act**, unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, **and sections 31 and 32 of this act** have the meanings ascribed to them in those sections.

Sec. 36. NRS 118.045 is hereby amended to read as follows:

118.045 1. “Disability” means, with respect to a person:

~~11-1~~ (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~12-1~~ (b) A record of such an impairment; or

~~13-1~~ (c) Being regarded as having such an impairment.

2. The term does not include any current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802(6).

Sec. 37. NRS 118.060 is hereby amended to read as follows:

118.060 ~~11-1~~ “Dwelling” means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

~~12-~~ “Dwelling” does not include:

~~— (a) A single family house sold or rented by an owner if:~~

~~— (1) The owner does not own more than three single family houses at any one time or the owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single family houses at any one time; and~~

~~— (2) The house was sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, real estate broker salesperson or real estate salesperson licensed pursuant to chapter 645 of NRS.~~

~~— (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her residence and the owner has not within the preceding 12-month period participated:~~

~~— (1) As the principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or~~

~~— (2) As an agent, otherwise than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.~~

~~— 3. The sale of a single family house by an owner not residing in that house at the time of the sale or who was not the most recent resident of that house before the sale does not bring the house within the definition of “dwelling” unless there is more than one such sale within any 24 month period.~~

Sec. 38. NRS 118.080 is hereby amended to read as follows:

118.080 “Person” includes ~~the~~ :

1. One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;

2. The State of Nevada ; and ~~fall~~

3. *All political subdivisions and agencies ~~thereof~~ of the State.*

Sec. 39. NRS 118.100 is hereby amended to read as follows:

118.100 ~~{A}~~

1. *Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~religious creed,~~ color, **religion**, national origin, ~~disability,~~ sexual orientation, gender identity or expression, ~~ancestry,~~ familial status, ~~or~~ sex ~~{-}~~ **or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by the provisions of NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act:***

~~{1-}~~ (a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

~~{2-}~~ (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

~~{3-}~~ (c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this subsection, “dwelling” includes a house, room or unit described in ~~subsection 2 or 3 of NRS 118.060.~~ **paragraphs (a) and (b) of subsection 5.**

~~{4-}~~ (d) Represent to any person because of race, ~~religious creed,~~ color, **religion**, national origin, disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial status or sex that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

~~{5-}~~ (e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, ~~religious creed,~~ **religion**, color, national origin, disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial status or sex.

~~{6- Coerce.}~~

(f) *Deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.*

2. *A person shall not discriminate against any person in making available a residential real estate related transaction, or in the terms or conditions of such a transaction.*

3. *A person shall not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed or aided or encouraged any other person in the exercise*

or enjoyment of, any right granted or protected in ~~this chapter.~~ *NRS 118.010 to 118.120, inclusive, and sections 31, 32 and 33 of this act.*

4. The provisions of this section:

(a) Do not prohibit a person engaged in the business of furnishing appraisals of real property from considering factors other than race, color, religion, sex, national origin, sexual orientation, gender identity or expression, familial status or disability in performing an appraisal.

(b) Do not prohibit a religious organization, association or society, or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preferences to such persons, unless membership in the religion is restricted on account of race, color or national origin.

(c) Do not prohibit a private club which is not open to the public and which, as an incident to its primary purposes, provides lodgings that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of those lodgings to its members or from giving preference to its members.

(d) With regard to the prohibition against discrimination based on familial status, do not apply to housing for older persons.

5. Except as otherwise provided in paragraph (c) or (f) of subsection 1 or subsection 2, 3 or 6, the provisions of this section do not apply to:

(a) A single-family house sold or rented by a private individual owner if:

(1) The private individual owner does not own more than three single-family houses;

(2) The private individual owner does not own any interest in, and there is not owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to any portion of the proceeds from the sale or rental of more than three single-family houses; and

(3) The house is sold or rented:

(I) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman licensed under chapter 645 of NRS, other person in the business of selling or renting dwellings or the employee or agent of such a real estate broker, agent or salesman or other person; and

(II) Without the publication, posting or mailing of any advertisement or written notice in violation of paragraph (c) of subsection 1.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner maintains and occupies one of the living quarters as his or her residence.

6. In the event of the sale of a single-family house by a private individual owner who does not reside in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption from

the provisions of this section set forth in paragraph (a) of subsection 5 applies only with respect to one such sale within any 24-month period.

7. The provisions of this section do not prohibit the use by any person of such attorneys, escrow agents, commissioned abstracters, title companies or other professional assistance as necessary to perfect or transfer title to real property.

8. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(a) Has, within the immediately preceding 12 months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(b) Has, within the immediately preceding 12 months, participated as an agent, other than in the sale of his or her own residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(c) Is the owner of any dwelling occupied by, or designed or intended for occupancy by, five or more families.

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

(a) "Housing for older persons" means housing that is:

(1) Provided under any state or federal program which the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons;

(2) Intended for and occupied solely by persons who are 62 years of age or older; or

(3) Intended and operated for occupancy by persons who are 55 years of age or older and:

(I) At least 80 percent of the occupied units are occupied by at least one person who is 55 years or older; and

(II) Applicable rules for verification of occupancy are complied with.

(b) "Residential real estate related transaction" means:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling;

(2) The making or purchasing of loans or providing other financial assistance secured by residential real estate; or

(3) The selling, brokering or appraising of residential real estate.

Sec. 40. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to ~~+~~

~~—(a) Authorize~~ **authorize** a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

~~+(1)+~~ **(a)** The person with the disability pays for the modifications; and

~~+(2)+~~ **(b)** The modifications ~~fare~~ **may be** necessary to ~~ensure that~~ **afford** the person with the disability ~~may use and enjoy~~ **the full enjoyment** of the dwelling. ~~+~~ **or**

~~(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.~~

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the *interior of the dwelling* to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of security the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a reasonable amount of security in addition to the amount the landlord usually requires if the additional amount:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is *collected over a reasonable period and* deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. *A person may not refuse to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.*

6. As used in this section, “security” has the meaning ascribed to it in NRS 118A.240.

Sec. 41. NRS 118.103 is hereby amended to read as follows:

118.103 1. A covered multifamily dwelling which is designed and constructed for occupancy on or after ~~March 13, 1991,~~ **October 1, 2021**, must be constructed in such a manner that the *primary entrance to the dwelling* ~~contains at least one entrance which~~ is accessible to a person with a disability unless it is impracticable to so design or construct the dwelling because of the terrain or unusual characteristics of the site upon which it is constructed.

2. ~~{A} Such a~~ covered multifamily dwelling ~~{which contains at least one entrance which is accessible to a person with a disability}~~ must be constructed in such a manner that:

(a) The ~~common~~ areas of the dwelling *intended for public use or common use* are readily accessible to and usable by a person with a disability;

(b) The doors of the dwelling are sufficiently wide to allow a person with a disability to enter and exit in a wheelchair;

(c) The units of the dwelling contain:

(1) An accessible route into and through the dwelling;

(2) Reinforcements in the bathroom walls so that bars for use by a person with a disability may be installed therein; and

(3) Kitchens and bathrooms *which are usable by a person in a wheelchair and* in which *such* a person ~~in a wheelchair~~ may maneuver; and

(d) The light switches, electrical outlets, thermostats or any other environmental controls in the units of the dwelling are placed in such a manner that they are accessible to a person in a wheelchair.

3. As used in this section, “covered multifamily dwelling” means:

(a) A building which consists of four or more units and contains at least one elevator; ~~for~~ *and*

(b) The units located on the ground floor of any other building which consists of four or more units.

Sec. 42. NRS 118.105 is hereby amended to read as follows:

118.105 1. ~~Except as otherwise provided in subsection 2, a~~ A landlord ~~may~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~an~~ *a service animal which affords the person an equal opportunity to use and enjoy the dwelling* will be residing with the prospective tenant in the dwelling . ~~if the animal assists, supports or provides service to the person with a disability.~~

2. ~~A landlord may require proof that an animal assists, supports or provides service to the person with a disability. This requirement may be satisfied, without limitation, by a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability.~~ *As used in this section, “service animal” has the meaning ascribed to it in NRS 426.097.*

Sec. 43. NRS 118.110 is hereby amended to read as follows:

118.110 Any aggrieved person ~~who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by such a practice that is about to occur~~ may file a complaint with the Commission in the manner prescribed in NRS 233.160 ~~and~~ *and avail himself or herself of the rights and remedies set forth in NRS 233.165 and sections 14, 15 and 16 of this act.*

Sec. 44. NRS 118.120 is hereby amended to read as follows:

118.120 ~~Any~~

1. *Except as otherwise provided in subsection 2, an aggrieved* person may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 *and sections 31, 32 and 33 of this act* not ~~less~~ *more* than 1 year after the date of the occurrence or termination of an alleged violation of any of those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and, in the case of a prevailing plaintiff, may award to the plaintiff actual damages, punitive damages, court costs and a reasonable attorney's fee.

2. The limitation on commencing an action set forth in subsection 1 is tolled by the filing of a complaint with the Commission and during the pendency of the complaint before the Commission.

3. An aggrieved person may commence a civil action under this section regardless of whether the person has filed a complaint under NRS 118.110, unless the person has entered into a conciliation agreement concerning the complaint or the Commission has commenced a hearing pursuant to section 14 of this act with respect to the matters alleged in the complaint.

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, inclusive, of this act become effective:

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

(b) On October 1, 2021, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 355, 383, and 445; Senate Bill No. 410 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 494 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 382 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 494. This is the appropriations act that went back and forth from the third floor to the first floor the other evening to make sure that it was appropriately processed and placed on the Chief Clerk's Desk. It was placed on the desk at 10:45 p.m. that evening. It has been on the desk all day yesterday and we just took it off the desk now, so it has completed its more than 24-hour period of the Legislature and the public being able to access it.

It is an 11-page floor statement which I will not read, but I am going to give you the executive summary of it so that we have a record of it. Then I will turn the floor statement into the front desk so it can be encapsulated in our record.

The General Appropriations Act, the General Authorizations Act, the salary bill, the school funding bill, and the Capital Improvement Program bill are the final result of the long deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Appropriations Act and other appropriations bills considered through the session delineate the amount of General Fund support approved by the money committees for the operation of Nevada state government for the 2021-2023 biennium.

The General Fund appropriations included in the General Appropriations Act total \$2,924,750,372 in Fiscal Year 2022, and \$3,091,481,545 in Fiscal Year 2023, or \$6.026 billion over the 2021-2023 biennium, an increase of approximately \$293 million when compared to the General Fund appropriations approved by the 2019 Legislature for the 2019-2021 biennium. The Act includes Highway Fund appropriations totaling \$146,678,364 in Fiscal Year 2022 and \$158,702,610 in Fiscal Year 2023, or \$305.4 million over the 2021-2023 biennium, an increase of approximately \$41.1 million over the previous biennium.

If the folks in this body will notice the increase from this year to last year and compare it to some of the dollars that we have had conversations about with education, those numbers come pretty close to matching what we have processed over these last hundred and some days. Mr. Speaker, I am very pleased that my last mission as Chair of Assembly Ways and Means is to present to this body the Appropriations Act that will fund the government through this next interim.

Roll call on Assembly Bill No. 494:

YEAS—33.

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

EXCUSED—Hafen, Hardy, Krasner—3.

Assembly Bill No. 494 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Roll call on Assembly Bill No. 355:

YEAS—33.

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

EXCUSED—Hafen, Hardy, Krasner—3.

Assembly Bill No. 355 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Roll call on Assembly Bill No. 383:

YEAS—26.

NAYS—Black, Dickman, Ellison, Hansen, Kasama, Leavitt, Matthews, McArthur, O'Neill,
Roberts, Titus, Tolles, Wheeler—13.

EXCUSED—Hafen, Hardy, Krasner—3.

Assembly Bill No. 383 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Roll call on Assembly Bill No. 445:

YEAS—33.

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

EXCUSED—Hafen, Hardy, Krasner—3.

Assembly Bill No. 445 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 410.

Bill read third time.

Roll call on Senate Bill No. 410:

YEAS—32.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—7.

EXCUSED—Hafen, Hardy, Krasner—3.

Senate Bill No. 410 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 Senate Bills Nos. 411,
412, 413, 414, 415, 418, 421, 422, 426, 427, 446, and 447 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. 411.

Bill read third time.

Roll call on Senate Bill No. 411:

YEAS—33.

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

EXCUSED—Hafen, Hardy, Krasner—3.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 412.

Bill read third time.

Roll call on Senate Bill No. 412:

YEAS—33.

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

EXCUSED—Hafen, Hardy, Krasner—3.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 413.

Bill read third time.

Roll call on Senate Bill No. 413:

YEAS—32.

NAYS—Black, Dickman, Ellison, Hansen, Matthews, McArthur, Wheeler—7.

EXCUSED—Hafen, Hardy, Krasner—3.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Roll call on Senate Bill No. 414:

YEAS—34.

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

EXCUSED—Hafen, Hardy, Krasner—3.

Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 415.

Bill read third time.

Roll call on Senate Bill No. 415:

YEAS—34.

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

EXCUSED—Hardy, Krasner—2.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Roll call on Senate Bill No. 418:

YEAS—35.

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

EXCUSED—Hardy, Krasner—2.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 421.

Bill read third time.

Roll call on Senate Bill No. 421:

YEAS—38.

NAYS—Black, Matthews, McArthur—3.

EXCUSED—Hardy.

Senate Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 422.

Bill read third time.

Roll call on Senate Bill No. 422:

YEAS—37.

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

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 426.

Bill read third time.

Roll call on Senate Bill No. 426:

YEAS—36.

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

Senate Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 427.

Bill read third time.

Roll call on Senate Bill No. 427:

YEAS—36.

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

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Roll call on Senate Bill No. 446:

YEAS—42.

NAYS—None.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Roll call on Senate Bill No. 447:

YEAS—39.

NAYS—Black, Matthews, McArthur—3.

Senate Bill No. 447 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 Senate Bill No. 409 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

Senate Bill No. 409.

Bill read third time.

Roll call on Senate Bill No. 409:

YEAS—32.

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

Senate Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed.

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 2:06 p.m.

ASSEMBLY IN SESSION

At 11:07 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 69, 70, 158, 175, 211, 318, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROCHELLE T. NGUYEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Senate Bills Nos. 278, 297, 389, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 432, 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. 443, 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 28, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 440, Senate Amendment No. 748, and requests a conference, and appointed Senators Harris, Scheible and Settlemeyer as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 459.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 441.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 653, 717 to Senate Bill No. 317.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Assemblywoman Cohen moved the adoption of the resolution.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Concurrent Resolution 11 creates a joint special committee to conduct a study concerning innovation zones.

Resolution adopted.

Senate Concurrent Resolution No. 13.

Assemblywoman Brittney Miller moved the adoption of the resolution.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Senate Concurrent Resolution 13 creates an interim committee to conduct an investigation into matters relating to reapportionment and redistricting in the state of Nevada.

Resolution adopted.

Assemblywoman Benitez-Thompson moved that Don Dike-Anukam be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, and allowed the use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 441.

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

Motion carried.

Senate Bill No. 459.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 387.

Bill read third time.

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

Amendment No. 772.

AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional ~~midwives and the issuance of permits to certified professional midwife student~~ midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring all types of midwives practicing in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) **Sections 2-32** of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by **section 16** of this bill. **Sections 2-14, 45, 69 and 73** of this bill define certain terms related to the practice of certified professional midwifery. **Section 15** of this bill exempts other providers of

health care from requirements governing the licensure and regulation of licensed certified professional midwives. **Sections 36, 38, 39 and 42-44** of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047) **Section 15.5 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.**

Section 16 creates the Board of Licensed Certified Professional Midwives. **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. Specifically, **section 34** provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least the 3 years immediately preceding the date on which the person submits an application. **Section 17** of this bill prescribes certain requirements concerning the operations and duties of the Board. **Section 18** of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: ~~requirements governing:~~ (1) **a list of approved** programs of training for ~~(licensed) certified professional (midwives),~~ **midwife birth assistants;** (2) ~~qualifications for licensure,~~ **requirements governing the issuance and renewal of a license** as a licensed certified professional midwife; (3) **requirements governing the** investigation of misconduct and discipline; (4) **requirements governing the** management of a client who is at a moderate or high risk of an adverse outcome; and (5) **requirements governing** certain other aspects of the practice of certified professional midwifery.

~~(Sections 19, 20 and 21)~~ **Section 19** ~~of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. It, a license by endorsement as a licensed certified professional midwife and a permit as a certified professional midwife student midwife, respectively.~~ **Section 101** of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2025. ~~It and section 100 of this bill removes a reference to a provision removed by section 101.~~ **Section 22** of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 23 and 29** of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife ~~for a permit as a certified professional midwife student midwife~~ in order to comply with federal law. **Sections 102 and 107** of this bill remove a requirement that an application for a license as a licensed

certified professional midwife ~~for a permit as a certified professional midwife student midwife~~ include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of **sections 23 and 29** until 2 years after that date. **Section 33** of this bill makes a conforming change to address applicants for licensure who do not have a social security number.

Section 24 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. **Section 25** of this bill requires any midwife who provides birthing services in this State to provide to a client a Community Birth Disclosure that contains certain information. **Section 25** additionally requires the Board to create ~~this~~ the Community Birth Disclosure in collaboration with all types of midwives who provide birthing services in this State. **Section 25** further requires a licensed certified professional midwife to obtain informed consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) **Sections 26, 40, 41 and 76** of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. **Sections 22, 24 and 77** of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife ~~or~~ or in certain emergency situations.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome, and **section 103** of this bill revises some of those requirements on the effective date of regulations adopted by the Board of Licensed Certified Professional Midwives to replace those requirements. **Section 105** of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility. **Section 27** also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal of such a client to consent to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to ~~annually~~ report certain information concerning his or her practice to the Division.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to be public. **Section 57** of this bill makes a conforming change to clarify that confidential records of the Division are not public records. **Section 31** of this bill ~~makes it a misdemeanor for~~ **prohibits** a person who does not hold a license as a licensed certified professional midwife ~~for a permit as a certified professional midwife student midwife to represent~~ **from representing** that he or she is licensed to engage in the practice of certified professional midwifery. **Section 31** allows a person to represent that he or she is licensed ~~for permitted~~ to engage in the practice of certified professional midwifery if the person is licensed ~~for permitted~~ in another district, state or territory of the United States and the person discloses that license ~~for permit~~ to the public. **Section 31** also ~~makes it a misdemeanor for~~ **prohibits** a certified professional midwife student midwife ~~to represent~~ **from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing** that he or she is qualified to engage in the practice of certified professional midwifery without supervision. **Section 31** authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of section 31, certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. **Section 32** of this bill authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of **sections 2-32**.

Existing law defines the term “provider of health care” as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35** of this bill includes licensed certified professional midwives in the definition of “provider of health care,” thereby subjecting licensed certified professional midwives to those requirements. **Section 75** of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. **Section 37** of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. **Section 70** of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. **Section 71** of this bill provides for the imposition of a fine upon a person who

furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-75 and 78-99 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. **Section 65** of this bill requires Medicaid to cover the services of a licensed certified professional midwife and provide reimbursement for such services at comparable rates to other providers of health care who provide similar services. **Section 56** of this bill makes a conforming change to indicate the placement of **section 65** in the Nevada Revised Statutes.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *“Board” means the Board of Licensed Certified Professional Midwives created by section 16 of this act.*

Sec. 5. *“Certified nurse-midwife” means a person who is:*

1. Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and

2. Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 5.3. *“Certified professional midwife birth assistant” means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.*

Sec. 5.7. *“Certified professional midwife student midwife” means a person who ~~holds a permit as a certified professional midwife student midwife issued~~ performs midwifery under the direct supervision of a preceptor pursuant to section ~~24~~ 24 of this act.*

Sec. 6. *“Co-manage” means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.*

Sec. 7. *“Consult” means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate*

provider of health care at the direction of a licensed certified professional midwife.

Sec. 8. *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 9. *“Licensed certified professional midwife” means a person licensed as a licensed certified professional midwife pursuant to section 19 ~~for 20~~ of this act.*

Sec. 10. *“Medical facility” has the meaning ascribed to it in NRS 449.0151.*

Sec. 11. *“Practice of certified professional midwifery” means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.*

Sec. 12. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 13. *“Refer” means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.*

Sec. 14. (Deleted by amendment.)

Sec. 15. 1. *Except as otherwise provided in this section and sections 22 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641C, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.*

2. *This chapter does not prohibit:*

- (a) Gratuitous services of a person in an emergency; or*
- (b) Gratuitous care by friends or by members of the family.*

Sec. 15.5. *The Division may accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this chapter.*

Sec. 16. 1. *The Board of Licensed Certified Professional Midwives is hereby created.*

2. *The Administrator of the Division shall appoint to the Board:*

(a) Four voting members who are licensed certified professional midwives currently practicing in this State;

(b) One voting member who is an advanced practice registered nurse, certified nurse-midwife or physician currently practicing in the area of obstetrics in this State ; ~~and who has experience working in a home setting;~~

(c) One voting member who is a provider of health care, other than a provider of health care described in paragraph (a) or (b), who is currently providing neonatal or pediatric care in this State;

(d) *Two voting members who are representatives of the general public and who have received care from a licensed certified ~~nurse~~ professional midwife; and*

(e) *One nonvoting member to serve as a liaison with the Division.*

3. *Each member of the Board must be a resident of this State.*

4. *The Administrator of the Division:*

(a) *May solicit nominations for appointment to the Board from interested persons and entities.*

(b) *Shall give preference when appointing the members of the Board to candidates who have experience collaborating with licensed certified professional midwives or providing or utilizing midwifery services outside of a hospital.*

5. *The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:*

(a) *Reappoint a member at the expiration of his or her term; or*

(b) *Terminate a member before the expiration of his or her term for cause.*

6. *A vacancy on the Board must be filled in the same manner as the initial appointment.*

7. *Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.*

Sec. 17. 1. *A majority of the voting members of the Board 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 Board.*

2. *The Board shall:*

(a) *At its first meeting and annually thereafter, elect a Chair from among its members;*

(b) *Meet ~~regularly~~ annually at the call of the Chair; and*

(c) *Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.*

3. *To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.*

4. *To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.*

Sec. 18. 1. *The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:*

(a) ~~*Requirements concerning the approval by the Division. A list of programs of training for licensed certified professional midwives and certified professional midwife birth assistants, including, without limitation, the required training and instruction that must be provided by such a program and the procedure for obtaining such approval.*~~ *approved*

by the Board. The Division shall post the list on an Internet website maintained by the Division.

(b) Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:

(1) ~~The educational qualifications that, except as otherwise provided in section 19 of this act and in addition to the qualifications prescribed by that section, are necessary to obtain a license pursuant to that section.~~

~~(2) The period for which a license is valid is~~

~~(3) , which must not exceed 2 years.~~

(2) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.

(c) The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.

(d) Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.

(e) Requirements governing the reinstatement of a license that has been revoked, including, without limitation, the procedure to apply for reinstatement.

(f) Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 26 of this act.

(g) Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

(1) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client;

(2) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death; and

(3) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

(I) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and

requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

(II) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

(h) Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

(i) Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

(j) Administrative penalties that the Division may impose upon a certified professional midwife student midwife who engages in the practice of certified professional midwifery without a preceptor.

(k) Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

2. The Board may, by regulation, require an applicant for a license as a licensed certified professional midwife ~~including, without limitation, an applicant for a license by endorsement pursuant to section 20 of this act,~~ to submit to the Division a complete set of his or her fingerprints and written permission authorizing the Division 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.

Sec. 19. 1. An applicant for a license as a licensed certified professional midwife ~~other than a license by endorsement pursuant to section 20 of this act,~~ must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:

(a) Has completed an educational program accredited by the Midwifery Education Accreditation Council, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

2. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 18 of this act.

3. ~~The~~ To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the ~~State Board~~ Division to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the ~~State Board~~ Division, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The ~~State Board~~ Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

4. As used in this section, “marginalized identity” means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 20. ~~{1. The Division shall issue a license by endorsement as a licensed certified professional midwife to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license as a licensed certified professional midwife in the District of Columbia or any state or territory of the United States.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a licensed certified professional midwife or any other type of midwife;~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(4) Is certified as a certified professional midwife by the North American Registry of Midwives, or its successor organization; and~~

~~(5) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization or meets the educational requirements prescribed by the Board pursuant to section 18 of this act;~~

~~— (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~— (c) The fee prescribed by the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and~~

~~— (d) Any other information required by the Division.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement as a licensed certified professional midwife pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a licensed certified professional midwife to the applicant not later than:~~

~~— (a) Forty five days after receiving the application; or~~

~~— (b) If the Board requires the applicant to submit his or her fingerprints pursuant to section 18 of this act, 10 days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,~~

~~— whichever occurs later.} (Deleted by amendment.)~~

Sec. 21. ~~{1. An applicant for a permit as a certified professional midwife student midwife must submit to the Division an application in the form prescribed by the Division. The application must be accompanied by a fee of \$100 and must include, without limitation:~~

~~— (a) A copy of an agreement with at least one preceptor to supervise the applicant and proof that each preceptor meets the requirements of section 24 of this act; and~~

~~— (b) Proof that the applicant is enrolled in a program of training for licensed certified professional midwives approved by the Division.~~

~~2. A permit as a certified professional midwife student midwife is valid for 2 years after the date of issuance and may be renewed upon submission to the Division of:~~

~~— (a) A renewal application in the form prescribed by the Division; and~~

~~— (b) A renewal fee of \$100.~~

~~3. Upon approving an application for the issuance or renewal of a permit as a certified professional midwife student midwife, the Division shall provide to the applicant a written copy of the provisions of section 24 of this act and any regulations adopted pursuant to section 18 of this act that apply to certified professional midwife student midwives.} (Deleted by amendment.)~~

Sec. 22. 1. A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and procedures authorized by subsection 3. Except as otherwise provided in subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:

(a) Be at least 18 years of age;

(b) Have completed ~~the~~ a program of training for certified professional midwife birth assistants on the list of programs approved by the ~~Division~~ Board pursuant to paragraph (a) of subsection 1 of section 18 of this act;

(c) Have completed training in cultural humility or the elimination of racism or bias;

(d) ~~Hold current certification~~ Have completed training in the techniques of administering neonatal resuscitation issued by an instructor certified by provided through the Neonatal Resuscitation Program of the American Academy of Pediatrics, or ~~its~~ any successor ~~organization~~ to that program; and

(e) Hold current certification in the techniques of administering cardiopulmonary resuscitation.

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or who is a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. ~~4.~~ Except as otherwise provided in subsection 4, a certified professional midwife birth assistant may perform routine clinical tasks and procedures only under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:

(a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 26 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;

(b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 26 of this act, to a patient to self-administer orally, sublingually, topically or rectally;

(c) Administering oxygen;

(d) Assisting in the care of a newborn infant immediately after birth;

(e) Placing a device used for auscultation of fetal heart tones;

(f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;

(g) Performing cardiopulmonary or neonatal resuscitation; and

(h) Checking vital signs.

4. A certified professional midwife birth assistant may provide any necessary assistance in an emergency or when birth is imminent if his or her supervising licensed certified professional midwife is not present. If a certified professional midwife birth assistant provides such assistance without supervision, the certified professional midwife birth assistant must contact a provider of emergency medical services to provide further assistance.

5. A certified professional midwife birth assistant shall not assess clinical information or make clinical decisions.

Sec. 23. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a licensed certified professional midwife ~~for a permit as a certified professional midwife student midwife~~ in this State shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance of a license as a licensed certified professional midwife ~~for a permit as a certified professional midwife student midwife~~ in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services 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; ~~for permit~~ or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife ~~for a permit as a certified professional midwife student midwife~~ may not be issued or renewed by the Division if the applicant:

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

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

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

Sec. 24. 1. ~~44~~ Except as otherwise provided in subsection 5, a certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 26 of this act, only under the direct supervision of a preceptor who is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.

2. A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.

3. A preceptor shall:

(a) ~~Provide to~~ Notify each client ~~in the form prescribed by the Division~~ notice that a certified professional midwife student midwife may be involved in the care of the client;

(b) Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and

(c) Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every clinical encounter between the certified professional midwife student midwife and a client.

4. ~~Not later than 10 days after~~ If the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor ~~the certified professional midwife student midwife shall notify the Division.~~ and the certified professional midwife student midwife has no additional preceptor, the certified professional midwife student midwife must cease engaging in the practice of certified professional midwifery. until he or she submits to the Division a written agreement with a new preceptor who meets the requirements of this section.

5. A certified professional midwife student midwife may provide any necessary assistance in an emergency or when birth is imminent if his or her preceptor is not present. If a certified professional midwife student midwife needs to provide such assistance and his or her preceptor is not present, the certified professional midwife student midwife must contact a provider of emergency medical services to provide further assistance.

Sec. 25. Upon accepting a client:

1. ~~Any~~ Any midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:

- (a) The type of midwife that the midwife is;
- (b) The level of education that the midwife has received; and
- (c) The care to be provided by the midwife.

↪ The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of the signature upon, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the Community Birth Disclosure for 5 years.

3. In addition to providing the Community Birth Disclosure pursuant to subsection 1, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) *A description of the educational background and credentials of the licensed certified professional midwife;*

(b) *A description of the practice of certified professional midwifery as set forth in section 11 of this act and the limitations on the practice of a licensed certified professional midwife;*

(c) *Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 18 of this act;*

(d) *Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 18 of this act;*

(e) *A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;*

(f) *A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;*

(g) *A disclosure of whether the licensed certified professional midwife holds liability insurance;*

(h) *A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 18 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and*

(i) *Any other information required by regulation of the Board.*

Sec. 26. 1. *A licensed certified professional midwife may use the following devices:*

(a) *Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;*

(b) *Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in ~~the setting where the birth is taking place~~ an obstetric center licensed pursuant to chapter 449 of NRS;*

(c) *Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and*

(d) *Any other device authorized by regulation of the Board.*

2. *A licensed certified professional midwife may possess and administer:*

(a) *Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine,*

diphenhydramine, ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) ~~Terbutaline only in the setting where the birth is taking place; and~~

~~(e)~~ Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and

(b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

(a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and

(b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Complete placenta previa;

(b) Partial placenta previa after the 27th week of gestation;

(c) Infection with the human immunodeficiency virus;

(d) Cardiovascular disease;

(e) Severe mental illness that may cause the client to cause harm to themselves or others;

(f) Pre-eclampsia or eclampsia;

(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;

(h) Potentially serious anatomic fetal abnormalities;

(i) Diabetes that requires insulin or other medication for management;

(j) Gestational age of greater than 43 weeks; or

(k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Prior cesarean section or other surgery resulting in a uterine scar;

(b) Multifetal gestation; or

(c) *Non-cephalic presentation after 36 weeks of gestation.*

3. *A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:*

- (a) *The contents of the recommendation;*
- (b) *The condition or symptom for which the recommendation was made;*
- (c) *Whether the client consented to the consultation, co-management, referral or transfer; and*
- (d) *If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.*

4. *A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the ~~Division~~ Board. If a client provides informed refusal to consent to:*

(a) *Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.*

(b) *Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:*

(1) *May continue to serve as the primary provider of health care for the client until the client provides such consent; and*

(2) *Is not liable for any damages resulting from the failure to consult, co-manage or refer.*

5. *If, after determining that a condition or symptom described in:*

(a) *Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional*

midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. 1. ~~On or before January 31 of each year,~~ With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report that includes, for the immediately preceding ~~calendar year,~~ licensure period:

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. 1. *If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ~~for permit~~ issued pursuant to this chapter, the Division shall deem the license ~~for permit~~ issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Division shall reinstate a license ~~for permit~~ issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:*

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license ~~for permit~~ was suspended stating that the person whose license ~~for permit~~ was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license ~~for permit~~ was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. 1. *The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, the record must be open to public inspection at all reasonable times.*

2. *Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential and privileged. ~~Unless the person submits a written statement to the Division requesting that such documents and information be made public records.~~*

3. *A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.*

4. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*

5. *The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

Sec. 31. 1. *Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife ~~for does not hold a permit as a certified professional midwife student midwife~~ or a person*

whose license as a licensed certified professional midwife ~~for permit as a certified professional midwife student midwife~~ has been suspended or revoked by the Division shall not:

(a) Use in connection with his or her name the words “licensed certified professional midwife,” ~~“certified professional midwife,”~~ “licensed midwife” ~~for “certified professional midwife student midwife”~~ or any other letters, words or insignia indicating or implying that he or she is licensed ~~for holds a permit~~ to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed ~~for holding a permit~~ to engage in the practice of certified professional midwifery in this State; or

(b) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading “licensed certified professional midwife,” ~~“certified professional midwife,”~~ “licensed midwife” or any other term that indicates or implies that he or she is licensed ~~for holds a permit~~ to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife ~~for does not hold a permit as a certified professional midwife student midwife~~ or a person whose license as a licensed certified professional midwife ~~for permit as a certified professional midwife student midwife~~ has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed ~~for holds a permit~~ in the District of Columbia or any state or territory of the United States. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed ~~for permitted~~.

3. A person who is licensed as a licensed certified professional midwife ~~for holds a permit as a certified professional midwife student midwife~~ and who is also licensed ~~for holds a permit~~ in the District of Columbia or any state or territory of the United States shall disclose each additional district, state or territory, as applicable, in which he or she is currently licensed or permitted ~~has ever been licensed~~ in all circumstances described in paragraphs (a) and (b) of subsection 1.

4. A certified professional midwife student midwife shall not ~~use~~ :

(a) Engage in midwifery except in circumstances authorized by this chapter; or

(b) Use in connection with his or her name the words “licensed certified professional midwife,” “certified professional midwife,” “licensed midwife” or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. ~~A person or entity shall not operate a program of training for licensed certified professional midwives or~~ *certified professional midwife birth assistants or advertise or otherwise represent that the person or entity is authorized to operate such a program unless the ~~person or entity has been~~ program is included on the list of programs approved ~~to offer such a program~~ by the ~~Division~~ Board pursuant to paragraph (a) of subsection 1 of section 18 of this act.*

6. *If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.*

~~7. A person who violates any provision of this section is guilty of a misdemeanor.~~

Sec. 32. 1. *The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.*

2. *Such an injunction:*

(a) *May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.*

(b) *Does not relieve any person or business entity from any other legal action.*

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, **and section 23 of this act**, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without

limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;
- (b) Licensing purposes; and
- (c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, *and sections 2 to 32, inclusive, of this act*, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) ~~Has~~ *Except as otherwise provided in this paragraph, has* been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. *If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least the 3 years immediately preceding the date on which the*

person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 35. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractor;

(s) An athletic trainer;

(t) A perfusionist;

- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; ~~for~~
- (bb) ***A licensed certified professional midwife; or***
- (cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

- (a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
- (b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 36. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

- (a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, ***certified professional midwifery***, veterinary medicine or fitting hearing aids.
- (b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.
- (c) Licensed or certified nurses in the discharge of their duties as nurses.
- (d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

- (a) Gratuitous services of a person in case of emergency.
- (b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, *licensed certified professional midwife*, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(m) Any person who operates or is employed by a peer support recovery organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The

superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021.

(b) “Community health worker pool” has the meaning ascribed to it in NRS 449.0028.

(c) “Peer support recovery organization” has the meaning ascribed to it in NRS 449.01563.

Sec. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, *certified professional midwifery*, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641C, inclusive, or 653 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act,**

➔ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS;
~~for~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~or~~ **or**

7. ***A licensed certified professional midwife, for the purpose of ordering:***

(a) Any device or drug described in subsection 1 or 2 of section 26 of this act for use in his or her practice in accordance with the provisions of that section and any regulations adopted pursuant to section 18 of this act; and

(b) Any device or vaccine described in subsection 4 of section 26 of this act for a client.

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~1A~~

1. ***Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:***

~~11-1~~ (a) Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~12-1~~ (b) Issues a written prescription.

2. A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 26 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 18 of this act without obtaining a certificate from the Board.

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640 or 640B to 641B, inclusive, of NRS, **or sections 2 to 32, inclusive, of this act** who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 43. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, **or sections 2 to 32, inclusive, of this act** when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS **or sections 2 to 32, inclusive, of this act** if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider,

shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 45. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, "licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 19 ~~for 20~~ of this act.

Sec. 46. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first \$50,000 recovered;

(b) Thirty-three and one-third percent of the next \$50,000 recovered;

- (c) Twenty-five percent of the next \$500,000 recovered; and
- (d) Fifteen percent of the amount of recovery that exceeds \$600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, “recovered” means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) “Person in a position of authority” means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, *licensed certified professional midwife, certified professional midwife student midwife, certified professional midwife birth assistant*, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) “Sexual harassment” has the meaning ascribed to it in NRS 176A.280.

Sec. 48. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or

assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, ~~for~~ nurse **or licensed certified professional midwife** from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** and any person who holds an equivalent license issued by another state who:

- (a) Is retired or otherwise does not practice on a full-time basis; and
 - (b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,
- ➔ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 49. NRS 41.506 is hereby amended to read as follows:

41.506 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if:

- (a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;
- (b) The person has not previously provided prenatal or obstetrical care to the woman; and
- (c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility

relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. NRS 41A.017 is hereby amended to read as follows:

41A.017 “Provider of health care” means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, ***licensed certified professional midwife***, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.

Sec. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker’s compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff’s right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

- (a) Recover any amount against the plaintiff; or
- (b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, *licensed certified professional midwife*, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. “Custodian of medical records” means a chiropractor, physician, registered physical therapist, ~~for~~ licensed nurse *or licensed certified professional midwife* who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. “Medical records” includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff’s office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *licensed certified professional midwife*, perfusionist, psychiatrist,

psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

- (a) Aging and Disability Services Division;
- (b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and
- (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
 - (b) Pursuant to NRS 200.50982; or
 - (c) To persons or agencies enumerated in subsection 3,
- ↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license ~~or~~ or certificate ~~for permit~~ issued pursuant to chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS ~~or~~ sections 2 to 32, inclusive, of this act, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in

accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 65 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 57. NRS 239.010 is hereby amended to read as follows:

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

178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600,

640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 30 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, *and sections 2 to 32, inclusive, of this act*, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement

that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

- (a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;
- (b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;
- (c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;
- (d) A system of practices to be followed in the performance of the duties and functions of each agency; and
- (e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, “agency” does not include:

- (a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS.
- (b) The Nevada System of Higher Education.
- (c) The Public Employees’ Retirement System.
- (d) The Housing Division of the Department of Business and Industry.
- (e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, “agency” does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, **and sections 2 to 32, inclusive, of this act**, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees’ Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 63. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) “Provider of health care” means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife***, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) “Medicaid” means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) “Provider of health care” means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife***, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Director shall include a requirement in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a comparable rate to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice

registered nurses, regardless of the location at which the services are provided.

2. The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.

3. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling,

training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS ~~1-4~~ **or sections 2 to 32, inclusive, of this act.**

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare

services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

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

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 “Practitioner” means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, *licensed certified professional*

midwife, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS ~~449~~ **and sections 2 to 32, inclusive, of this act.**

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, “midwife” means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the mother and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician *or advanced practice registered nurse* in attendance at or immediately after the birth.

(b) *The licensed certified professional midwife in attendance at or immediately after the birth.*

(c) Any other person in attendance at or immediately after the birth.

~~(e)~~ (d) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her spouse must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the mother's spouse is the other parent of the child; or

(2) The mother and a person other than the mother's spouse have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of her spouse at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the mother's spouse at the time of conception is the other parent of the child; or

(2) The mother and a person other than the mother's spouse at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the mother was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate

of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, *licensed certified professional midwife*, funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than \$250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, *licensed certified professional midwife* or veterinarian licensed in accordance with state law or a physician assistant licensed pursuant to chapter 630 or 633 of NRS.

Sec. 73. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Division" means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol syndrome" includes fetal alcohol effects.

6. "Laboratory" has the meaning ascribed to it in NRS 652.040.

7. *"Midwife" means any type of midwife, including, without limitation, a licensed certified professional midwife or any person who engages in the practice of certified professional midwifery.*

8. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

~~†8-†~~ 9. "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; ~~for~~

(i) ***A licensed certified professional midwife; or***

(j) The holder of a certificate of registration as a pharmacist.

Sec. 74. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. “Health officer” includes a local health officer, a city health officer, a county health officer and a district health officer.

2. “Medicaid” has the meaning ascribed to it in NRS 439B.120.

3. “Medicare” has the meaning ascribed to it in NRS 439B.130.

4. “Provider of prenatal care” means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

(e) ***A licensed certified professional midwife.***

Sec. 75. NRS 442.610 is hereby amended to read as follows:

442.610 “Provider of health care” means:

1. A provider of health care as defined in NRS 629.031 ~~to~~, ***including, without limitation, a licensed certified professional midwife; and***

2. ~~A midwife; and~~

~~—3.—~~ ~~An obstetric center licensed pursuant to chapter 449 of NRS.~~

Sec. 76. NRS 454.00958 is hereby amended to read as follows:

454.00958 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. *A licensed certified professional midwife, for the purpose of ordering:*

(a) Any device or drug described in subsection 1 or 2 of section 26 of this act for use in his or her practice; or

(b) Any device or vaccine described in subsection 4 of section 26 of this act for a client.

Sec. 77. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, “designated facility” has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➡ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the “Standards for Immunization Practices” recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(v) A certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.

2. As used in this section, “accredited college of medicine” has the meaning ascribed to it in NRS 453.375.

Sec. 78. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or

revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 79. NRS 608.0116 is hereby amended to read as follows:

608.0116 “Professional” means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~or~~ **and sections 2 to 32, inclusive, of this act.**

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 80. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS **or sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers’ compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;
- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
- (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
- (i) Expenses for adjustment of losses, including allocated and unallocated losses;
- (j) Net underwriting gain or loss;
- (k) Net operation gain or loss, including net investment income; and
- (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 81. NRS 686A.2825 is hereby amended to read as follows:
686A.2825 “Practitioner” means:

1. A physician, dentist, nurse, *licensed certified professional midwife*, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractor, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 82. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;

- (d) Variable and fixed annuities;
- (e) Credit accident and health insurance;
- (f) Property insurance for business and commercial risks;
- (g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **and sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS;
- (h) Surety insurance;
- (i) Health insurance offered through a group health plan maintained by a large employer; and
- (j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 83. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** for a breach of the practitioner's professional duty toward a patient.

Sec. 84. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

- (a) The name and title of the person;
- (b) The interest of the person in the hearing; and
- (c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 85. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act.~~

Sec. 86. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 87. NRS 689C.435 is hereby amended to read as follows:

689C.435 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the

modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 88. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **or sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS **or sections 2 to 32, inclusive, of this act** or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 89. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS **or sections 2 to 32, inclusive, of this act** a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 90. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **or**

sections 2 to 32, inclusive, of this act, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 91. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ *or sections 2 to 32, inclusive, of this act*, the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 92. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS *or sections 2*

to 32, inclusive, of this act who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 93. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

- (a) The names of the parties;
- (b) The date of the incidents or events giving rise to the claim or action;
- (c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and
- (d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 94. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS *or sections 2 to 32, inclusive, of this act* or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

- (a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.
- (b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.
- (c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.
- (d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.
- (e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal

in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 95. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS *or sections 2 to 32, inclusive, of this act* in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS *or sections 2 to 32, inclusive, of this act* is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and

submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 96. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act.~~

Sec. 97. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or~~ **or sections 2 to 32, inclusive, of this act.**

Sec. 98. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act.~~

Sec. 99. NRS 695G.430 is hereby amended to read as follows:

695G.430 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~or sections 2 to 32, inclusive, of this act.~~

Sec. 100. ~~Section 18 of this act is hereby amended to read as follows:~~

~~Sec. 18. 1. The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:~~

~~(a) Requirements concerning the approval by the Division of programs of training for licensed certified professional midwives and certified professional midwife birth assistants, including, without limitation, the~~

required training and instruction that must be provided by such a program and the procedure for obtaining such approval.

~~—(b) Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:~~

~~—(1) The educational qualifications that, [except as otherwise provided in section 19 of this act and] in addition to the qualifications prescribed by [that] section [5], 19 of this act, are necessary to obtain a license pursuant to that section.~~

~~—(2) The period for which a license is valid.~~

~~—(3) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.~~

~~—(c) The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.~~

~~—(d) Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.~~

~~—(e) Requirements governing the reinstatement of a license that has been revoked, including, without limitation, the procedure to apply for reinstatement.~~

~~—(f) Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 26 of this act;~~

~~—(g) Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:~~

~~—(1) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client;~~

~~—(2) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death; and~~

~~—(3) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:~~

~~—(I) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management,~~

~~referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and~~

~~— (H) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.~~

~~— (h) Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.~~

~~— (i) Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.~~

~~— (j) Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.~~

~~2. The Board may, by regulation, require an applicant for a license as a licensed certified professional midwife, including, without limitation, an applicant for a license by endorsement pursuant to section 20 of this act, to submit to the Division a complete set of his or her fingerprints and written permission authorizing the Division 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.~~ **(Deleted by amendment.)**

Sec. 101. Section 19 of this act is hereby amended to read as follows:

Sec. 19. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000. The application must include, without limitation, proof that the applicant ~~is~~ :

(a) Is certified as a midwife by the North American Registry of Midwives, or its successor organization, ~~is~~ and ~~is~~

~~(a) Has~~ **(b) Except as otherwise provided in subsection 2, has** completed an educational program accredited by the Midwifery Education Accreditation Council, or its successor organization, ~~is~~ or

~~(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.~~

2. *If the Division determines it to be necessary to address shortages in the number of midwives practicing in rural or underserved areas in this State ~~is~~ or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from complying with paragraph ~~(a)~~ **(b)** of subsection 1 if the applicant*

~~complies with paragraph (b) of subsection 1-1~~ holds a Midwifery Bridge certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

3. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 18 of this act.

~~3-1~~ 4. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~4-1~~ 5. As used in this section, “marginalized identity” means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 102. Section 23 of this act is hereby amended to read as follows:

Sec. 23. 1. In addition to any other requirements set forth in this chapter ~~1-~~

~~—(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An~~ , **an** applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services 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 Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

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

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

Sec. 103. Section 27 of this act is hereby amended to read as follows:

Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Complete placenta previa;
- (b) Partial placenta previa after the 27th week of gestation;
- (c) Infection with the human immunodeficiency virus;
- (d) Cardiovascular disease;
- (e) Severe mental illness that may cause the client to cause harm to themselves or others;
- (f) Pre-eclampsia or eclampsia;
- (g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;
- (h) Potentially serious anatomic fetal abnormalities;
- (i) Diabetes that requires insulin or other medication for management;
- (j) Gestational age of greater than 43 weeks; or
- (k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

- (a) Prior cesarean section or other surgery resulting in a uterine scar;
- (b) Multifetal gestation; or
- (c) Non-cephalic presentation after 36 weeks of gestation.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

- (a) The contents of the recommendation;
- (b) The condition or symptom for which the recommendation was made;
- (c) Whether the client consented to the consultation, co-management, referral or transfer; and
- (d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to ~~the~~

~~—(a) Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the~~ **consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 18 of this act:**

~~(a) The licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is~~ **take any action required by those regulations;**

(b) If the condition or symptom threatens the life or health of the client, the fetus or the newborn child during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care; and

(c) If the licensed certified professional midwife complies with paragraphs (a) and (b), he or she is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. ~~If the condition~~

or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

~~—(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:~~

~~—(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and~~

~~—(2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.]~~

5. If, after determining that a condition or symptom ~~{described in:~~

~~—(a) Subsection 1}~~ exists ***for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 18 of this act*** and making a reasonable effort to ~~{arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility.}~~ ***comply with those regulations***, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of ~~{this section}~~ ***those regulations*** and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

~~{(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.}~~

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only

liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 104. As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the Collaboration and Transfer Guidelines Workgroup created pursuant to section 105 of this act, the Board of Licensed Certified Professional Midwives created by section 16 of this act shall adopt the regulations required by paragraph (g) of subsection 1 of section 18 of this act. In adopting the regulations, the Board shall consider the measures necessary to minimize the likelihood of serious harm to the client and the fetus or newborn infant of the client.

Sec. 105. 1. The Collaboration and Transfer Guidelines Workgroup is hereby created.

2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Workgroup:

(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;

(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;

(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or birth center to a hospital and who practices in Northern Nevada;

(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or birth center to a hospital and who practices in Southern Nevada;

(e) One voting member who represents a provider of emergency medical services in Northern Nevada;

(f) One voting member who represents a provider of emergency medical services in Southern Nevada; and

(g) One nonvoting member to serve as a liaison with the State Board of Health.

3. The Nevada Chapter of the National Association of Certified Professional Midwives, or its successor organization, **in consultation with the Nevada Association of Professional Midwives, or its successor organization**, shall appoint to the Workgroup four voting members who are midwives who **reside and** practice in Nevada. To the extent practicable, two of those members must **reside and** practice in Northern Nevada and two of those members must practice in Southern Nevada.

4. The Nevada Hospital Association, or its successor organization, may appoint to the Workgroup one member who is a representative of that organization.

5. A vacancy on the Workgroup must be filled in the same manner as the initial appointment.

6. Members of the Workgroup serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. A member of the Workgroup who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Workgroup and perform any work necessary to carry out the duties of the Workgroup in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Workgroup to:

- (a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Workgroup; or
- (b) Take annual leave or compensatory time for the absence.

8. The Workgroup may divide into one subcommittee of members from Northern Nevada and one subcommittee of members from Southern Nevada.

9. A majority of the voting members of the Workgroup or a subcommittee thereof 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 Workgroup or a subcommittee thereof.

10. The Workgroup and each subcommittee thereof shall:

- (a) At its first meeting and annually thereafter, elect a Chair from among its members; and
- (b) Meet at the call of the Chair.

11. Not later than July 1, 2022, the Workgroup or, if the Workgroup divides into subcommittees pursuant to subsection 8, each subcommittee of the Workgroup, shall make recommendations to the Board of Licensed Certified Professional Midwives created by section 16 of this act concerning the regulations required by paragraph (g) of subsection 1 of section 18 of this act governing the transfer of the client of a licensed certified professional midwife to a medical facility. Those recommendations must, to the extent practicable, be guided upon peer-reviewed scientific evidence and widely accepted best practices and include, without limitation, provisions for the transmission of all information necessary for the care of the client from the licensed certified professional midwife to the medical facility. The Workgroup ceases to exist upon submission of those recommendations unless the Board requests that the Workgroup continue to meet.

12. As used in this section:

(a) “Certified nurse-midwife” means an advanced practice registered nurse who is certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization.

(b) “Licensed certified professional midwife” means a person who is certified as a certified professional midwife by the North American Registry of Midwives.

(c) “Medical facility” has the meaning ascribed to it in NRS 449.0151.

(d) “Northern Nevada” means Carson City and the counties of Churchill, Elko, Eureka, Douglas, Humboldt, Lander, Lyon, Pershing, Storey, Washoe and White Pine.

(e) “Southern Nevada” means the counties of Clark, Esmeralda, Lincoln, Mineral and Nye.

Sec. 106. Notwithstanding the provisions of section 16 of this act, on or before July 1, 2022, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services may appoint to the Board of Licensed Certified Professional Midwives created by that section ~~four~~ :

1. Four members pursuant to paragraph (a) of subsection 2 of that section who are not licensed pursuant to section 19 ~~for 20~~ of this act and are certified as midwives by the North American Registry of Midwives, or its successor organization. If such a member is not licensed as a licensed certified professional midwife pursuant to section 19 ~~for 20~~ of this act on July 1, 2022:

~~1-1~~ **(a)** His or her term ends on that date; and

~~1-2~~ **(b)** The Administrator shall appoint a person who is so licensed to fill the vacancy.

2. Two members pursuant to paragraph (d) of subsection 2 of section 16 of this act who have not received care from a licensed certified professional midwife licensed pursuant to section 19 of this act but who have received care from a midwife certified by the North American Registry of Midwives, or its successor organization. Those members may serve until the expiration of the terms prescribed pursuant to subsection 5 of section 16 of this act.

Sec. 106.5. Section 1.1 of Assembly Bill No. 287 of the current Legislative Session is hereby repealed.

Sec. 107. 1. This section and sections 104 and 105 of this act become effective upon passage and approval.

2. Sections 1 to 99, inclusive, and 106 of this act become effective:

(a) Upon passage and approval for the purpose of appointing the members of the Board of Licensed Certified Professional Midwives, adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

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

3. Sections 100 and 101 of this act become effective on January 1, 2025.

4. Section 102 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.

5. Section 103 of this act becomes effective on the date on which the regulations described in section 104 of this act become effective.

6. Section 33 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.

7. Sections 23, 29 and 102 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.

TEXT OF REPEALED SECTION

Section 1.1 of Assembly Bill No. 287 of the current Legislative Session:

Sec. 1.1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, “midwife” means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

2. Any other type of midwife.

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. 432.

Bill read third time.

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

Amendment No. 806.

AN ACT relating to elections; providing that certain agencies of the Executive Department of the State Government are automatic voter registration agencies; authorizing the Governor to designate additional state agencies and certain tribal agencies as automatic voter registration agencies; setting forth the requirements for an automatic voter registration agency to transmit certain voter registration information to the Secretary of State and county clerks; making various changes to the existing automatic voter registration process; **making appropriations**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

At the 2018 general election, the voters approved Ballot Question No. 5, also known as the Automatic Voter Registration Initiative, which requires the Department of Motor Vehicles to: (1) establish a system for the secure electronic storage and transmission of voter registration information obtained from a person who applies for the issuance or renewal of or a change of address on any driver’s license or identification card; (2) collect certain voter registration information from the person, unless he or she affirmatively declines to apply to register to vote; and (3) transmit that information to the county clerk of the county in which the person resides to register that person to vote or update his or her voter registration information. (2018 Ballot Question No. 5, Automatic Voter Registration Initiative) This bill makes various changes to the Automatic Voter Registration Initiative.

Section 3 of this bill expands the agencies which provide automatic voter registration services and provides that automatic voter registration agencies are the Department of Motor Vehicles, the Department of Health and Human Services, agencies designated by the Department of Health and Human Services to receive applications for Medicaid, the Silver State Health Insurance Exchange and any other state agency or tribal agency that meets certain requirements and is approved by the Governor to act as an automatic voter registration agency. **Section 2** of this bill defines “automatic voter registration agency.”

Sections 4 and 5 of this bill authorize the Governor to designate certain agencies of the Executive Department of the State Government and tribal agencies as an automatic voter registration agency.

Sections 3, 6 and 21-25 and 31 of this bill make various changes to the current process for automatic voter registration.

Section 21 of this bill requires the Secretary of State, county clerks and each automatic voter registration agency to cooperatively establish a system by which voter registration information is transmitted electronically to the Secretary of State and the appropriate county clerk. **Section 3** of this bill prohibits an agency from transmitting information using this system if the person did not provide the automatic voter registration agency in the normal course of business sufficient information that demonstrates the person is qualified to vote, including proof of identity, citizenship, residence and date of birth. **Section 24** of this bill provides that a person who is not eligible to have

his or her voter registration transmitted to the county clerk using the system may still apply to register to vote at the automatic voter registration agency.

Section 22 of this bill sets forth the information about a person that an automatic voter registration agency is required to transmit to the Secretary of State and county clerk.

Section 23 of this bill provides that if a county clerk determines that the information submitted is not a complete application to register to vote, the county clerk must contact the person for additional information.

Section 25 of this bill provides that if the clerk determines that the person is eligible to vote, the person shall be deemed a registered voter and the clerk must send a notice to the person that includes certain information, including an explanation of how the person may opt-out of voter registration or select an affiliation with a political party.

Section 6 of this bill prohibits a county clerk from rejecting an application to register to vote if the information received from an automatic voter registration agency does not contain an electronic facsimile of the a person's signature and sets forth certain procedures for obtaining the person's signature.

Section 7 of this bill requires the Secretary of State to adopt regulations necessary to carry out the automatic voter registration process, as amended by this bill.

Section 31 of this bill repeals certain procedures related to the current automatic voter registration process that are inconsistent with the provisions of this bill.

Sections 9-14, 16-20 and 26-32 of this bill make conforming changes related to the new automatic voter registration procedures.

The federal National Voter Registration Act, 52 U.S.C. §§ 20501 et seq., requires the Department of Motor Vehicles and other voter registration agencies to follow certain procedures related to voter registration when a person applies to the Department or other voter registration agency for certain services or assistance. **Section 15** of this bill requires each automatic voter registration agency to comply with the National Voter Registration Act notwithstanding the new procedures for automatic voter registration set forth in this bill.

Section 32.3 of this bill makes an appropriation to the Secretary of State for personnel costs to develop processes and systems for automatic voter registration with automatic voter registration agencies and to provide monitoring, maintenance and support for such systems. Section 32.7 of this bill makes an appropriation to the Division of Field Services of the Department of Motor Vehicles for computer programming costs to facilitate automatic voter registration.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *“Automatic voter registration agency” means a voter registration agency described in section 3 of this act.*

Sec. 3. 1. *The following agencies are automatic voter registration agencies:*

- (a) The Department of Motor Vehicles;*
- (b) The Department of Health and Human Services;*
- (c) Any agency designated by the Director of the Department of Health and Human Services to receive applications for Medicaid;*
- (d) The Silver State Health Insurance Exchange created by NRS 695I.200;*
- (e) Any agency that has been designated by the Governor as an automatic voter registration agency pursuant to section 4 of this act; and*
- (f) Any agency of an Indian tribe that has been designated by the Governor to be an automatic voter registration agency pursuant to section 5 of this act.*

2. *If, in the normal course of business, an automatic voter registration agency collects sufficient information that demonstrates a person is qualified to vote pursuant to NRS 293.485, including, without limitation, proof of identity, citizenship, residence and date of birth, the provisions of NRS 293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act, apply to the automatic voter registration agency when a person submits any of the following:*

- (a) An application for the issuance or renewal of or change of address for any type of driver’s license or identification card issued by the Department of Motor Vehicles;*
- (b) An application for Medicaid through the system established by the Department of Health and Human Services pursuant to NRS 422.2703;*
- (c) An application for health insurance through the Silver State Health Insurance Exchange; and*
- (d) An application for any service or assistance from an automatic voter registration agency described in paragraph (e) or (f) of subsection 1.*

3. *An automatic voter registration agency shall not:*

- (a) Request any additional information for purposes of voter registration that is not required in the normal course of business; and*
- (b) Transmit any information about a person using the system established pursuant to NRS 293.5732 if the person did not provide the agency in the normal course of business sufficient information that demonstrates the person is qualified to vote pursuant to NRS 293.485, including, without limitation, proof of identity, citizenship, residence and date of birth.*

Sec. 4. 1. *The Governor may designate any agency in the Executive Department of the State Government not described in paragraphs (a) to (d), inclusive, of subsection 1 of section 3 of this act as an automatic voter registration agency if the agency collects in the regular course of business from a person applying to the agency to receive any service or assistance sufficient information that demonstrates a person is qualified to vote*

pursuant to NRS 293.485, including, without limitation, proof of identity, citizenship, residence and date of birth.

2. Upon the designation of an agency as an automatic voter registration agency pursuant to subsection 1:

(a) The Governor shall notify the Secretary of State; and

(b) The Secretary of State, the automatic voter registration agency and each county clerk shall comply with the provisions of NRS 293.5732.

Sec. 5. 1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the Governor for approval to allow an agency of the tribe to become an automatic voter registration agency tribe in order to submit voter registration information of tribal members to the Secretary of State and the appropriate county clerk for the purpose of registering tribal members to vote or updating the voter registration information of tribal members for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530.

2. If the Governor finds that the tribal agency collects in the regular course of business from a person applying to the agency to receive any service or assistance sufficient information that demonstrates the person is qualified to vote pursuant to NRS 293.485, including, without limitation, proof of identity, citizenship, residence and date of birth:

(a) The Governor must designate the tribal agency as an automatic voter registration agency; and

(b) The Secretary of State, the Indian tribe and each county clerk of a county in which the Indian reservation or Indian colony is located in whole or in part, shall comply with the provisions of NRS 293.5732.

Sec. 6. 1. A county clerk shall not reject as an application to register to vote the information received from an automatic voter registration agency solely on the basis that the information does not contain an electronic facsimile of the signature of a person who is applying to vote or update his or her voter registration information on the statewide voter registration list.

2. If the county clerk does not receive an electronic facsimile of the signature of the person from the automatic voter registration agency, the county clerk must obtain the person's signature or an electronic facsimile of the person's signature through one of the following methods:

(a) If the notice provided by the county clerk to the person pursuant to NRS 293.5767 is returned to the county clerk by the person and the returned notice includes the person's signature;

(b) Requesting an electronic facsimile of the person's signature from the Department of Motor Vehicles or other state agency;

(c) Requesting the person submit an electronic facsimile of the person's signature through a method approved by the Secretary of State;

(d) Requesting the person sign a paper or electronic form the first time the person applies to vote in person at a polling place, including, without limitation, a polling place for early voting by personal appearance. A signature provided by a person pursuant to this paragraph must be compared

to one of the forms of identification which may be used individually to identify a voter at the polling place set forth in NRS 293.277 before the person is allowed to vote in person.

3. In addition to the requirements of this section and NRS 293.2725, a person who is registered to vote pursuant to NRS 293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act must provide an affirmation signed under penalty of perjury that the person is eligible to vote the first time a person votes in person or by absent ballot if the person has not already provided such an affirmation to the county clerk.

Sec. 7. The Secretary of State shall adopt any regulations necessary to carry out the provisions of NRS 293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act.

Sec. 8. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, **and section 2 of this act**, have the meanings ascribed to them in those sections.

Sec. 9. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within 20 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 306.035, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsections 3 and 4, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county

clerk is given an equal opportunity to be included in the sample. The sample must include an examination of:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer who holds a statewide office, at least 25 percent of the signatures.

➔ If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 6, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

6. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;

(b) A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

(c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

(d) A person ~~registers~~ **is registered** to vote ~~pursuant to NRS 293.5742,~~ **by an automatic voter registration agency,**

↪ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

7. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

8. Except as otherwise provided in subsection 10, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable.

9. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

10. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

11. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 10. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081, 293.3083 and 293.5772 to 293.5887, inclusive, and in federal law, a person who registers to vote by mail or computer or ~~registers~~ **is registered** to vote ~~pursuant to NRS 293.5742,~~ **by an automatic voter registration agency,** or a person who preregisters to vote by mail or computer and is

subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

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

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

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

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS ~~293.5742~~, **293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act** and at that time presents to the ~~Department of Motor Vehicles~~, **automatic voter registration agency**:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 11. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283, 293.541 and 293.5772 to 293.5887, inclusive, **and section 6 of this act**, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The voter registration card issued to the voter;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

Sec. 12. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive:

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

- (1) Announce the name of the registered voter;
- (2) Instruct the registered voter to sign the roster or signature card;
- (3) Verify the signature of the registered voter in the manner set forth in NRS 293.277; and

(4) Verify that the registered voter has not already voted in that county in the current election.

2. ~~¶¶~~ **Except as otherwise provided in section 6 of this act**, if the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 13. NRS 293.3075 is hereby amended to read as follows:

293.3075 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot at a polling place established pursuant to NRS 293.3072, the election board officer shall:

(a) Determine that the person is a registered voter in the county and has not already voted in that county in the current election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

2. ~~¶¶~~ ***Except as otherwise provided in section 6 of this act, if*** the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to NRS 293.3072 may be challenged pursuant to NRS 293.303.

Sec. 14. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting or a signature card.
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted in that county in the current election.

2. ~~¶¶~~ *Except as otherwise provided in section 6 of this act, if* the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. The roster for early voting or a signature card, as applicable, must contain:

- (a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number, if that information is available; and
- (c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 15. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

- (a) Such offices that provide public assistance as are designated by the Secretary of State;
- (b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;
- (c) The offices of the Department of Motor Vehicles;
- (d) The offices of the city and county clerks;
- (e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;
- (f) Recruitment offices of the United States Armed Forces; ~~and~~
- (g) ***Each office of an automatic voter registration agency; and***
- (h) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

- (a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;
- (b) Except as otherwise provided in subsection 3, ~~and NRS 293.5732 to 293.5757, inclusive,~~ distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;
- (c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and
- (d) Accept completed applications to preregister or register to vote.

3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.

6. *Notwithstanding the provisions of NRS 293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act, each automatic voter registration agency must comply with the provisions of the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq.*

Sec. 16. NRS 293.510 is hereby amended to read as follows:

293.510 1. Except as otherwise provided in subsection 3, in counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. Except as otherwise provided in subsection 3, in any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. From the applications to register to vote received by each county clerk, the county clerk shall:

(a) Segregate the applications electronically transmitted by ~~the Department of Motor Vehicles pursuant to subsection 1 of NRS 293.5747~~ **an automatic voter registration agency** in a computer file according to the precinct or district in which the registered voters reside; and

(b) Arrange the applications in each precinct or district in alphabetical order.

4. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to subsection 2 of NRS 293.4855.

Sec. 17. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any person who meets the qualifications set forth in NRS 293.4855 residing within the county may preregister to vote and any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to preregister or register to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.5727 ~~for 293.5742~~, **293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act** or chapter 293D of NRS;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237;

(e) By submitting an application to preregister or register to vote by computer using the system:

(1) Established by the Secretary of State pursuant to NRS 293.671; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters; or

(f) By any other method authorized by the provisions of this title.

➡ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive. For the purposes of this subsection, a voter registration card does not provide proof of the residence or identity of a person.

2. In addition to the methods for registering to vote described in subsection 1, an elector may register to vote pursuant to NRS 293.5772 to 293.5887, inclusive.

3. Except as otherwise provided in NRS 293.5732 to 293.5757, inclusive, the application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

4. Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

5. A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;

(d) At any voter registration agency; or
(e) By submitting an application to preregister or register to vote by computer using the system:

(1) Established by the Secretary of State pursuant to NRS 293.671; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➔ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

6. Except as otherwise provided in subsection 8 and NRS 293.5742 to 293.5757, inclusive, **293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act** and 293.5772 to 293.5887, inclusive, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

7. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter.

8. If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

9. If the district attorney advises the county clerk to process the application pursuant to subsection 8, the county clerk shall immediately issue a voter registration card to the applicant, unless the applicant is preregistered to vote and does not currently meet the requirements to be issued a voter registration card pursuant to NRS 293.4855.

Sec. 18. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in NRS ~~293.5737, and 293.5742,~~ **293.5732 to 293.5767, and sections 3 to 7, inclusive, of this act**, at the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

↪ A person or an elector who indicates that he or she is “independent” shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person’s or elector’s political party as nonpartisan.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person’s or elector’s political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person’s or elector’s political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person’s or elector’s political party as “other party.”

5. Except as otherwise provided in subsection 6, if a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person’s or elector’s political party as nonpartisan; and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as a nonpartisan because he or she did not make any of the indications described in subsection 1.

6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:

(a) Submits a new paper application to preregister or register to vote in the same county in which the person is preregistered or registered to vote; and

(b) Does not make any of the indications described in subsection 1 on the new paper application,

↪ the county clerk or field registrar of voters shall not change the person’s existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the current records of the county clerk.

7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq., as amended.

Sec. 19. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter’s current

residence is other than that indicated on the voter's application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(3) The voter does not respond; ~~and~~

(4) ***The voter's registration information has not been updated by an automatic voter registration agency pursuant to NRS 293.5732 to 293.5767, inclusive, and sections 3 to 7, inclusive, of this act; and***

(5) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

(3) Whether a person to whom a notice is mailed appears to vote in an election,

↪ for not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

(i) If:

(1) The name of a voter is added to the statewide voter registration list pursuant to NRS 293.5752; or

(2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to NRS 293.5752,

↪ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic main address

to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph. ***The notice required pursuant to this paragraph may be provided as part of the notice mailed pursuant to NRS 293.5767.***

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to subsection 2 of NRS 293.4855.

Sec. 20. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide ~~to a paper~~ **an** application to preregister or register to vote to each person who ~~is~~

~~—(a) Applies~~ **applies** for the issuance or renewal of any type of driver's license or identification card issued by the Department. ~~It and~~

~~—(b) Does not apply to register to vote pursuant to NRS 293.5742.~~

2. The county clerk shall use the ~~paper~~ applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register applicants to vote or to correct information in a person's previous application to preregister or the registrar of voters' register. ~~A paper~~ **An** application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of ~~a paper~~ **an** application. The authorized employee shall check the ~~paper~~ application for completeness and verify the information required by the ~~paper~~ application. Each ~~paper~~ application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each ~~paper~~ application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department is not required to provide ~~a paper~~ **an** application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

5. The county clerk shall accept any ~~paper~~ application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the ~~paper~~ application not later than 5 days after that date.

6. Upon receipt of ~~a paper~~ *an* application, the county clerk or field registrar of voters shall determine whether the ~~paper~~ application is complete. If the county clerk or field registrar of voters determines that the ~~paper~~ application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the ~~paper~~ application. If the county clerk or field registrar of voters determines that the ~~paper~~ application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the ~~paper~~ application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete ~~paper~~ application is void. Any notification required by this subsection must be given by mail at the mailing address on the paper application not more than 7 working days after the determination is made concerning whether the ~~paper~~ application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for ~~paper~~ applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the application to preregister to vote or the registrar of voters' register, as applicable. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or ~~paper~~ applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed ~~paper~~ applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 21. NRS 293.5732 is hereby amended to read as follows:

293.5732 1. The Secretary of State, ~~the Department of Motor Vehicles~~ *each automatic voter registration agency* and each county clerk shall

cooperatively establish a system by which voter registration information that is collected ~~[pursuant to NRS 293.5742 by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license, or identification card issued by the Department]~~ **by an automatic voter registration agency** must be transmitted electronically to the Secretary of State and the **appropriate** county ~~[clerk]~~ **clerk** for the purpose of registering ~~[the]~~ **a** person to vote or updating the voter registration information of ~~[the]~~ **a** person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530.

2. ~~[The]~~ **A** system established pursuant to subsection 1 must:

(a) Ensure the secure electronic storage of **voter registration** information collected ~~[pursuant to NRS 293.5742,]~~ **by the automatic voter registration agency**, the secure transmission of such information to the Secretary of State and county ~~[clerk]~~ **clerk** and the secure electronic storage of such information by the Secretary of State and county ~~[clerk];~~ **clerk; and**

(b) ~~[Provide for the destruction of records by the Department as required by subsection 2 of NRS 293.5747; and~~

~~—(c)]~~ Enable the county ~~[clerk]~~ **clerk** to receive, view and collate the information into individual electronic documents pursuant to ~~[paragraph (c) of subsection 1 of NRS 293.5742.]~~ **NRS 293.5752.**

Sec. 22. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. ***An automatic voter registration agency is required to electronically transmit the following information of a person to the Secretary of State and county clerk using the system established pursuant to NRS 293.5732:***

(a) ***An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;***

(b) ***The first or given name and the surname of the person;***

(c) ***The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;***

(d) ***The date of birth of the person;***

(e) ***At least one of the following:***

(1) ***The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles;***
or

(2) ***The last four digits of the person's social security number; and***

(f) ***A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.***

2. Except as otherwise provided in ~~[this subsection, the Department of Motor Vehicles]~~ **section 3 of this act**, the automatic voter registration agency shall electronically transmit to the Secretary of State and the appropriate county clerk the information ~~[and any electronic documents collected from a person pursuant to NRS 293.5742:]~~ **described in subsection 1:**

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

~~{2. The Department shall destroy any record containing information collected pursuant to NRS 293.5742 that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the Secretary of State and county clerk pursuant to subsection 1.~~

~~— 3. The Department shall forward the following paper documents on a weekly basis to the appropriate county clerk, or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:~~

~~— (a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of NRS 293.5742;~~

~~— (b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of NRS 293.5742; and~~

~~— (c) Any affidavit signed pursuant to subsection 2 of NRS 293.5742.~~

Sec. 23. NRS 293.5752 is hereby amended to read as follows:

293.5752 ~~{1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:~~

~~— (a) The person shall be deemed an applicant to register to vote.~~

~~— (b) Any action taken by the person pursuant to NRS 293.5742 shall be deemed an act of applying to register to vote.~~

~~— (c) Upon receipt of the information collected from the person and transmitted to a county clerk by the Department of Motor Vehicles, {the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote~~

~~— (d) Unless the {applicant} person is already registered to vote, the date on which the person applies {to register to vote pursuant to NRS 293.5742} to an automatic voter registration agency for service or assistance shall be deemed the date on which the {applicant} person registered to vote.~~

~~{2.}~~ If the county clerk determines *pursuant to NRS 293.5767* that the application is complete and that the ~~{applicant}~~ *person* is eligible to vote pursuant to NRS 293.485, the name of the ~~{applicant}~~ *person* must appear on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required. ~~{in accordance with the provisions of NRS 293.5727.~~

~~— 3. For each applicant who applies to register to vote pursuant to NRS 293.5742:~~

~~—(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to register to vote to be used for the comparison purposes of NRS 293.277 if:~~

~~—(1) An electronic facsimile of the signature has been collected and transmitted to the county clerk of the county in which the applicant resides pursuant to NRS 293.5742 and 293.5747, respectively; and~~

~~—(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose; or~~

~~—(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of NRS 293.5742 shall be deemed to be the signature on the person's application to register to vote for the purpose of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.~~

~~—4.} If an applicant is already registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by the {Department of Motor Vehicles} **automatic voter registration agency** to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.~~

Sec. 24. NRS 293.5757 is hereby amended to read as follows:

293.5757 1. A person who ~~{affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, pursuant to NRS 293.5742}~~ **is not eligible to have his or her voter registration information transmitted by an automatic voter registration agency to the county clerk** may still apply to register to vote at the ~~{Department of Motor Vehicles pursuant to NRS 293.5727.}~~ **automatic voter registration agency.**

2. Whether a person ~~{applies to register to vote or have his or her voter registration information updated, as applicable, pursuant to NRS 293.5742}~~ **is eligible to have his or her voter registration information transmitted by the automatic voter registration agency to the county clerk or otherwise registers to vote** must not affect the provision of services or assistance to the person by the ~~{Department,}~~ **automatic voter registration agency**, and ~~{the fact of a person applying to register to vote or have his or her voter registration information updated, as applicable, pursuant to NRS 293.5742 or declining to do so}~~ **whether voter registration information is transferred by the automatic voter registration agency** must not be disclosed to the public.

3. Any information ~~{collected}~~ **transferred** pursuant to NRS 293.5732 to ~~{293.5757.}~~ **293.5767, inclusive, and sections 3 to 7, inclusive, of this act** must not be used for any purpose other than voter registration.

~~{4. Except as otherwise provided in this subsection, the Secretary of State shall adopt regulations necessary to carry out the provisions of NRS 293.5732 to 293.5757, inclusive. The Secretary of State shall not require a person to provide any documentation in order to apply to register to vote or have his or her voter registration information updated, as applicable, pursuant to NRS 293.5742 that is not required by NRS 293.5742 or federal law, including,~~

~~without limitation, documentation to prove the person's identity, citizenship or residence.~~

Sec. 25. NRS 293.5767 is hereby amended to read as follows:

293.5767 1. ~~Each~~ *Upon receipt of the information transmitted to a county clerk by an automatic voter registration agency, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote. The county clerk shall review the voter registration information transmitted by the ~~Department of Motor Vehicles pursuant to NRS 293.5747 and 293.5762~~ automatic voter registration agency to determine whether the person is eligible to register to vote in this State.*

2. *If the county clerk determines that a person is eligible to vote, the person shall be deemed a registered voter. The person's name must appear on the statewide voter registration list and the appropriate roster and the person must be provided all sample ballots and other voter information provide to registered voters.*

3. *In addition to the requirements of subsection 2, the county clerk shall immediately mail a notice to the current residence of the person. The notice must be in the form prescribed by the Secretary of State and include, without limitation:*

- (a) A space for the person to indicate a political party affiliation;*
- (b) A space for the person to affirmatively decline to apply to register to vote or have his or her voter registration updated, as applicable;*
- (c) A preaddressed return envelope with postage prepaid;*
- (d) A statement setting forth the qualifications to vote in this State as provided by NRS 293.485 and that if the person does not meet the qualifications to vote in this State, the person should return the notice and affirmatively decline in writing to register to vote;*
- (e) A statement explaining that unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, the person is deemed to have consented to the transmission of information to the Secretary of State and the county clerk by the automatic voter registration agency for the purpose of registering the person to vote or updating the voter registration information on the statewide voter registration list;*
- (f) A statement explaining that if the person affirmatively declines in writing to apply to register to vote or to have his or her voter registration information updated, as applicable, the county clerk will remove the person from the statewide voter registration list or revert the person's information on the statewide voter registration list to the information that was on the statewide voter registration list before the automatic voter registration agency transmitted the information to the county clerk, and the person shall be deemed to not have registered to vote or updated his or her voter registration information, as applicable;*

(g) A statement setting forth the penalties for submitting a false application to register to vote; and

(h) A statement that:

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

(2) The person may indicate a political party affiliation on the form provided by the county clerk in the notice; and

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

4. The county clerk may send the notice required pursuant to subsection 2 by electronic mail if the person confirms the validity of the electronic mail address to which the notice will be sent by responding a confirmation inquiry sent to that electronic mail address.

5. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 3 is not a declination by the person to apply to register to vote or have his or her voter registration information updated.

6. If the county clerk determines that a person is not eligible to register to vote ~~pursuant to subsection 1~~ or if the voter affirmatively declines in writing to be registered to vote or have his or her voter registration updated:

(a) It shall be deemed that the transmittal from the voter registration agency is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; ~~and~~

(c) It shall be deemed that the transmission of the person's information by the automatic voter registration system was an official authorized act;

(d) It shall be deemed that the person did not falsely claim citizenship in order to register to vote unless the person affirmatively claimed to be a citizen to the automatic voter registration agency; and

(e) The county clerk must ~~reject the application and may not register that person to vote~~ remove the person's registration from the statewide voter registration list or revert the person's information on the statewide voter registration to the information that was on the statewide voter registration list before the automatic voter registration agency transmitted the information to the county clerk, as applicable.

Sec. 26. NRS 293.8851 is hereby amended to read as follows:

293.8851 1. Except as otherwise provided in subsection 2, for any affected election, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the county or city clerk, as applicable, must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.

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

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) ~~Registers~~ **Is registered** to vote pursuant to NRS ~~293.5732 to 293.5757,~~ **293.5732 to 293.5767**, inclusive, **and sections 3 to 7, inclusive, of this act** and at that time presents to the ~~Department of Motor Vehicles;~~ **automatic voter registration agency:**

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The county or city clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the third day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 27. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. ~~The~~ ***Except as otherwise provided in section 6 of this act, the*** signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

- (a) The voter registration card issued to the voter;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

Sec. 28. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272:

- (a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster; and
- (b) The election board officer shall:
 - (1) Announce the name of the registered voter;
 - (2) Instruct the registered voter to sign the roster or signature card;
 - (3) Verify the signature of the registered voter in the manner set forth in NRS 293C.270; and
 - (4) Verify that the registered voter has not already voted in that city in the current election.

2. ~~##~~ ***Except as otherwise provided in section 6 of this act, if*** the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 29. NRS 293C.3035 is hereby amended to read as follows:

293C.3035 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to NRS 293C.3032, if any, the election board officer shall:

- (a) Determine that the person is a registered voter in the city and has not already voted in that city in the current election;
- (b) Instruct the voter to sign the roster or a signature card; and
- (c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

2. ~~¶¶~~ *Except as otherwise provided in section 6 of this act, if* the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical voting device for the voter;
- (b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to NRS 293C.3032, if any, may be challenged pursuant to NRS 293C.292.

Sec. 30. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted in that city in the current election.

2. ~~¶¶~~ *Except as otherwise provided in section 6 of this act, if* the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. The roster for early voting or signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 31. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

4. At the time of applying for a driver's license, an applicant may, if eligible, preregister or register to vote . ~~in pursuant to NRS 293.5727 or 293.5742.~~

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state if the Department determines that the other state has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands or the United States Virgin Islands to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 32. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, preregister or register to vote . ~~for pursuant to NRS 293.5727 or 293.5742.~~

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 32.3. 1. There is hereby appropriated from the State General Fund to the Secretary of State for personnel costs to develop processes and systems for automatic voter registration with automatic voter registration agencies, as defined in section 2 of this act, and to provide monitoring, maintenance and support for such systems the following sums:

For the Fiscal Year 2021-2022 \$736,391

For the Fiscal Year 2022-2023 \$346,439

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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 16, 2022, and September 15, 2023, respectively, 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 16, 2022, and September 15, 2023, respectively.

Sec. 32.7. 1. There is hereby appropriated from the State General Fund to the Division of Field Services of the Department of Motor Vehicles the sum of \$48,233 for computer programming costs to facilitate automatic voter registration.

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. 33. 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. 34. 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. 35. NRS 293.5737, 293.5742 and 293.5762 is hereby repealed.

Sec. 36. 1. This section becomes effective upon passage and approval.

2. **Sections 32.3 and 32.7 of this act become effective on July 1, 2021.**

3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

TEXT OF REPEALED SECTIONS

293.5737 Procedures for notifying persons regarding transmission of information; required disclosures; regulations.

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

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

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

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

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

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

(c) That:

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

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

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

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

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

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

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

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

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

4. The Department:

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

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

293.5742 Procedures for collecting information; use of certain affidavits; issuance of certain identification numbers.

1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department shall collect from the person:

(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote;

(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:

(1) The first or given name and the surname of the person;

(2) The address at which the voter actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(3) The date of birth of the person;

(4) Except as otherwise provided in subsection 2, one of the following:

(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department, if the person has such a driver's license or identification card; or

(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and

(5) The political party affiliation, if any, indicated by the person; and

(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.

2. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the

affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for the purpose of the statewide voter registration list.

293.5762 Duties of Department in administering electronic transmission of voter registration information; use of paper forms and secured containers; collection and transmission of information to county clerks; regulations.

1. At the time the Department of Motor Vehicles notifies a person of the qualifications to vote in this State pursuant to NRS 293.5737, the Department shall provide the person with a paper form on which the person may:

(a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and

(b) Elect to indicate a political party affiliation.

2. The form provided by the Department pursuant to subsection 1:

(a) Must include a notice informing the person of the information required pursuant to paragraphs (b) and (c) of subsection 2 of NRS 293.5737, and that the person may:

(1) Return the completed form at the end of his or her transaction with the Department by depositing the form in the secured container provided by the Department pursuant to subsection 3; or

(2) Use the system established by the Secretary of State pursuant to NRS 293.671 to update his or her voter registration information, including, without limitation, the person's name, address and party affiliation.

(b) May include any other information that the Department determines is necessary to carry out the provisions of this section.

3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.

4. For the purposes of NRS 293.5742 and 293.5747:

(a) If a person deposits the completed form in the secured container at the end of his or her transaction with the Department and has not affirmatively declined in the form to be registered to vote or have his or her voter registration updated:

(1) The Department shall be deemed to have collected the information contained in the form from the person during his or her transaction with the Department; and

(2) The person shall be deemed to have consented to the transmission of that information and the other information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(b) If a person does not deposit the form in the secured container at the end of his or her transaction with the Department:

(1) The person shall be deemed to have consented to the transmission of the information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(2) The appropriate county clerk shall list the person's political party as nonpartisan, unless the person is already a registered voter listed as affiliated with a political party in the person's existing voter registration information.

5. The Department may adopt regulations to carry out the provisions of this section.

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. 443.

Bill read third time.

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

Amendment No. 795.

AN ACT relating to the Legislature; providing for the creation of Joint Interim Standing Committees of the Legislature; specifying the powers and duties of the Joint Interim Standing Committees; repealing various statutory committees; repealing the Advisory Commission on the Administration of Justice and the subcommittee of the Advisory Commission; reassigning certain powers and duties of repealed statutory committees and the Advisory Commission to the Joint Interim Standing Committees; making various other changes relating to legislative activity during the interim between regular sessions of the Legislature; requiring the Commission to Study Governmental Purchasing to submit a biennial report to the Joint Interim Standing Committee on Legislative Operations and Elections; **making an appropriation**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various committees on which Legislators serve throughout the biennium. (Chapter 218E of NRS, NRS 209.4817, 439B.200, 459.0085, 482.367004) Existing law also creates the Advisory Commission on the Administration of Justice and the Subcommittee on Criminal Justice Information Sharing. (NRS 176.0123, 176.01248) This bill repeals several of those committees, the Advisory Commission and its subcommittee and creates Joint Interim Standing Committees that parallel the standing committees established by the Legislature during its regular biennial sessions. **Section 6** of this bill creates the following Joint Interim Standing Committees: (1) Commerce and Labor; (2) Education; (3) Government Affairs; (4) Growth and Infrastructure; (5) Health and Human Services; (6) Judiciary; (7) Legislative

Operations and Elections; (8) Natural Resources; and (9) Revenue. **Section 6** also prescribes the manner of appointing the regular members and the alternate members to the Joint Interim Standing Committees after the adjournment of each regular session of the Legislature. **Section 7** of this bill provides for meetings of the Committees and the compensation of the members. **Section 6** requires the Legislative Commission to select a Chair and Vice Chair of each Committee. **Section 8** of this bill authorizes the Committees to review matters within the jurisdiction of their corresponding standing committees from the preceding regular session of the Legislature and to conduct studies directed by the Legislature and the Legislative Commission, and requires the Committees to report to each regular session of the Legislature. **Section 8** also: (1) requires the Joint Interim Standing Committee on Health and Human Services, either as part of its regular work or through appointment of a subcommittee, to evaluate and review issues relating to child welfare; (2) requires the Joint Interim Standing Committee on the Judiciary, either as part of its regular work or through appointment of a subcommittee, to evaluate and review issues relating to juvenile justice; and (3) authorizes the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. **Section 9** of this bill makes the sections of existing law governing the supplemental powers of interim committees applicable to the Joint Interim Standing Committees. (NRS 218E.110) **Section 47** of this bill transfers the responsibilities of the Legislative Committee on Health Care to the Joint Interim Standing Committee on Health and Human Services. (NRS 439B.227) **Section 50** of this bill revises the designated members of this State to serve on the cooperating committee established by the Multistate Highway Transportation Agreement to include the Chair and Vice Chair of the Joint Interim Standing Committee on Growth and Infrastructure. (NRS 481A.020) **Section 51** of this bill modifies the composition of the Commission on Special License Plates to include the members of the Joint Interim Standing Committee on Growth and Infrastructure, with the three nonvoting members remaining on the Commission. (NRS 482.367004)

Existing law authorizes various statutory, interim and other committees to request the drafting of a certain number of legislative measures for a regular session. (NRS 218D.160) **Section 4** of this bill authorizes a Joint Interim Standing Committee, other than the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary, to request the drafting of not more than 10 legislative measures. **Section 4** also authorizes: (1) the Joint Interim Standing Committee on Health and Human Services to request the drafting of not more than 15 legislative measures, at least 5 of which must relate to matters relating to child welfare; and (2) the Joint Interim Standing Committee on the Judiciary to request the drafting of not more than 15 legislative measures, at least 5 of which must relate to matters relating to juvenile justice.

Existing law: (1) prescribes the membership of the Commission to Study Governmental Purchasing; (2) requires the Commission to meet not less than quarterly to study practices in governmental purchasing and laws relating thereto; and (3) requires the Commission to make recommendations to the Legislature with respect to those laws. (NRS 332.215) **Section 31.5** of this bill requires the Commission to submit a biennial report to the Joint Interim Standing Committee on Legislative Operations and Elections that includes any recommendations of the Commission for legislation relating to governmental purchasing.

Section 55 of this bill repeals the Advisory Commission on the Administration of Justice, the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission, the Committee on Industrial Programs, the Legislative Commission's standing committee to consult with the Director of the Legislative Counsel Bureau, the Legislative Committee on Public Lands, the Legislative Committee on Education, the Legislative Committee on Child Welfare and Juvenile Justice, the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, the Legislative Committee on Energy, the Legislative Committee on Health Care and the Committee on High-Level Radioactive Waste.

Section 51.5 of this bill makes an appropriation to the Legislative Fund for the costs related to supporting the work of interim studies during the 2021-2022 interim.

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

Section 1. Chapter 218A of NRS is hereby amended by adding thereto a new section to read as follows:

“Joint Interim Standing Committee” means a Joint Interim Standing Committee created pursuant to section 6 of this act.

Sec. 2. NRS 218A.003 is hereby amended to read as follows:

218A.003 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 218A.006 to 218A.090, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 3. NRS 218D.130 is hereby amended to read as follows:

218D.130 1. On July 1 preceding each regular session, and each week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel shall prepare a list of all requests received by the Legislative Counsel for the drafting of legislative measures for the regular session.

2. The Legislative Counsel Bureau shall make copies of the list available to the public for a reasonable sum fixed by the Director.

3. In preparing the list:

(a) The requests must be listed numerically by a unique serial number which must be assigned to the legislative measures by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests.

(b) Except as otherwise provided in this section, the list must only contain the name of each requester, the date and a brief summary of the request.

(c) If a standing or special committee of the Legislature, ***including, without limitation, a Joint Interim Standing Committee***, requests a legislative measure on behalf of a Legislator or organization, the list must include:

(1) The name of the ~~standing or special~~ committee; and

(2) The name of the Legislator or organization on whose behalf the legislative measure was originally requested.

4. Upon the request of a Legislator who has requested the drafting of a legislative measure, the Legislative Counsel shall add the name of one or more other Legislators from either or both Houses as joint requesters of the legislative measure. The Legislative Counsel:

(a) Shall not add the name of a joint requester to the list until the Legislative Counsel has received confirmation of the joint request from the primary requester of the legislative measure and from the Legislator to be added as a joint requester.

(b) Shall remove the name of a joint requester upon receipt of a request to do so made by the primary requester or the joint requester.

(c) Shall cause the names to appear on the list in the order in which the names were received by the Legislative Counsel beginning with the primary requester.

(d) Shall not act upon the direction of a joint requester to withdraw the requested legislative measure or modify its substance until the Legislative Counsel has received confirmation of the withdrawal or modification from the primary requester.

5. If the primary requester of a legislative measure will not be returning to the Legislature for the regular session in which the legislative measure is to be considered:

(a) The primary requester may authorize a Legislator who will be serving during that regular session to become the primary sponsor of the legislative measure, either individually or as the chair on behalf of a standing committee.

(b) A Legislator who agrees to become or have the committee become the primary sponsor of the legislative measure shall notify the Legislative Counsel of that fact.

(c) Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the primary requester of the legislative measure on the list.

6. For the purposes of all limitations on the number of legislative measures that may be requested by a Legislator:

(a) A legislative measure with joint requesters must only be counted as a request of the primary requester.

(b) A legislative measure for which a Legislator or standing committee becomes the primary sponsor pursuant to subsection 5 must be counted as a request of that Legislator or committee.

Sec. 4. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute ~~††~~ *or a joint rule or concurrent resolution †† of the Legislature:*

(a) *Except as otherwise provided in paragraphs (b) and (c), a Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee.*

(b) *The Joint Interim Standing Committee on Health and Human Services may request the drafting of not more than 15 legislative measures which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to child welfare.*

(c) *The Joint Interim Standing Committee on the Judiciary may request the drafting of not more than 15 legislative measures which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to juvenile justice.*

(d) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~†(b)†~~ (e) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~†(e)†~~ (f) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➤ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 5. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. 1. *There are hereby created the following Joint Interim Standing Committees of the Legislature:*

- (a) Commerce and Labor;*
- (b) Education;*
- (c) Government Affairs;*
- (d) Growth and Infrastructure;*
- (e) Health and Human Services;*
- (f) Judiciary;*
- (g) Legislative Operations and Elections;*
- (h) Natural Resources; and*
- (i) Revenue.*

2. *Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the adjournment of each regular session of the Legislature:*

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. *Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:*

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session of the Legislature.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. *The Legislative Commission shall select the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee. The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. Each of those officers holds the position until a successor is appointed after the next regular session of the Legislature. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.*

5. *The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.*

6. *Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.*

Sec. 7. 1. *Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.*

2. *The Director of the Legislative Counsel Bureau or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.*

3. *Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by a Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee.*

4. *Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:*

(a) *Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;*

(b) *Per diem allowance provided for state officers and employees generally; and*

(c) *Travel expenses provided pursuant to NRS 218A.655.*

↪ *The compensation, per diem allowances and travel expenses of the members of a Committee must be paid from the Legislative Fund.*

Sec. 8. 1. *A Joint Interim Standing Committee may:*

(a) *Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session of the Legislature;*

(b) *Exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive; and*

(c) *Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.*

2. *In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:*

(a) *The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.*

(b) The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to juvenile justice.

(c) The Joint Interim Standing Committee on Legislative Operations and Elections may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 9. NRS 218E.110 is hereby amended to read as follows:

218E.110 1. "Committee" means the Legislative Commission, *a Joint Interim Standing Committee* and any other legislative committee or subcommittee created by a specific statute, concurrent resolution or order of the Legislative Commission to conduct studies or investigations or perform any other legislative business during the legislative interim.

2. The term does not include any legislative committee or subcommittee appointed by the Legislature or either House to conduct or perform legislative business during a regular or special session, including, without limitation, any joint, standing, temporary, special or select committee or committee of the whole.

Sec. 10. NRS 218E.185 is hereby amended to read as follows:

218E.185 1. In the discharge of any duty imposed or power conferred by this title or any law or resolution, the Legislative Commission may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

2. The Legislative Commission may delegate its authority pursuant to subsection 1 to a subcommittee or interim or special committee established pursuant to NRS 218E.200 ~~††~~ *or to a Joint Interim Standing Committee created pursuant to section 6 of this act.*

Sec. 11. NRS 218E.200 is hereby amended to read as follows:

218E.200 1. The Legislative Commission may conduct studies or investigations concerning governmental problems, important issues of public policy or questions of statewide interest ~~††~~ *or may assign such studies or investigations to a Joint Interim Standing Committee.*

2. The Legislative Commission may establish subcommittees and interim or special committees as official agencies of the Legislative Counsel Bureau to conduct such studies or investigations or otherwise to deal with such governmental problems, important issues of public policy or questions of

statewide interest ~~††~~ **or may assign such matters to a Joint Interim Standing Committee.** The subcommittees and interim or special committees may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

3. The membership of ~~the†~~ **any** subcommittees and interim or special committees ~~††~~ **established pursuant to subsection 2:**

(a) Must be designated by the Legislative Commission; and
(b) May consist of members of the Legislative Commission and Legislators other than members of the Legislative Commission, employees of the State of Nevada or citizens of the State of Nevada.

4. For each day or portion of a day during which **the** members of ~~the†~~ **any** subcommittees and interim or special committees **established pursuant to subsection 2** who are not Legislators attend meetings or are otherwise engaged in the business of the subcommittees and interim or special committees, the members:

(a) Shall serve without salary.
(b) Are entitled to receive out of the Legislative Fund the per diem allowances and travel expenses provided for state officers and employees generally.

5. Except during a regular or special session, for each day or portion of a day during which **the** members of ~~the†~~ **any** subcommittees and interim or special committees **established pursuant to subsection 2** who are Legislators attend meetings of the subcommittees and interim or special committees or are otherwise engaged in the business of the subcommittees and interim or special committees, the members are entitled to receive out of the Legislative Fund:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;
(b) The per diem allowance provided for state officers and employees generally; and
(c) The travel expenses provided pursuant to NRS 218A.655.

Sec. 12. NRS 218E.205 is hereby amended to read as follows:

218E.205 1. Between regular sessions, the Legislative Commission:

(a) Shall fix the work priority of all studies and investigations assigned to it by a statute or concurrent resolution or directed by an order of the Legislative Commission ~~††~~ **or conducted by a Joint Interim Standing Committee**, within the limits of available time, money and staff.

(b) Shall not make studies or investigations directed by a resolution of only one House or studies or investigations proposed but not approved during the preceding regular session.

2. All requests for the drafting of legislative measures to be recommended as the result of a study or investigation must be made in accordance with NRS 218D.160.

3. Except as otherwise provided by NRS 218E.210, between regular sessions, a study or investigation may not be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the

Research Director and their staffs, except studies and investigations which have been specifically authorized by ~~a statute, concurrent resolution,~~ **the Legislature** or ~~order of~~ the Legislative Commission.

4. A study or investigation may not be carried over from one regular session to the next without additional authorization by a statute, concurrent resolution or order of the Legislative Commission, except audits in progress whose carryover has been approved by the Legislative Commission.

5. Except as otherwise provided by a specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee established by a statute, concurrent resolution or order of the Legislative Commission to conduct a study or investigation, unless the chair of the committee is required by the statute, concurrent resolution or order of the Legislative Commission to be a Legislator.

6. The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the Legislative Commission or a committee or subcommittee established by the Legislative Commission.

~~{7. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by a statute or concurrent resolution or directed by an order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission, meet not earlier than January 1 of the even numbered year and not later than June 30 of that year.}~~

Sec. 13. NRS 218E.500 is hereby amended to read as follows:

218E.500 The Legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and

benefit from such interstate activities, it is appropriate that a ~~committee~~ **Joint Interim Standing Committee** on matters relating to public lands be assigned primary responsibility for participating in them.

Sec. 14. NRS 218E.520 is hereby amended to read as follows:

218E.520 1. The **Joint Interim Standing Committee on Natural Resources** may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws ; ~~and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;~~

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the Committee and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the Committee or by a majority of the members of the Committee.

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Sec. 15. NRS 218E.525 is hereby amended to read as follows:

218E.525 1. The ***Joint Interim Standing Committee on Natural Resources*** shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The ***Joint Interim Standing Committee*** ~~on~~ ***on Natural Resources***:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; ***and***

(b) ~~{Shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~—(e)—~~ May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 16. NRS 218E.615 is hereby amended to read as follows:

218E.615 The ***Joint Interim Standing Committee on Education*** may:

1. Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(a) Programs to enhance accountability in education;

(b) Legislative measures regarding education;

(c) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the statewide system of accountability for public schools;

(d) Methods of financing public education;

(e) The condition of public education in the elementary and secondary schools;

(f) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(g) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(h) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section. ~~and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which public education may be improved.

Sec. 17. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the ***Joint Interim Standing*** Committee ~~+~~ ***on Education:***

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of chapter 385A of NRS in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in NRS 388.5223 to 388.5243, inclusive;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 390.830; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➡ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the ~~Legislative~~ ***Joint Interim Standing*** Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 18. NRS 218E.815 is hereby amended to read as follows:

218E.815 1. The ***Joint Interim Standing Committee on Growth and Infrastructure*** may:

(a) Evaluate, review and comment upon matters related to energy policy within this State, including, without limitation:

(1) Policies, plans or programs relating to the production, consumption or use of energy in this State;

(2) Legislative measures regarding energy policy;

(3) The progress made by this State in satisfying the goals and objectives of Senate Bill No. 123 of the 77th Session of the Nevada Legislature;

(4) The effect of any policy, plan, program or legislation on rates or rate payers;

(5) The effect of any policy, plan, program or legislation on economic development in this State;

(6) The effect of any policy, plan, program or legislation on the environment;

(7) Any contracts or requests for proposals relating to the purchase of capacity;

(8) The effect of any policy, plan, program or legislation which provides for the construction or acquisition of facilities for the generation of electricity;

(9) The effect of any policy, plan, program or legislation on the development of a market in this State for electricity generated from renewable energy;

(10) The infrastructure and transmission requirements of any policy, plan, program or legislation; and

(11) Any other matters or topics that, in the determination of the Committee, affect energy policy in this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section. ~~and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which energy policy may be implemented or improved.

2. As used in this section, “renewable energy” has the meaning ascribed to it in NRS 701.070.

Sec. 19. NRS 62H.320 is hereby amended to read as follows:

62H.320 1. The Director of the Department of Health and Human Services shall establish within the Department a program to compile and analyze data concerning juvenile sex offenders. The program must be designed to:

(a) Provide statistical data relating to the recidivism of juvenile sex offenders; and

(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to assess the effectiveness of programs for the treatment of juvenile sex offenders.

2. The Director of the Department of Health and Human Services shall report the statistical data and findings from the program to:

(a) The Legislature at the beginning of each regular session.

(b) The ~~{Advisory Commission on the Administration of Justice}~~ **Joint Interim Standing Committee on the Judiciary** on or before January 31 of each even-numbered year.

3. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of a juvenile sex offender or the identity of an individual victim of a crime.

Sec. 20. NRS 176.0127 is hereby amended to read as follows:

176.0127 1. The Department of Corrections shall:

(a) Provide the ~~{Commission}~~ **Joint Interim Standing Committee on the Judiciary** with any available statistical information or research requested by the ~~{Commission}~~ **Committee** and assist the ~~{Commission}~~ **Committee** in the compilation and development of information requested by the ~~{Commission}~~ **Committee**, including, but not limited to, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;

~~{(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Department of Corrections;}~~ and

~~{(e)}~~ (b) Provide the independent contractor retained pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The Division shall:

(a) Provide the ~~{Commission}~~ **Joint Interim Standing Committee on the Judiciary** with any available statistical information or research requested by the ~~{Commission}~~ **Committee** and assist the ~~{Commission}~~ **Committee** in the compilation and development of information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;

~~{(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Division;}~~ and

~~{(e)}~~ (b) Provide the independent contractor retained pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

Sec. 21. NRS 176.0128 is hereby amended to read as follows:

176.0128 The Central Repository for Nevada Records of Criminal History shall:

1. Facilitate the collection of statistical data in the manner approved by the Director of the Department of Public Safety and coordinate the exchange of such data with agencies of criminal justice within this State, including:

- (a) State and local law enforcement agencies;
- (b) The Office of the Attorney General;
- (c) The Court Administrator;
- (d) The Department of Corrections; and
- (e) The Division.

2. Provide the ~~{Commission}~~ **Joint Interim Standing Committee on the Judiciary** with available statistical data and information requested by the ~~{Commission}~~ **Committee**.

Sec. 22. NRS 176.0129 is hereby amended to read as follows:

176.0129 The Office of Finance shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to ~~+~~:

~~—1. Review~~ **review** sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

- ~~{(a)}~~ 1. In a facility or institution of the Department of Corrections;
- ~~{(b)}~~ 2. On probation;
- ~~{(c)}~~ 3. On parole; and
- ~~{(d)}~~ 4. Serving a term of residential confinement,

→ during the 10 years immediately following the date of the projection. ~~+~~ and

~~—2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:~~

- ~~— (a) In a facility or institution of the Department of Corrections;~~
- ~~— (b) On probation;~~
- ~~— (c) On parole; and~~
- ~~— (d) Serving a term of residential confinement,~~
- ~~→ during the 10 years immediately following the date of the projection,~~
- ~~assuming the preliminary proposals were recommended by the Commission~~
- ~~and enacted by the Legislature.]~~

Sec. 23. NRS 200.3788 is hereby amended to read as follows:

200.3788 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the Sexual Assault Kit Working Group, designate a department or division of the Executive Department of State Government to establish the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.

2. The program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive, by telephone or on an Internet website, updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the ~~Advisory Commission on the Administration of Justice~~ **Joint Interim Standing Committee on the Judiciary** and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the last 6 months.

(c) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic

evidence kit by a forensic laboratory for genetic marker analysis, overall and for the last 6 months.

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the last 6 months.

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

7. As used in this section, “Sexual Assault Kit Working Group” means the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested.

Sec. 24. NRS 209.192 is hereby amended to read as follows:

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. The Director shall deposit in the Fund the deductions made pursuant to paragraph (c) of subsection 1 or paragraph (b) of subsection 2 of NRS 209.463. The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended:

(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary*** and the State Board of Examiners.

(b) For construction, the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.

4. If any money in the Fund is used as described in paragraph (d) of subsection 1, the Director shall repay the amount used as soon as sufficient money is available in the Fund for Prison Industries.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

6. As used in this section, “Fund” means Fund for New Construction of Facilities for Prison Industries.

Sec. 25. NRS 209.459 is hereby amended to read as follows:

209.459 1. The Director shall:

(a) Submit a report to the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary*** identifying the potential impacts of any new program for the employment of offenders on private employers and labor in this State. In preparing such a report, the Director shall include any information required pursuant to paragraph (b) of subsection 7 of NRS 209.461 and must perform due diligence in obtaining such information from:

- (1) The Department of Employment, Training and Rehabilitation;
- (2) The Department of Business and Industry;
- (3) The Office of Economic Development; and
- (4) Representatives of organized labor in this State.

(b) Seek and present the recommendations of the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary*** to the Board of State Prison Commissioners and, with the approval of the Board of State Prison Commissioners, establish and carry out a program for the employment of offenders in services and manufacturing conducted by institutions of the Department or by private employers.

2. Before any new program for the employment of offenders is established pursuant to this section, the Director shall submit any contract related to the employment of such offenders to the State Board of Examiners for approval.

Sec. 26. NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary***. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, “selling expenses” means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, “general and administrative expenses” means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary*** to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:

(a) A personal guarantee to secure an amount fixed by the Director of:

(1) For a contract that does not relate to construction, not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract and conditioned

upon the faithful performance of the contract in accordance with the terms and conditions of the contract; or

(2) For a contract that relates to construction, not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract,

➡ or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department. The Director shall appear before the **Joint Interim Standing Committee on ~~Industrial Programs~~ the Judiciary** to explain the reasons for the amount fixed by the Director for any personal guarantee or surety bond.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, “state-sponsored program” means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 27. NRS 209.4818 is hereby amended to read as follows:

209.4818 1. The **Joint Interim Standing Committee on ~~Industrial Programs~~ the Judiciary** shall:

(a) Be informed on issues and developments relating to industrial programs for correctional institutions;

(b) Submit a semiannual report to the Interim Finance Committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;

(c) Report to the Legislature on any other matter relating to industrial programs for correctional institutions that it deems appropriate;

(d) ~~Meet at least quarterly and at the call of the Chair to review the operation of current and proposed industrial programs;~~

~~—(e)—~~ Recommend three persons to the Director for appointment as the Deputy Director for Industrial Programs whenever a vacancy exists;

~~[(f)]~~ *(e)* Before any new industrial program is established by the Director, review the proposed program for compliance with the requirements of subsections 2, 3, 4 and 7 of NRS 209.461 and submit to the Director its recommendations concerning the proposed program; and

~~[(g)]~~ *(f)* Review each state-sponsored industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably. If the Committee determines that a program has incurred a net loss in 3 consecutive fiscal years, the Committee shall report its finding to the Director with a recommendation regarding whether the program should be continued or terminated. If the Director does not accept the recommendation of the Committee, the Director shall submit a written report to the Committee setting forth his or her reasons for rejecting the recommendation.

2. Upon the request of the *Joint Interim Standing* Committee on ~~Industrial Programs,~~ *the Judiciary*, the Director and the Deputy Director for Industrial Programs shall provide to the Committee any information that the Committee determines is relevant to the performance of the duties of the Committee.

3. As used in this section, “state-sponsored industry program” means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 28. NRS 233B.063 is hereby amended to read as follows:

233B.063 1. An agency that intends to adopt, amend or repeal a permanent regulation must deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to the Legislative Counsel between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to the Legislative Counsel. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy of the approved or revised

text of the regulation to the ~~Legislative~~ *Joint Interim Standing* Committee on Health ~~Care~~ *and Human Services*.

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

Sec. 29. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation

relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 30. 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, 176.01249,~~ 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,

353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, 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. 31. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency shall prepare, in cooperation with appropriate federal and state agencies and local governments

throughout the State, plans or statements of policy concerning the acquisition and use of lands in the State of Nevada that are under federal management.

2. The State Land Use Planning Agency shall, in preparing the plans and statements of policy, identify lands which are suitable for acquisition for:

- (a) Commercial, industrial or residential development;
- (b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or
- (c) Accommodating increases in the population of this State.

➔ The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

3. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and ~~any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands;~~ **the Joint Interim Standing Committee on Natural Resources;** and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

4. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or policy statements to the Governor, ~~the Legislature~~ , **the Joint Interim Standing Committee on Natural Resources** or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

- (a) The Land Use Planning Advisory Council; and
- (b) ~~Any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands;~~ **The Joint Interim Standing Committee on Natural Resources.**

5. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

Sec. 31.5. NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing and laws relating thereto

and shall make recommendations with respect to those laws to the next regular session of the Legislature.

3. *On or before July 1 of each even-numbered year, the Commission shall submit a written report to the Joint Interim Standing Committee on Legislative Operations and Elections that includes any recommendations of the Commission for legislation relating to governmental purchasing.*

Sec. 32. NRS 333.3368 is hereby amended to read as follows:

333.3368 The Purchasing Division shall, every 6 months, submit to the Legislature, if it is in session, or to the Interim Finance Committee, ~~and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,~~ if the Legislature is not in session, a report which must contain, for the period since the submission of the last report:

1. The number of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.

2. The total dollar amount of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.

3. The number of local businesses owned and operated by veterans with service-connected disabilities that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to local businesses owned and operated by veterans with service-connected disabilities.

5. The total number of dollars' worth of state purchasing contracts that were awarded to local businesses owned and operated by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 33. NRS 338.13846 is hereby amended to read as follows:

338.13846 The Division shall, every 6 months, submit to the Legislature, if it is in session, or to the Interim Finance Committee, ~~and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,~~ if the Legislature is not in session, a report which must contain, for the period since the submittal of the last report:

1. The number of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

2. The total dollar amount of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

3. The number of local businesses owned and operated by veterans with service-connected disabilities that submitted a bid on a contract for a public work of this State.

4. The number of contracts for public works of this State that were awarded to local businesses owned and operated by veterans with service-connected disabilities.

5. The total number of dollars' worth of contracts for public works of this State that were awarded to local businesses owned and operated by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 34. NRS 385A.030 is hereby amended to read as follows:

385A.030 "Committee" means the ~~Legislative~~ **Joint Interim Standing** Committee on Education created pursuant to ~~NRS 218E.605~~ **section 6 of this act.**

Sec. 35. NRS 387.1215 is hereby amended to read as follows:

387.1215 1. To account for variation between the counties of this State in the cost of living and the cost of labor, the Department shall establish by regulation cost adjustment factors for the school district located in, and each charter school that provides classroom-based instruction in, each county of this State.

2. Not later than May 1 of each even-numbered year, the Department shall review and determine whether revisions are necessary to the cost adjustment factors for the school district located in each county of this State. The Department shall present the review and any revisions at a meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education for consideration and recommendations by the Committee. After the meeting, the Department shall consider any recommendations of the ~~Legislative~~ **Joint Interim Standing** Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the cost adjustment factors. The Department shall submit any revision to the cost adjustment factors to each school district, the Governor and the Director of the Legislative Counsel Bureau.

Sec. 36. NRS 387.1216 is hereby amended to read as follows:

387.1216 1. To account for the increased cost to a school district to operate a public school for a small number of pupils which may be necessary in certain circumstances, the Department shall establish by regulation a method to calculate an adjustment for each necessarily small school.

2. Not later than May 1 of each even-numbered year, the Department shall review and determine whether revisions are necessary to the method for determining the adjustment for each necessarily small school. The Department shall present the review and any revisions at a meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education for consideration and recommendations by the Committee. After the meeting, the Department shall consider any recommendations of the ~~Legislative~~ **Joint Interim Standing** Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the method. The Department shall submit any revision to the method to each school district, the Governor and the Director of the Legislative Counsel Bureau.

Sec. 37. NRS 387.1218 is hereby amended to read as follows:

387.1218 1. To account for the increased cost per pupil to operate a school district in which relatively fewer pupils are enrolled, the Department shall establish by regulation a small district equity adjustment.

2. Not later than May 1 of each even-numbered year, the Department shall review and determine whether revisions are necessary to the method for calculating the small district equity adjustment. The Department shall present the review and any revisions at a meeting of the ~~the Legislative~~ **Joint Interim Standing** Committee on Education for consideration and recommendations by the Committee. After the meeting, the Department shall consider any recommendations of the ~~the Legislative~~ **Joint Interim Standing** Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the method. The Department shall submit any revision to the method to each school district, the Governor and the Director of the Legislative Counsel Bureau.

Sec. 38. NRS 387.12455 is hereby amended to read as follows:

387.12455 1. Except as otherwise provided in subsection 5, for the purpose of establishing budgetary estimates for expenditures and revenues for the State Education Fund as prescribed by the State Budget Act, the Governor shall, to the extent practicable, ensure that an amount of money in the State General Fund is reserved in the proposed executive budget for transfer to the State Education Fund which is sufficient to fully fund:

(a) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the rate of increase for the revenue collected by the State as projected by the Economic Forum.

(b) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is not greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State.

(c) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will decrease, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding

biennium decreased by an amount not greater than the rate of decrease for the revenue collected by the State as projected by the Economic Forum.

2. Except as otherwise provided in subsection 5, as part of the proposed executive budget, the Governor shall, to the extent practicable, include recommendations for:

(a) The statewide base per pupil funding amount, which must be equal to the statewide base per pupil funding amount for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional reduction to both the statewide base per pupil funding amount and the multiplier for each category of pupils pursuant to paragraph (b); and

(b) The multiplier for each category of pupils, which must not be less than the multiplier for the immediately preceding biennium unless:

(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional reduction to both the statewide base per pupil funding amount pursuant to paragraph (a) and the multiplier for each category of pupils; or

(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, increases from the preceding fiscal year but in an amount which, after recommending the statewide base per pupil funding amount pursuant to paragraph (a), is insufficient to fund the multiplier for each category of pupils, in which event the Governor must recommend the remaining money in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year.

3. When determining the amount of money to reserve for transfer from the State General Fund to the State Education Fund pursuant to subsection 1, the Governor shall consider the recommendations of the Commission, as revised by the ~~the Legislative~~ **Joint Interim Standing** Committee on Education, if applicable, for an optimal level of funding for education and may reserve an additional amount of money for transfer to the State Education Fund that the Governor determines to be sufficient to fund any recommendation or any portion of a recommendation that the Governor includes in the proposed executive budget.

4. As part of the proposed executive budget, the Governor may recommend to the Legislature a revision to any appropriation made by law pursuant to NRS 387.1214, including, without limitation, the statewide base

per pupil funding amount, the adjusted base per pupil funding for any school district, the multiplier for weighted funding for any category of pupils or the creation or elimination of a category of pupils to receive additional weighted funding. The Governor may recommend additional funding for any recommendation made pursuant to this subsection.

5. If the Governor determines that it would be impracticable to prepare the proposed executive budget as described in subsection 1 or 2, the Governor may instead include in the proposed executive budget a recommendation for such funding for the public schools in this State as he or she determines to be appropriate. If the Governor includes in the proposed executive budget recommendations pursuant to this subsection, the recommendations must be accompanied by such recommendations for legislation as the Governor determines to be appropriate to improve the method by which funding for the public schools in this State is determined.

6. As used in this section, “rate of inflation” means the percentage of increase or decrease in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Governor.

Sec. 39. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the ~~Legislative~~ **Joint Interim Standing** Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the ~~Legislative~~ **Joint Interim Standing** Committee on

Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215, the method for determining the adjustment for each necessarily small school established pursuant to NRS 387.1216 and the method for calculating the small district equity adjustment established pursuant to NRS 387.1218.

2. The Commission shall present any recommendations pursuant to paragraphs (a) to (d), inclusive, of subsection 1 at a meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education for consideration and revision by the Committee. The ~~Legislative~~ **Joint Interim Standing** Committee on Education shall review each recommendation of the Commission and determine whether to transmit the recommendation or a revised version of the recommendation to the Governor or the Legislature.

Sec. 40. NRS 388.787 is hereby amended to read as follows:

388.787 “Committee” means the ~~Legislative~~ **Joint Interim Standing** Committee on Education created pursuant to ~~NRS 218E.605~~ **section 6 of this act**.

Sec. 41. NRS 390.800 is hereby amended to read as follows:

390.800 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the ~~Legislative~~ **Joint Interim Standing** Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 42. NRS 391.492 is hereby amended to read as follows:

391.492 1. There is hereby created the Nevada State Teacher Recruitment and Retention Advisory Task Force consisting of the following members:

(a) One licensed teacher employed by each school district located in a county whose population is less than 100,000, appointed by the ~~Legislative~~ **Joint Interim Standing** Committee on Education;

(b) Two licensed teachers employed by each school district located in a county whose population is 100,000 or more but less than 700,000, appointed by the ~~Legislative~~ **Joint Interim Standing** Committee on Education; and

(c) Three licensed teachers employed by each school district located in a county whose population is 700,000 or more, appointed by the ~~Legislative~~ **Joint Interim Standing** Committee on Education.

2. After the initial terms, each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. If any member of the Task Force ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the ~~Legislative~~ **Joint Interim Standing** Committee on Education shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least quarterly and may meet at other times upon the call of the Chair or a majority of the members of the Task Force. In even-numbered years, the Task Force shall have three meetings before the final meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education. In even-numbered years, the fourth meeting of the Task Force must be a presentation to the ~~Legislative~~ **Joint Interim Standing** Committee on Education of the findings and recommendations of the Task Force made pursuant to NRS 391.496.

5. Ten members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Department shall provide administrative support to the Task Force.

Sec. 43. NRS 391.494 is hereby amended to read as follows:

391.494 1. Each member of the Task Force must:

(a) Be a licensed teacher with at least 5 consecutive years of experience teaching in a public school in this State;

(b) Be currently employed as a teacher and actively teaching in a public school in this State, and remain employed as a teacher in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, 2019, the Department shall prescribe a uniform application for a teacher to use to apply to serve on the Task Force.

3. A teacher who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the ~~Legislative~~ **Joint Interim Standing** Committee on Education on or before January 15 of an even-numbered year. On or before February 1 of each even-numbered year, the ~~Legislative~~ **Joint Interim Standing** Committee on Education shall select one or more teachers, as applicable, to serve as a member of the Task Force.

Sec. 44. NRS 391.496 is hereby amended to read as follows:

391.496 The Task Force shall:

1. Evaluate the challenges in attracting and retaining teachers throughout this State;

2. Make recommendations to the ~~Legislative~~ **Joint Interim Standing** Committee on Education to address the challenges in attracting and retaining teachers throughout this State, including, without limitation, providing incentives to attract and retain teachers; and

3. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature describing the findings and recommendations of the Task Force.

Sec. 45. NRS 439.983 is hereby amended to read as follows:

439.983 Upon the resolution of a public health emergency or other health event, the emergency team shall:

1. Make recommendations to the State Board of Health and local boards of health with respect to regulations or policies which may be adopted to prevent public health emergencies and other health events or to improve responses to public health emergencies and other health events; and

2. Evaluate the response of each state agency, division, board or other entity represented on the emergency team and make recommendations to the Governor and the Legislature or, if the Legislature is not in session, to the Legislative Commission and the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** with respect to actions and measures that may be taken to improve such responses.

Sec. 46. NRS 439B.040 is hereby amended to read as follows:

439B.040 "Committee" means the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services**.

Sec. 47. NRS 439B.227 is hereby amended to read as follows:

439B.227 The ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** shall:

1. After each regular session of the Legislature, review any chapter added to this title or title 39 or 54 of NRS that authorizes or requires the issuance of

a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to make a report pursuant to NRS 432B.220; and

2. Before the beginning of the next regular session of the Legislature, prepare a report concerning its findings pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, any recommended legislation.

Sec. 48. NRS 449.465 is hereby amended to read as follows:

449.465 1. The Director may, by regulation, impose fees upon admitted health insurers to cover the costs of carrying out the provisions of NRS 449.450 to 449.530, inclusive. The maximum amount of fees collected must not exceed the amount authorized by the Legislature in each biennial budget.

2. The Director shall impose a fee of \$50 each year upon admitted health insurers for the support of the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services**. The fee imposed pursuant to this subsection is in addition to any fee imposed pursuant to subsection 1. The fee collected for the support of the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** must be deposited in the Legislative Fund.

Sec. 49. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all reports, summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the methodologies used to determine the corporate home office allocation of hospitals in this State;

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance;

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals; and

(h) A summary of the status of the programs established pursuant to NRS 439A.220 and 439A.240 to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for those programs pursuant to NRS 439A.270.

3. The ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.

Sec. 50. NRS 481A.020 is hereby amended to read as follows:

481A.020 The designated representatives of this State to serve on the cooperating committee established by Article IV of the Multistate Highway Transportation Agreement are:

1. The Chair of the ~~Senate~~ **Joint Interim** Standing Committee on ~~Transportation~~ **Growth and Infrastructure** or a person designated by the Chair; and

2. The **Vice** Chair of the ~~Assembly~~ **Joint Interim** Standing Committee on ~~Transportation~~ **Growth and Infrastructure** or a person designated by the **Vice** Chair.

Sec. 51. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates ~~[-The Commission is advisory to the Department and consists of five Legislators]~~ **consisting of the members of the Joint Interim Standing Committee on Growth and Infrastructure** and three nonvoting members. ~~[-as follows:~~

~~—(a) Five Legislators appointed by the Legislative Commission:~~

~~—(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~—(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also~~

~~served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~—(b) Three~~

2. ~~The three~~ nonvoting members ~~consisting of:~~

~~—(1) of the Commission consist of:~~

(a) The Director of the Department of Motor Vehicles, or a designee of the Director.

~~—(2)~~ (b) The Director of the Department of Public Safety, or a designee of the Director.

~~—(3)~~ (c) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

~~2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.~~

3. ~~[Members]~~ **The nonvoting members** of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➡ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the

Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817.

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees, including, without limitation, pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279. As used in this paragraph, “additional fees” means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 51.5. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of \$35,000 for costs to the Legislative Counsel Bureau related to supporting the work of interim studies during the 2021-2022 interim.

Sec. 52. 1. Except as otherwise provided in subsection 2 or any other provision of this act, if the provisions of any other provision of the Nevada Revised Statutes or any other act or resolution passed by any session of the Nevada Legislature, including, without limitation, the 81st Session of the Nevada Legislature, assign a power or duty to a committee or commission abolished by this act or require the submission of a report, document or information to such a committee or commission:

(a) The provisions of the other statute, act or resolution that assign the power or duty or require the submission of the report, document or information are superseded and abrogated by the provisions of this act; and

(b) The Legislative Counsel shall, in revising the Nevada Revised Statutes, assign the power or duty or require the report, document or information to be submitted to the Joint Interim Standing Committee created by section 6 of this act which has jurisdiction over the subject matter of the power, duty, document or information.

2. A Joint Interim Standing Committee created by section 6 of this act may conduct a legislative study or investigation only within the limits of the Committee’s budget and work program established pursuant to section 8 of this act. If the subject matter of a legislative study or investigation falls within the jurisdiction of more than one Joint Interim Standing Committee created by section 6 of this act, the Legislative Commission shall assign the study or

investigation based on the budgets and work programs approved by the Legislative Commission for the Joint Interim Standing Committees.

3. As used in this section, “legislative study or investigation” includes, without limitation, any:

(a) Interim legislative study or investigation; or

(b) Legislative study or investigation assigned to a statutory legislative committee or commission, including, without limitation, a statutory legislative committee or commission abolished by the provisions of this act.

Sec. 53. 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. 54. On the effective date of this act, the State Controller shall transfer the remaining balance, if any, in the Special Account for the Support of the Advisory Commission on the Administration of Justice created pursuant to NRS 176.01255 to the State General Fund.

Sec. 55. NRS 176.0121, 176.0123, 176.01248, 176.01249, 176.0125, 176.01255, 176.0126, 209.4817, 218E.225, 218E.505, 218E.510, 218E.515, 218E.600, 218E.605, 218E.610, 218E.700, 218E.705, 218E.710, 218E.715, 218E.720, 218E.745, 218E.750, 218E.755, 218E.760, 218E.800, 218E.805, 218E.810, 439B.200, 439B.210 and 459.0085 are hereby repealed.

Sec. 56. 1. This section and sections 1 to 34, inclusive, and 39 to 55, inclusive, of this act become effective upon passage and approval.

2. Sections 35 to 38, inclusive, of this act become effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

176.0121 “Commission” defined.

176.0123 Creation; members and appointing authorities; Chair; terms; vacancies; salaries and per diem; staff.

176.01248 Subcommittee on Criminal Justice Information Sharing: Creation; Chair; members; duties; salaries and per diem.

176.01249 Appointment of working groups by Chair of Subcommittee on Criminal Justice Information Sharing: Chair; members; service without compensation.

176.0125 Duties of Commission.

176.01255 Grants, bequests, devises, donations and gifts; Special Account for the Support of the Advisory Commission on the Administration of Justice.

176.0126 Subpoenas: Power to issue; compelling performance.

209.4817 Committee on Industrial Programs: Creation; members; terms of appointed members; appointment of alternate members; payment of compensation, allowances and travel expenses.

218E.225 Committee to review management, organization and operation of Legislative Counsel Bureau.

218E.500 Legislative findings and declarations.

- 218E.505 “Committee” defined.
218E.510 Creation; membership; budget; officers; terms; vacancies; alternates.
218E.515 Meetings; rules; quorum; compensation, allowances and expenses of members.
218E.600 “Committee” defined.
218E.605 Creation; membership; budget; officers; terms; vacancies.
218E.610 Meetings; quorum; compensation, allowances and expenses of members.
218E.700 “Committee” defined.
218E.705 Creation; membership; budget; officers; terms; vacancies.
218E.710 Meetings; quorum; compensation, allowances and expenses of members.
218E.715 General duties.
218E.720 General powers.
218E.745 “Committee” defined.
218E.750 Creation; membership; budget; officers; terms; vacancies.
218E.755 Meetings; quorum; compensation, allowances and expenses of members.
218E.760 General powers.
218E.800 “Committee” defined.
218E.805 Creation of Legislative Committee on Energy; membership; budget; officers; terms; vacancies.
218E.810 Meetings; quorum; compensation, allowances and expenses of members.
439B.200 Creation; appointment of and restrictions on members; officers; terms of members; vacancies; annual reports.
439B.210 Meetings; quorum; compensation.
459.0085 Creation; membership; duties; compensation and expenses of members.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 798.

AN ACT relating to the Legislature; providing for the creation of Joint Interim Standing Committees of the Legislature; specifying the powers and duties of the Joint Interim Standing Committees; repealing various statutory committees; repealing the Advisory Commission on the Administration of Justice and the subcommittee of the Advisory Commission; reassigning certain powers and duties of repealed statutory committees and the Advisory Commission to the Joint Interim Standing Committees; reassigning the powers and duties of the Legislative Committee on Public Lands to the Subcommittee on Public Lands of the Joint Interim Standing Committee

on Natural Resources; revising provisions governing requests for legislative measures by certain statutory committees; making various other changes relating to legislative activity during the interim between regular sessions of the Legislature; requiring the Commission to Study Governmental Purchasing to submit a biennial report to the Joint Interim Standing Committee on Legislative Operations and Elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various committees on which Legislators serve throughout the biennium. (Chapter 218E of NRS, NRS 209.4817, 439B.200, 459.0085, 482.367004) Existing law also creates the Advisory Commission on the Administration of Justice and the Subcommittee on Criminal Justice Information Sharing. (NRS 176.0123, 176.01248) This bill repeals several of those committees, the Advisory Commission and its subcommittee and creates Joint Interim Standing Committees that parallel the standing committees established by the Legislature during its regular biennial sessions. **Section 6** of this bill creates the following Joint Interim Standing Committees: (1) Commerce and Labor; (2) Education; (3) Government Affairs; (4) Growth and Infrastructure; (5) Health and Human Services; (6) Judiciary; (7) Legislative Operations and Elections; (8) Natural Resources; and (9) Revenue. **Section 6** also prescribes the manner of appointing the regular members and the alternate members to the Joint Interim Standing Committees after the adjournment of each regular session of the Legislature. **Section 7** of this bill provides for meetings of the Committees and the compensation of the members. **Section 6** requires the Legislative Commission to select a Chair and Vice Chair of each Committee. **Section 8** of this bill authorizes the Committees to review matters within the jurisdictions of their corresponding standing committees from the preceding regular session of the Legislature and to conduct studies directed by the Legislature and the Legislative Commission, and requires the Committees to report to each regular session of the Legislature. **Section 8** also: (1) requires the Joint Interim Standing Committee on Health and Human Services, either as part of its regular work or through appointment of a subcommittee, to evaluate and review issues relating to child welfare; (2) requires the Joint Interim Standing Committee on the Judiciary, either as part of its regular work or through appointment of a subcommittee, to evaluate and review issues relating to juvenile justice; and (3) authorizes the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. **Section 9** of this bill makes the sections of existing law governing the supplemental powers of interim committees applicable to the Joint Interim Standing Committees. (NRS 218E.110) **Section 47** of this bill transfers the responsibilities of the Legislative Committee on Health Care to the Joint Interim Standing Committee on Health and Human Services. (NRS 439B.227) **Section 50** of this bill revises the designated members of this State to serve on the cooperating committee established by the Multistate Highway Transportation

Agreement to include the Chair and Vice Chair of the Joint Interim Standing Committee on Growth and Infrastructure. (NRS 481A.020) **Section 51** of this bill modifies the composition of the Commission on Special License Plates to include the members of the Joint Interim Standing Committee on Growth and Infrastructure, with the three nonvoting members remaining on the Commission. (NRS 482.367004)

Existing law establishes the Legislative Committee on Public Lands and prescribes the membership, duties and powers of the Committee. (NRS 218E.500-218E.525) Section 13.5 of this bill replaces the Committee with the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources, consisting of members appointed by the Chair of the Joint Interim Standing Committee. Sections 13-15 of this bill transfer the existing powers and duties of the Legislative Committee on Public Lands to the Subcommittee on Public Lands. Section 51.5 of this bill makes conforming changes to Assembly Bill No. 95 of this session.

Existing law authorizes various statutory, interim and other committees to request the drafting of a certain number of legislative measures for a regular session. (NRS 218D.160) **Section 4** of this bill authorizes a Joint Interim Standing Committee, other than the Joint Interim Standing Committee on Health and Human Services, ~~and~~ the Joint Interim Standing Committee on the Judiciary, ~~and~~ **the Joint Interim Standing Committee on Natural Resources**, to request the drafting of not more than 10 legislative measures. **Section 4** also authorizes: (1) the Joint Interim Standing Committee on Health and Human Services to request the drafting of not more than 15 legislative measures, at least 5 of which must relate to matters relating to child welfare; ~~and~~ (2) the Joint Interim Standing Committee on the Judiciary to request the drafting of not more than 15 legislative measures, at least 5 of which must relate to matters relating to juvenile justice ~~and~~ **; and (3) the Joint Interim Standing Committee on Natural Resources to request the drafting of not more than 14 legislative measures, at least 4 of which must relate to matters relating to public lands based on the recommendations of the Subcommittee on Public Lands. Finally, section 4 reduces the number of legislative measures that the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs is authorized to request from 10 measures to 6 measures.**

Existing law: (1) prescribes the membership of the Commission to Study Governmental Purchasing; (2) requires the Commission to meet not less than quarterly to study practices in governmental purchasing and laws relating thereto; and (3) requires the Commission to make recommendations to the Legislature with respect to those laws. (NRS 332.215) **Section 31.5** of this bill requires the Commission to submit a biennial report to the Joint Interim Standing Committee on Legislative Operations and Elections that includes any recommendations of the Commission for legislation relating to governmental purchasing.

Section 55 of this bill repeals the Advisory Commission on the Administration of Justice, the Subcommittee on Criminal Justice Information Sharing of the Advisory Commission, the Committee on Industrial Programs, the Legislative Commission's standing committee to consult with the Director of the Legislative Counsel Bureau, the ~~Legislative Committee on Public Lands, the~~ Legislative Committee on Education, the Legislative Committee on Child Welfare and Juvenile Justice, the ~~Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, the~~ Legislative Committee on Energy, the Legislative Committee on Health Care and the Committee on High-Level Radioactive Waste.

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

Section 1. Chapter 218A of NRS is hereby amended by adding thereto a new section to read as follows:

“Joint Interim Standing Committee” means a Joint Interim Standing Committee created pursuant to section 6 of this act.

Sec. 2. NRS 218A.003 is hereby amended to read as follows:

218A.003 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 218A.006 to 218A.090, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 3. NRS 218D.130 is hereby amended to read as follows:

218D.130 1. On July 1 preceding each regular session, and each week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel shall prepare a list of all requests received by the Legislative Counsel for the drafting of legislative measures for the regular session.

2. The Legislative Counsel Bureau shall make copies of the list available to the public for a reasonable sum fixed by the Director.

3. In preparing the list:

(a) The requests must be listed numerically by a unique serial number which must be assigned to the legislative measures by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests.

(b) Except as otherwise provided in this section, the list must only contain the name of each requester, the date and a brief summary of the request.

(c) If a standing or special committee of the Legislature, ***including, without limitation, a Joint Interim Standing Committee***, requests a legislative measure on behalf of a Legislator or organization, the list must include:

(1) The name of the ~~standing or special~~ committee; and

(2) The name of the Legislator or organization on whose behalf the legislative measure was originally requested.

4. Upon the request of a Legislator who has requested the drafting of a legislative measure, the Legislative Counsel shall add the name of one or more other Legislators from either or both Houses as joint requesters of the legislative measure. The Legislative Counsel:

(a) Shall not add the name of a joint requester to the list until the Legislative Counsel has received confirmation of the joint request from the primary requester of the legislative measure and from the Legislator to be added as a joint requester.

(b) Shall remove the name of a joint requester upon receipt of a request to do so made by the primary requester or the joint requester.

(c) Shall cause the names to appear on the list in the order in which the names were received by the Legislative Counsel beginning with the primary requester.

(d) Shall not act upon the direction of a joint requester to withdraw the requested legislative measure or modify its substance until the Legislative Counsel has received confirmation of the withdrawal or modification from the primary requester.

5. If the primary requester of a legislative measure will not be returning to the Legislature for the regular session in which the legislative measure is to be considered:

(a) The primary requester may authorize a Legislator who will be serving during that regular session to become the primary sponsor of the legislative measure, either individually or as the chair on behalf of a standing committee.

(b) A Legislator who agrees to become or have the committee become the primary sponsor of the legislative measure shall notify the Legislative Counsel of that fact.

(c) Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the primary requester of the legislative measure on the list.

6. For the purposes of all limitations on the number of legislative measures that may be requested by a Legislator:

(a) A legislative measure with joint requesters must only be counted as a request of the primary requester.

(b) A legislative measure for which a Legislator or standing committee becomes the primary sponsor pursuant to subsection 5 must be counted as a request of that Legislator or committee.

Sec. 4. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute ~~††~~ **or a joint rule or concurrent resolution ~~††~~ of the Legislature:**

(a) *Except as otherwise provided in paragraphs (b), ~~(c)~~ and (d), a Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee.*

(b) *The Joint Interim Standing Committee on Health and Human Services may request the drafting of not more than 15 legislative measures which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to child welfare.*

(c) *The Joint Interim Standing Committee on the Judiciary may request the drafting of not more than 15 legislative measures which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to juvenile justice.*

(d) *The Joint Interim Standing Committee on Natural Resources may request the drafting of not more than 14 legislative measures which relate to matters within the scope of the Committee, at least 4 of which must relate to matters relating to public lands based on the recommendations for legislation submitted by the Subcommittee on Public Lands pursuant to NRS 218E.525.*

(e) Any legislative committee created by a statute, other than *the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750 or* an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~[(b)-(e)]~~ (f) *The Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750 may request the drafting of not more than 6 legislative measures which relate to matters within the scope of the Committee.*

(g) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(e)-(f)]~~ (h) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➤ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 5. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. *1. There are hereby created the following Joint Interim Standing Committees of the Legislature:*

- (a) Commerce and Labor;*
- (b) Education;*
- (c) Government Affairs;*
- (d) Growth and Infrastructure;*
- (e) Health and Human Services;*
- (f) Judiciary;*
- (g) Legislative Operations and Elections;*
- (h) Natural Resources; and*
- (i) Revenue.*

2. Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the adjournment of each regular session of the Legislature:

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session of the Legislature.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. The Legislative Commission shall select the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee. The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. Each of those officers holds the position until a successor is appointed after the next regular session of the Legislature. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. *The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.*

6. *Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.*

Sec. 7. 1. *Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.*

2. *The Director of the Legislative Counsel Bureau or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.*

3. *Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by a Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee.*

4. *Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:*

(a) *Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;*

(b) *Per diem allowance provided for state officers and employees generally; and*

(c) *Travel expenses provided pursuant to NRS 218A.655.*

↪ *The compensation, per diem allowances and travel expenses of the members of a Committee must be paid from the Legislative Fund.*

Sec. 8. 1. *A Joint Interim Standing Committee may:*

(a) *Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session of the Legislature;*

(b) *Exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive; and*

(c) *Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.*

2. *In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:*

(a) *The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.*

(b) The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to juvenile justice.

(c) The Joint Interim Standing Committee on Legislative Operations and Elections may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 9. NRS 218E.110 is hereby amended to read as follows:

218E.110 1. "Committee" means the Legislative Commission, *a Joint Interim Standing Committee* and any other legislative committee or subcommittee created by a specific statute, concurrent resolution or order of the Legislative Commission to conduct studies or investigations or perform any other legislative business during the legislative interim.

2. The term does not include any legislative committee or subcommittee appointed by the Legislature or either House to conduct or perform legislative business during a regular or special session, including, without limitation, any joint, standing, temporary, special or select committee or committee of the whole.

Sec. 10. NRS 218E.185 is hereby amended to read as follows:

218E.185 1. In the discharge of any duty imposed or power conferred by this title or any law or resolution, the Legislative Commission may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

2. The Legislative Commission may delegate its authority pursuant to subsection 1 to a subcommittee or interim or special committee established pursuant to NRS 218E.200 ~~††~~ *or to a Joint Interim Standing Committee created pursuant to section 6 of this act.*

Sec. 11. NRS 218E.200 is hereby amended to read as follows:

218E.200 1. The Legislative Commission may conduct studies or investigations concerning governmental problems, important issues of public policy or questions of statewide interest ~~††~~ *or may assign such studies or investigations to a Joint Interim Standing Committee.*

2. The Legislative Commission may establish subcommittees and interim or special committees as official agencies of the Legislative Counsel Bureau to conduct such studies or investigations or otherwise to deal with such governmental problems, important issues of public policy or questions of

statewide interest ~~it~~ **or may assign such matters to a Joint Interim Standing Committee.** The subcommittees and interim or special committees may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

3. The membership of ~~the~~ **any** subcommittees and interim or special committees ~~is~~ **established pursuant to subsection 2:**

(a) Must be designated by the Legislative Commission; and
(b) May consist of members of the Legislative Commission and Legislators other than members of the Legislative Commission, employees of the State of Nevada or citizens of the State of Nevada.

4. For each day or portion of a day during which **the** members of ~~the~~ **any** subcommittees and interim or special committees **established pursuant to subsection 2** who are not Legislators attend meetings or are otherwise engaged in the business of the subcommittees and interim or special committees, the members:

(a) Shall serve without salary.
(b) Are entitled to receive out of the Legislative Fund the per diem allowances and travel expenses provided for state officers and employees generally.

5. Except during a regular or special session, for each day or portion of a day during which **the** members of ~~the~~ **any** subcommittees and interim or special committees **established pursuant to subsection 2** who are Legislators attend meetings of the subcommittees and interim or special committees or are otherwise engaged in the business of the subcommittees and interim or special committees, the members are entitled to receive out of the Legislative Fund:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;
(b) The per diem allowance provided for state officers and employees generally; and
(c) The travel expenses provided pursuant to NRS 218A.655.

Sec. 12. NRS 218E.205 is hereby amended to read as follows:

218E.205 1. Between regular sessions, the Legislative Commission:

(a) Shall fix the work priority of all studies and investigations assigned to it by a statute or concurrent resolution or directed by an order of the Legislative Commission ~~it~~ **or conducted by a Joint Interim Standing Committee** ~~it~~ **or subcommittee thereof.** within the limits of available time, money and staff.

(b) Shall not make studies or investigations directed by a resolution of only one House or studies or investigations proposed but not approved during the preceding regular session.

2. All requests for the drafting of legislative measures to be recommended as the result of a study or investigation must be made in accordance with NRS 218D.160.

3. Except as otherwise provided by NRS 218E.210, between regular sessions, a study or investigation may not be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the

Research Director and their staffs, except studies and investigations which have been specifically authorized by ~~a statute, concurrent resolution,~~ **the Legislature or order of** the Legislative Commission.

4. A study or investigation may not be carried over from one regular session to the next without additional authorization by a statute, concurrent resolution or order of the Legislative Commission, except audits in progress whose carryover has been approved by the Legislative Commission.

5. Except as otherwise provided by a specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee established by a statute, concurrent resolution or order of the Legislative Commission to conduct a study or investigation, unless the chair of the committee is required by the statute, concurrent resolution or order of the Legislative Commission to be a Legislator.

6. The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the Legislative Commission or a committee or subcommittee established by the Legislative Commission.

~~7. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by a statute or concurrent resolution or directed by an order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission, meet not earlier than January 1 of the even numbered year and not later than June 30 of that year.~~

Sec. 13. NRS 218E.500 is hereby amended to read as follows:

218E.500 The Legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and

benefit from such interstate activities, it is appropriate that a ~~committee~~ **Joint Interim Standing Committee** ~~subcommittee~~ on matters relating to public lands be assigned primary responsibility for participating in them.

Sec. 13.3. NRS 218E.505 is hereby amended to read as follows:

218E.505 As used in NRS 218E.500 to 218E.525, inclusive, unless the context otherwise requires, ~~“Committee”~~ **“Subcommittee”** means the ~~Legislative Committee~~ **Subcommittee** on Public Lands ~~of the Joint Interim Standing Committee on Natural Resources.~~

Sec. 13.5. NRS 218E.510 is hereby amended to read as follows:

218E.510 1. There is hereby ~~established a Legislative Committee~~ **created the Subcommittee** on Public Lands **of the Joint Interim Standing Committee on Natural Resources**, consisting of ~~four~~ members ~~of the Senate, four members of the Assembly and one~~ **appointed by the Chair of the Joint Interim Standing Committee on Natural Resources, who must include:**

(a) Two members of the Senate who are members of the Joint Interim Standing Committee on Natural Resources;

(b) Two members of the Assembly who are members of the Joint Interim Standing Committee on Natural Resources; and

(c) One elected officer representing the governing body of a local political subdivision, appointed ~~by the Legislative Commission~~ with appropriate regard for his or her experience with and knowledge of matters relating to public lands.

2. The members who are Legislators must be appointed to provide representation from the various geographical regions of the State.

~~2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

3. The ~~members~~ **Chair** of the **Joint Interim Standing Committee on Natural Resources** shall ~~select~~ **appoint** a Chair **of the Subcommittee** from one House and a Vice Chair **of the Subcommittee** from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the ~~members of the Committee shall select a replacement~~ **vacancy must be filled in the same manner as the original appointment** for the remainder of the unexpired term.

4. Any member of the ~~Committee~~ **Subcommittee** who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. Vacancies on the ~~Committee~~ **Subcommittee** must be filled in the same manner as original appointments.

6. The ~~Legislative Commission~~ **Chair of the Joint Interim Standing Committee on Natural Resources** may appoint alternates for members of the ~~Committee~~ **Subcommittee**. The Chair of the ~~Committee~~ **Subcommittee**:

(a) May designate an alternate appointed by the ~~{Legislative Commission}~~ Chair of the Joint Interim Standing Committee on Natural Resources to serve in place of a regular member who is unable to attend a meeting; and

(b) Shall ~~{appoint}~~ , for a member who is a Legislator, designate an alternate appointed by the Chair of the Joint Interim Standing Committee on Natural Resources who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

Sec. 13.7. NRS 218E.515 is hereby amended to read as follows:

218E.515 1. Except as otherwise ordered by the Legislative Commission, the members of the ~~{Committee}~~ Subcommittee shall meet not earlier than ~~{September}~~ November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair of the Subcommittee or a majority of the ~~{Committee}~~ Subcommittee.

2. The Research Director or the Research Director's designee shall act as the nonvoting recording Secretary.

3. The ~~{Committee}~~ Subcommittee shall prescribe rules for its own management and government.

4. ~~{Five}~~ A majority of the members of the ~~{Committee constitute}~~ Subcommittee constitutes a quorum, and a quorum may exercise all the power and authority conferred on the ~~{Committee}~~ Subcommittee.

5. Except during a regular or special session, for each day or portion of a day during which members of the ~~{Committee}~~ Subcommittee who are Legislators attend a meeting of the ~~{Committee}~~ Subcommittee or are otherwise engaged in the business of the ~~{Committee}~~ Subcommittee, the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

6. All such compensation, per diem allowances and travel expenses of the members of the Subcommittee who are Legislators must be paid from the Legislative Fund.

7. The member of the ~~{Committee}~~ Subcommittee who represents a local political subdivision is entitled to receive the subsistence allowances and travel expenses provided by law for his or her position for each day of attendance at a meeting of the ~~{Committee}~~ Subcommittee and while engaged in the business of the ~~{Committee}~~ Subcommittee, to be paid by the local political subdivision.

Sec. 14. NRS 218E.520 is hereby amended to read as follows:

218E.520 1. The ~~{Joint Interim Standing Committee on Natural Resources}~~ Subcommittee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws ~~for~~ and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the ~~Committee~~ Subcommittee and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the ~~Committee~~ Subcommittee in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the ~~Committee~~ Subcommittee or by a majority of the members of the ~~Committee~~ Subcommittee.

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Sec. 15. NRS 218E.525 is hereby amended to read as follows:

218E.525 1. The ~~Joint Interim Standing Committee on Natural Resources~~ Subcommittee shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The ~~*Joint Interim Standing Committee on Natural Resources*~~
Subcommittee:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; ~~and~~

(b) *Shall submit recommendations for legislation to the Joint Interim Standing Committee on Natural Resources*;

(c) Shall, on or before January 15 of each odd-numbered year, submit to the ~~Director~~ Joint Interim Standing Committee on Natural Resources for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and

~~{(e)}~~ (d) May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 16. NRS 218E.615 is hereby amended to read as follows:

218E.615 The *Joint Interim Standing Committee on Education* may:

1. Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(a) Programs to enhance accountability in education;

(b) Legislative measures regarding education;

(c) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the statewide system of accountability for public schools;

(d) Methods of financing public education;

(e) The condition of public education in the elementary and secondary schools;

(f) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(g) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(h) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section. ~~and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which public education may be improved.

Sec. 17. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the ***Joint Interim Standing*** Committee ~~+~~ ***on Education:***

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of chapter 385A of NRS in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in NRS 388.5223 to 388.5243, inclusive;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 390.830; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➡ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the ~~Legislative~~ ***Joint Interim Standing*** Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of

Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 18. NRS 218E.815 is hereby amended to read as follows:

218E.815 1. The *Joint Interim Standing Committee on Growth and Infrastructure* may:

(a) Evaluate, review and comment upon matters related to energy policy within this State, including, without limitation:

(1) Policies, plans or programs relating to the production, consumption or use of energy in this State;

(2) Legislative measures regarding energy policy;

(3) The progress made by this State in satisfying the goals and objectives of Senate Bill No. 123 of the 77th Session of the Nevada Legislature;

(4) The effect of any policy, plan, program or legislation on rates or rate payers;

(5) The effect of any policy, plan, program or legislation on economic development in this State;

(6) The effect of any policy, plan, program or legislation on the environment;

(7) Any contracts or requests for proposals relating to the purchase of capacity;

(8) The effect of any policy, plan, program or legislation which provides for the construction or acquisition of facilities for the generation of electricity;

(9) The effect of any policy, plan, program or legislation on the development of a market in this State for electricity generated from renewable energy;

(10) The infrastructure and transmission requirements of any policy, plan, program or legislation; and

(11) Any other matters or topics that, in the determination of the Committee, affect energy policy in this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section. ~~and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which energy policy may be implemented or improved.

2. As used in this section, “renewable energy” has the meaning ascribed to it in NRS 701.070.

Sec. 19. NRS 62H.320 is hereby amended to read as follows:

62H.320 1. The Director of the Department of Health and Human Services shall establish within the Department a program to compile and analyze data concerning juvenile sex offenders. The program must be designed to:

(a) Provide statistical data relating to the recidivism of juvenile sex offenders; and

(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to assess the effectiveness of programs for the treatment of juvenile sex offenders.

2. The Director of the Department of Health and Human Services shall report the statistical data and findings from the program to:

(a) The Legislature at the beginning of each regular session.

(b) The ~~{Advisory Commission on the Administration of Justice}~~ **Joint Interim Standing Committee on the Judiciary** on or before January 31 of each even-numbered year.

3. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of a juvenile sex offender or the identity of an individual victim of a crime.

Sec. 20. NRS 176.0127 is hereby amended to read as follows:

176.0127 1. The Department of Corrections shall:

(a) Provide the ~~{Commission}~~ **Joint Interim Standing Committee on the Judiciary** with any available statistical information or research requested by the ~~{Commission}~~ **Committee** and assist the ~~{Commission}~~ **Committee** in the compilation and development of information requested by the ~~{Commission}~~ **Committee**, including, but not limited to, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;

~~{(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Department of Corrections;}~~ and

~~{(c)}~~ **(b)** Provide the independent contractor retained pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The Division shall:

(a) Provide the ~~{Commission}~~ ***Joint Interim Standing Committee on the Judiciary*** with any available statistical information or research requested by the ~~{Commission}~~ ***Committee*** and assist the ~~{Commission}~~ ***Committee*** in the compilation and development of information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;

~~{(b) If requested by the Commission, make available to the Commission the use of the computers and programs which are owned by the Division;}~~ and

~~{(c)}~~ **(b)** Provide the independent contractor retained pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

Sec. 21. NRS 176.0128 is hereby amended to read as follows:

176.0128 The Central Repository for Nevada Records of Criminal History shall:

1. Facilitate the collection of statistical data in the manner approved by the Director of the Department of Public Safety and coordinate the exchange of such data with agencies of criminal justice within this State, including:

- (a) State and local law enforcement agencies;
- (b) The Office of the Attorney General;
- (c) The Court Administrator;
- (d) The Department of Corrections; and
- (e) The Division.

2. Provide the ~~{Commission}~~ ***Joint Interim Standing Committee on the Judiciary*** with available statistical data and information requested by the ~~{Commission}~~ ***Committee***.

Sec. 22. NRS 176.0129 is hereby amended to read as follows:

176.0129 The Office of Finance shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to ~~+~~

~~1. Review~~ **review** sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

- ~~{(a)}~~ **1.** In a facility or institution of the Department of Corrections;
- ~~{(b)}~~ **2.** On probation;
- ~~{(c)}~~ **3.** On parole; and
- ~~{(d)}~~ **4.** Serving a term of residential confinement,

↪ during the 10 years immediately following the date of the projection. ~~+~~ and

~~2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:~~

- ~~(a) In a facility or institution of the Department of Corrections;~~
- ~~(b) On probation;~~
- ~~(c) On parole; and~~
- ~~(d) Serving a term of residential confinement;~~

~~→ during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the Commission and enacted by the Legislature.]~~

Sec. 23. NRS 200.3788 is hereby amended to read as follows:

200.3788 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the Sexual Assault Kit Working Group, designate a department or division of the Executive Department of State Government to establish the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.

2. The program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive, by telephone or on an Internet website, updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the ~~Advisory Commission on the Administration of Justice]~~ **Joint Interim Standing Committee on the Judiciary** and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the last 6 months.

(c) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic evidence kit by a forensic laboratory for genetic marker analysis, overall and for the last 6 months.

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the last 6 months.

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

7. As used in this section, “Sexual Assault Kit Working Group” means the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested.

Sec. 24. NRS 209.192 is hereby amended to read as follows:

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. The Director shall deposit in the Fund the deductions made pursuant to paragraph (c) of subsection 1 or paragraph (b) of subsection 2 of NRS 209.463. The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended:

(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary*** and the State Board of Examiners.

(b) For construction, the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.

4. If any money in the Fund is used as described in paragraph (d) of subsection 1, the Director shall repay the amount used as soon as sufficient money is available in the Fund for Prison Industries.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

6. As used in this section, "Fund" means Fund for New Construction of Facilities for Prison Industries.

Sec. 25. NRS 209.459 is hereby amended to read as follows:

209.459 1. The Director shall:

(a) Submit a report to the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary*** identifying the potential impacts of any new program for the employment of offenders on private employers and labor in this State. In preparing such a report, the Director shall include any information required pursuant to paragraph (b) of subsection 7 of NRS 209.461 and must perform due diligence in obtaining such information from:

- (1) The Department of Employment, Training and Rehabilitation;
- (2) The Department of Business and Industry;
- (3) The Office of Economic Development; and
- (4) Representatives of organized labor in this State.

(b) Seek and present the recommendations of the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary*** to the Board of State Prison Commissioners and, with the approval of the Board of State Prison Commissioners, establish and carry out a program for the employment of offenders in services and manufacturing conducted by institutions of the Department or by private employers.

2. Before any new program for the employment of offenders is established pursuant to this section, the Director shall submit any contract related to the employment of such offenders to the State Board of Examiners for approval.

Sec. 26. NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational

classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the ***Joint Interim Standing*** Committee on ~~Industrial Programs~~ ***the Judiciary***. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must

result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, “selling expenses” means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, “general and administrative expenses” means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the *Joint Interim Standing* Committee on ~~Industrial Programs~~ *the Judiciary* to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:

(a) A personal guarantee to secure an amount fixed by the Director of:

(1) For a contract that does not relate to construction, not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract; or

(2) For a contract that relates to construction, not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the

State of Nevada in an amount fixed by the Director of not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract,

➡ or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department. The Director shall appear before the **Joint Interim Standing** Committee on ~~Industrial Programs~~ **the Judiciary** to explain the reasons for the amount fixed by the Director for any personal guarantee or surety bond.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, “state-sponsored program” means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 27. NRS 209.4818 is hereby amended to read as follows:

209.4818 1. The **Joint Interim Standing** Committee on ~~Industrial Programs~~ **the Judiciary** shall:

(a) Be informed on issues and developments relating to industrial programs for correctional institutions;

(b) Submit a semiannual report to the Interim Finance Committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;

(c) Report to the Legislature on any other matter relating to industrial programs for correctional institutions that it deems appropriate;

(d) ~~Meet at least quarterly and at the call of the Chair to review the operation of current and proposed industrial programs;~~

~~—(e)—~~ Recommend three persons to the Director for appointment as the Deputy Director for Industrial Programs whenever a vacancy exists;

~~+(e)~~ (e) Before any new industrial program is established by the Director, review the proposed program for compliance with the requirements of

subsections 2, 3, 4 and 7 of NRS 209.461 and submit to the Director its recommendations concerning the proposed program; and

~~[(e)]~~ (f) Review each state-sponsored industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably. If the Committee determines that a program has incurred a net loss in 3 consecutive fiscal years, the Committee shall report its finding to the Director with a recommendation regarding whether the program should be continued or terminated. If the Director does not accept the recommendation of the Committee, the Director shall submit a written report to the Committee setting forth his or her reasons for rejecting the recommendation.

2. Upon the request of the *Joint Interim Standing* Committee on ~~Industrial Programs,~~ *the Judiciary*, the Director and the Deputy Director for Industrial Programs shall provide to the Committee any information that the Committee determines is relevant to the performance of the duties of the Committee.

3. As used in this section, “state-sponsored industry program” means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 28. NRS 233B.063 is hereby amended to read as follows:

233B.063 1. An agency that intends to adopt, amend or repeal a permanent regulation must deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to the Legislative Counsel between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to the Legislative Counsel. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the ~~Legislative~~ *Joint Interim Standing* Committee on Health ~~Care,~~ *and Human Services*.

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any

such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

Sec. 29. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the ~~Legislative~~ **Joint Interim Standing** Committee

on Health ~~Care~~ *and Human Services* within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 30. 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, 176.01249, 176.01249~~ 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247,

388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, 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. 31. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency shall prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the acquisition and use of lands in the State of Nevada that are under federal management.

2. The State Land Use Planning Agency shall, in preparing the plans and statements of policy, identify lands which are suitable for acquisition for:

(a) Commercial, industrial or residential development;

(b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or

(c) Accommodating increases in the population of this State.

➡ The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

3. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and ~~any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands;~~ **the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources;** and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

4. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or policy statements to the Governor, ~~the Legislature ,~~ **the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources** or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) ~~Any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands;~~ **The Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources.**

5. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

Sec. 31.5. NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing and laws relating thereto and shall make recommendations with respect to those laws to the next regular session of the Legislature.

3. *On or before July 1 of each even-numbered year, the Commission shall submit a written report to the Joint Interim Standing Committee on Legislative Operations and Elections that includes any recommendations of the Commission for legislation relating to governmental purchasing.*

Sec. 32. ~~[NRS 333.3368 is hereby amended to read as follows:~~

~~333.3368 The Purchasing Division shall, every 6 months, submit to the Legislature, if it is in session, or to the Interim Finance Committee, [and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,] if the Legislature is not in session, a report which must contain, for the period since the submission of the last report:~~

~~1. The number of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.~~

~~2. The total dollar amount of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.~~

~~3. The number of local businesses owned and operated by veterans with service connected disabilities that submitted a bid or proposal on a state purchasing contract.~~

~~4. The number of state purchasing contracts that were awarded to local businesses owned and operated by veterans with service connected disabilities.~~

~~5. The total number of dollars' worth of state purchasing contracts that were awarded to local businesses owned and operated by veterans with service connected disabilities.~~

~~6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 338.13846 is hereby amended to read as follows:~~

~~338.13846 The Division shall, every 6 months, submit to the Legislature, if it is in session, or to the Interim Finance Committee, [and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,] if the Legislature is not in session, a report which must contain, for the period since the submittal of the last report:~~

~~1. The number of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.~~

~~2. The total dollar amount of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.~~

~~3. The number of local businesses owned and operated by veterans with service connected disabilities that submitted a bid on a contract for a public work of this State.~~

~~4. The number of contracts for public works of this State that were awarded to local businesses owned and operated by veterans with service connected disabilities.~~

~~5. The total number of dollars' worth of contracts for public works of this State that were awarded to local businesses owned and operated by veterans with service connected disabilities.~~

~~6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.] (Deleted by amendment.)~~

Sec. 34. NRS 385A.030 is hereby amended to read as follows:

385A.030 “Committee” means the ~~Legislative~~ **Joint Interim Standing** Committee on Education created pursuant to ~~NRS 218E.605.]~~ **section 6 of this act.**

Sec. 35. NRS 387.1215 is hereby amended to read as follows:

387.1215 1. To account for variation between the counties of this State in the cost of living and the cost of labor, the Department shall establish by regulation cost adjustment factors for the school district located in, and each charter school that provides classroom-based instruction in, each county of this State.

2. Not later than May 1 of each even-numbered year, the Department shall review and determine whether revisions are necessary to the cost adjustment factors for the school district located in each county of this State. The Department shall present the review and any revisions at a meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education for consideration and recommendations by the Committee. After the meeting, the Department shall consider any recommendations of the ~~Legislative~~ **Joint Interim Standing** Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the cost adjustment factors. The Department shall submit any revision to the cost adjustment factors to each school district, the Governor and the Director of the Legislative Counsel Bureau.

Sec. 36. NRS 387.1216 is hereby amended to read as follows:

387.1216 1. To account for the increased cost to a school district to operate a public school for a small number of pupils which may be necessary in certain circumstances, the Department shall establish by regulation a method to calculate an adjustment for each necessarily small school.

2. Not later than May 1 of each even-numbered year, the Department shall review and determine whether revisions are necessary to the method for determining the adjustment for each necessarily small school. The Department shall present the review and any revisions at a meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education for consideration and recommendations by the Committee. After the meeting, the Department shall consider any recommendations of the ~~Legislative~~ **Joint Interim Standing** Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the method. The Department shall submit any revision to the method to each school district, the Governor and the Director of the Legislative Counsel Bureau.

Sec. 37. NRS 387.1218 is hereby amended to read as follows:

387.1218 1. To account for the increased cost per pupil to operate a school district in which relatively fewer pupils are enrolled, the Department shall establish by regulation a small district equity adjustment.

2. Not later than May 1 of each even-numbered year, the Department shall review and determine whether revisions are necessary to the method for calculating the small district equity adjustment. The Department shall present the review and any revisions at a meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education for consideration and recommendations by the Committee. After the meeting, the Department shall consider any recommendations of the ~~Legislative~~ **Joint Interim Standing** Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the method. The Department shall submit any revision to the method to each school district, the Governor and the Director of the Legislative Counsel Bureau.

Sec. 38. NRS 387.12455 is hereby amended to read as follows:

387.12455 1. Except as otherwise provided in subsection 5, for the purpose of establishing budgetary estimates for expenditures and revenues for the State Education Fund as prescribed by the State Budget Act, the Governor shall, to the extent practicable, ensure that an amount of money in the State General Fund is reserved in the proposed executive budget for transfer to the State Education Fund which is sufficient to fully fund:

(a) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the rate of increase for the revenue collected by the State as projected by the Economic Forum.

(b) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is not greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State.

(c) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will decrease, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium decreased by an amount not greater than the rate of decrease for the revenue collected by the State as projected by the Economic Forum.

2. Except as otherwise provided in subsection 5, as part of the proposed executive budget, the Governor shall, to the extent practicable, include recommendations for:

(a) The statewide base per pupil funding amount, which must be equal to the statewide base per pupil funding amount for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional reduction to both the statewide base per pupil funding amount and the multiplier for each category of pupils pursuant to paragraph (b); and

(b) The multiplier for each category of pupils, which must not be less than the multiplier for the immediately preceding biennium unless:

(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional reduction to both the statewide base per pupil funding amount pursuant to paragraph (a) and the multiplier for each category of pupils; or

(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, increases from the preceding fiscal year but in an amount which, after recommending the statewide base per pupil funding amount pursuant to paragraph (a), is insufficient to fund the multiplier for each category of pupils, in which event the Governor must recommend the remaining money in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of NRS 387.1212, be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year.

3. When determining the amount of money to reserve for transfer from the State General Fund to the State Education Fund pursuant to subsection 1, the Governor shall consider the recommendations of the Commission, as revised by the ~~Legislative~~ **Joint Interim Standing** Committee on Education, if applicable, for an optimal level of funding for education and may reserve an additional amount of money for transfer to the State Education Fund that the Governor determines to be sufficient to fund any recommendation or any portion of a recommendation that the Governor includes in the proposed executive budget.

4. As part of the proposed executive budget, the Governor may recommend to the Legislature a revision to any appropriation made by law pursuant to NRS 387.1214, including, without limitation, the statewide base per pupil funding amount, the adjusted base per pupil funding for any school district, the multiplier for weighted funding for any category of pupils or the

creation or elimination of a category of pupils to receive additional weighted funding. The Governor may recommend additional funding for any recommendation made pursuant to this subsection.

5. If the Governor determines that it would be impracticable to prepare the proposed executive budget as described in subsection 1 or 2, the Governor may instead include in the proposed executive budget a recommendation for such funding for the public schools in this State as he or she determines to be appropriate. If the Governor includes in the proposed executive budget recommendations pursuant to this subsection, the recommendations must be accompanied by such recommendations for legislation as the Governor determines to be appropriate to improve the method by which funding for the public schools in this State is determined.

6. As used in this section, “rate of inflation” means the percentage of increase or decrease in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Governor.

Sec. 39. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the ~~Legislative~~ **Joint Interim Standing** Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the ~~Legislative~~ **Joint Interim Standing** Committee on Education for any revision of such laws and regulations that the Commission

determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215, the method for determining the adjustment for each necessarily small school established pursuant to NRS 387.1216 and the method for calculating the small district equity adjustment established pursuant to NRS 387.1218.

2. The Commission shall present any recommendations pursuant to paragraphs (a) to (d), inclusive, of subsection 1 at a meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education for consideration and revision by the Committee. The ~~Legislative~~ **Joint Interim Standing** Committee on Education shall review each recommendation of the Commission and determine whether to transmit the recommendation or a revised version of the recommendation to the Governor or the Legislature.

Sec. 40. NRS 388.787 is hereby amended to read as follows:

388.787 “Committee” means the ~~Legislative~~ **Joint Interim Standing** Committee on Education created pursuant to ~~NRS 218E.605~~ **section 6 of this act.**

Sec. 41. NRS 390.800 is hereby amended to read as follows:

390.800 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the ~~Legislative~~ **Joint Interim Standing** Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 42. NRS 391.492 is hereby amended to read as follows:

391.492 1. There is hereby created the Nevada State Teacher Recruitment and Retention Advisory Task Force consisting of the following members:

(a) One licensed teacher employed by each school district located in a county whose population is less than 100,000, appointed by the ~~Legislative~~ **Joint Interim Standing** Committee on Education;

(b) Two licensed teachers employed by each school district located in a county whose population is 100,000 or more but less than 700,000, appointed by the ~~Legislative~~ **Joint Interim Standing** Committee on Education; and

(c) Three licensed teachers employed by each school district located in a county whose population is 700,000 or more, appointed by the ~~Legislative~~ **Joint Interim Standing** Committee on Education.

2. After the initial terms, each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. If any member of the Task Force ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the ~~Legislative~~ **Joint Interim Standing** Committee on Education shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least quarterly and may meet at other times upon the call of the Chair or a majority of the members of the Task Force. In even-numbered years, the Task Force shall have three meetings before the final meeting of the ~~Legislative~~ **Joint Interim Standing** Committee on Education. In even-numbered years, the fourth meeting of the Task Force must be a presentation to the ~~Legislative~~ **Joint Interim Standing** Committee on Education of the findings and recommendations of the Task Force made pursuant to NRS 391.496.

5. Ten members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Department shall provide administrative support to the Task Force.

Sec. 43. NRS 391.494 is hereby amended to read as follows:

391.494 1. Each member of the Task Force must:

(a) Be a licensed teacher with at least 5 consecutive years of experience teaching in a public school in this State;

(b) Be currently employed as a teacher and actively teaching in a public school in this State, and remain employed as a teacher in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, 2019, the Department shall prescribe a uniform application for a teacher to use to apply to serve on the Task Force.

3. A teacher who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the ~~Legislative~~ **Joint Interim Standing** Committee on Education on or before January 15 of an even-numbered year. On or before February 1 of each even-numbered year, the ~~Legislative~~ **Joint Interim Standing** Committee on Education shall select one or more teachers, as applicable, to serve as a member of the Task Force.

Sec. 44. NRS 391.496 is hereby amended to read as follows:

391.496 The Task Force shall:

1. Evaluate the challenges in attracting and retaining teachers throughout this State;

2. Make recommendations to the ~~Legislative~~ **Joint Interim Standing** Committee on Education to address the challenges in attracting and retaining teachers throughout this State, including, without limitation, providing incentives to attract and retain teachers; and

3. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature describing the findings and recommendations of the Task Force.

Sec. 45. NRS 439.983 is hereby amended to read as follows:

439.983 Upon the resolution of a public health emergency or other health event, the emergency team shall:

1. Make recommendations to the State Board of Health and local boards of health with respect to regulations or policies which may be adopted to prevent public health emergencies and other health events or to improve responses to public health emergencies and other health events; and

2. Evaluate the response of each state agency, division, board or other entity represented on the emergency team and make recommendations to the Governor and the Legislature or, if the Legislature is not in session, to the Legislative Commission and the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** with respect to actions and measures that may be taken to improve such responses.

Sec. 46. NRS 439B.040 is hereby amended to read as follows:

439B.040 “Committee” means the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services**.

Sec. 47. NRS 439B.227 is hereby amended to read as follows:

439B.227 The ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** shall:

1. After each regular session of the Legislature, review any chapter added to this title or title 39 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to make a report pursuant to NRS 432B.220; and

2. Before the beginning of the next regular session of the Legislature, prepare a report concerning its findings pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, any recommended legislation.

Sec. 48. NRS 449.465 is hereby amended to read as follows:

449.465 1. The Director may, by regulation, impose fees upon admitted health insurers to cover the costs of carrying out the provisions of NRS 449.450 to 449.530, inclusive. The maximum amount of fees collected must not exceed the amount authorized by the Legislature in each biennial budget.

2. The Director shall impose a fee of \$50 each year upon admitted health insurers for the support of the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services**. The fee imposed pursuant to this subsection is in addition to any fee imposed pursuant to subsection 1. The fee collected for the support of the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** must be deposited in the Legislative Fund.

Sec. 49. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all reports, summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the methodologies used to determine the corporate home office allocation of hospitals in this State;

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance;

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals; and

(h) A summary of the status of the programs established pursuant to NRS 439A.220 and 439A.240 to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for those programs pursuant to NRS 439A.270.

3. The ~~Legislative~~ **Joint Interim Standing** Committee on Health ~~Care~~ **and Human Services** shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.

Sec. 50. NRS 481A.020 is hereby amended to read as follows:

481A.020 The designated representatives of this State to serve on the cooperating committee established by Article IV of the Multistate Highway Transportation Agreement are:

1. The Chair of the ~~Senate~~ **Joint Interim** Standing Committee on ~~Transportation~~ **Growth and Infrastructure** or a person designated by the Chair; and

2. The **Vice** Chair of the ~~Assembly~~ **Joint Interim** Standing Committee on ~~Transportation~~ **Growth and Infrastructure** or a person designated by the **Vice** Chair.

Sec. 51. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates ~~The Commission is advisory to the Department and consists of five Legislators~~ **consisting of the members of the Joint Interim Standing Committee on Growth and Infrastructure** and three nonvoting members. ~~as follows:~~

~~(a) Five Legislators appointed by the Legislative Commission:~~

~~(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~(b) Three~~

2. **The three** nonvoting members ~~consisting of:~~

~~—(1)—~~ **of the Commission consist of:**

(a) The Director of the Department of Motor Vehicles, or a designee of the Director.

~~—(2)—~~ (b) The Director of the Department of Public Safety, or a designee of the Director.

~~—(3)—~~ (c) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

~~{2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.}~~

3. ~~{Members}~~ **The nonvoting members** of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

↪ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751,

482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817.

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees, including, without limitation, pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279. As used in this paragraph, “additional fees” means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 51.5. Section 1 of Assembly Bill No. 95 of this session is hereby amended to read as follows:

Section 1. NRS 218E.510 is hereby amended to read as follows:

218E.510 1. There is hereby ~~established a Legislative Committee~~ **created the Subcommittee** on Public Lands **of the Joint Interim Standing Committee on Natural Resources**, consisting of ~~¶~~

~~—(a) Four—~~ **members appointed by the Chair of the Joint Interim Standing Committee on Natural Resources, who must include:**

(a) Two members of the Senate ~~¶~~

~~—(b) Four—~~ **who are members of the Joint Interim Standing Committee on Natural Resources;**

(b) Two members of the Assembly ~~¶~~ **who are members of the Joint Interim Standing Committee on Natural Resources;**

(c) One elected officer representing the governing body of a local political subdivision, appointed ~~by the Legislative Commission~~ with appropriate regard for his or her experience with and knowledge of matters relating to public lands; and

(d) One member representing tribal governments in Nevada who is recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, ~~and~~ appointed ~~by the Legislative Commission~~ with appropriate regard for their experience with and knowledge of matters relating to public lands;

2. The members who are Legislators must be appointed to provide representation from the various geographical regions of the State.

3. ~~¶The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~—4—~~ The ~~members~~ **Chair** of the **Joint Interim Standing Committee on Natural Resources** shall ~~select~~ **appoint** a Chair **of the Subcommittee** from one House and a Vice Chair **of the Subcommittee** from the other

House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the ~~members of the Committee shall select a replacement~~ *vacancy must be filled in the same manner as the original appointment* for the remainder of the unexpired term.

~~15.1~~ 4. Any member of the ~~Committee~~ Subcommittee described in paragraph (a), (b) or (c) of subsection 1 who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

~~16.1~~ 5. Vacancies on the ~~Committee~~ Subcommittee must be filled in the same manner as original appointments.

~~17.1~~ 6. The ~~Legislative Commission~~ Chair of the Joint Interim Standing Committee on Natural Resources may appoint alternates for members of the ~~Committee~~ Subcommittee. The Chair of the ~~Committee~~ Subcommittee:

(a) May designate an alternate appointed by the ~~Legislative Commission~~ Chair of the Joint Interim Standing Committee on Natural Resources to serve in place of a regular member who is unable to attend a meeting; and

(b) Shall, for a member who is a legislator, ~~appoint~~ designate an alternate appointed by the Chair of the Joint Interim Standing Committee on Natural Resources who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

Sec. 52. 1. Except as otherwise provided in subsection 2 or any other provision of this act, if the provisions of any other provision of the Nevada Revised Statutes or any other act or resolution passed by any session of the Nevada Legislature, including, without limitation, the 81st Session of the Nevada Legislature, assign a power or duty to a committee or commission abolished by this act or require the submission of a report, document or information to such a committee or commission:

(a) The provisions of the other statute, act or resolution that assign the power or duty or require the submission of the report, document or information are superseded and abrogated by the provisions of this act; and

(b) The Legislative Counsel shall, in revising the Nevada Revised Statutes, assign the power or duty or require the report, document or information to be submitted to the Joint Interim Standing Committee created by section 6 of this act which has jurisdiction over the subject matter of the power, duty, document or information.

2. A Joint Interim Standing Committee created by section 6 of this act may conduct a legislative study or investigation only within the limits of the Committee's budget and work program established pursuant to section 8 of this act. If the subject matter of a legislative study or investigation falls within the jurisdiction of more than one Joint Interim Standing Committee created by section 6 of this act, the Legislative Commission shall assign the study or

investigation based on the budgets and work programs approved by the Legislative Commission for the Joint Interim Standing Committees.

3. As used in this section, “legislative study or investigation” includes, without limitation, any:

(a) Interim legislative study or investigation; or

(b) Legislative study or investigation assigned to a statutory legislative committee or commission, including, without limitation, a statutory legislative committee or commission abolished by the provisions of this act.

Sec. 53. 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. 54. On the effective date of this section, the State Controller shall transfer the remaining balance, if any, in the Special Account for the Support of the Advisory Commission on the Administration of Justice created pursuant to NRS 176.01255 to the State General Fund.

Sec. 55. NRS 176.0121, 176.0123, 176.01248, 176.01249, 176.0125, 176.01255, 176.0126, 209.4817, 218E.225, ~~218E.505, 218E.510, 218E.515, 218E.600, 218E.605, 218E.610, 218E.700, 218E.705, 218E.710, 218E.715, 218E.720, 218E.745, 218E.750, 218E.755, 218E.760, 218E.800, 218E.805, 218E.810, 439B.200, 439B.210 and 459.0085~~ are hereby repealed.

Sec. 56. 1. This section and sections 1 to 34, inclusive, ~~and~~ 39 to **51**, **inclusive, and 52 to 55**, inclusive, of this act become effective upon passage and approval.

2. Sections 35 to 38, inclusive, **and 51.5** of this act become effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

176.0121 “Commission” defined.

176.0123 Creation; members and appointing authorities; Chair; terms; vacancies; salaries and per diem; staff.

176.01248 Subcommittee on Criminal Justice Information Sharing: Creation; Chair; members; duties; salaries and per diem.

176.01249 Appointment of working groups by Chair of Subcommittee on Criminal Justice Information Sharing: Chair; members; service without compensation.

176.0125 Duties of Commission.

176.01255 Grants, bequests, devises, donations and gifts; Special Account for the Support of the Advisory Commission on the Administration of Justice.

176.0126 Subpoenas: Power to issue; compelling performance.

209.4817 Committee on Industrial Programs: Creation; members; terms of appointed members; appointment of alternate members; payment of compensation, allowances and travel expenses.

218E.225 Committee to review management, organization and operation of Legislative Counsel Bureau.

~~218E.500 Legislative findings and declarations.~~

~~218E.505 “Committee” defined.~~

~~218E.510 Creation; membership; budget; officers; terms; vacancies; alternates.~~

~~218E.515 Meetings; rules; quorum; compensation, allowances and expenses of members.~~

218E.600 “Committee” defined.

218E.605 Creation; membership; budget; officers; terms; vacancies.

218E.610 Meetings; quorum; compensation, allowances and expenses of members.

218E.700 “Committee” defined.

218E.705 Creation; membership; budget; officers; terms; vacancies.

218E.710 Meetings; quorum; compensation, allowances and expenses of members.

218E.715 General duties.

218E.720 General powers.

~~218E.745 “Committee” defined.~~

~~218E.750 Creation; membership; budget; officers; terms; vacancies.~~

~~218E.755 Meetings; quorum; compensation, allowances and expenses of members.~~

~~218E.760 General powers.~~

218E.800 “Committee” defined.

218E.805 Creation of Legislative Committee on Energy; membership; budget; officers; terms; vacancies.

218E.810 Meetings; quorum; compensation, allowances and expenses of members.

439B.200 Creation; appointment of and restrictions on members; officers; terms of members; vacancies; annual reports.

439B.210 Meetings; quorum; compensation.

459.0085 Creation; membership; duties; compensation and expenses of members.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved Senate Bill No. 386 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

Senate Bill No. 386

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 817.

AN ACT relating to employment practices; requiring certain employers to provide certain employees with written notices containing certain information in the event of a layoff; requiring an employer to retain certain information relating to a laid-off employee; requiring an employer to offer certain job positions to a laid-off employee under certain circumstances; prohibiting an employer from taking certain adverse actions against certain persons; authorizing civil actions and actions by the Labor Commissioner to enforce certain provisions; providing for the severability of certain provisions by a court under certain circumstances; revising certain requirements for regulations relating to public accommodation facilities and SARS-CoV-2, which must be adopted by the Director of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

On January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by the novel coronavirus. Subsequently, the President of the United States and the World Health Organization issued a proclamation and announcement, respectively, regarding the COVID-19 threat. On March 12, 2020, the Governor of Nevada issued the Declaration of Emergency for COVID-19. Since the date of the Declaration of Emergency by the Governor, the Governor has issued numerous COVID-19 declaration of emergency directives, setting forth closures, safety precautions and capacity limitations for public accommodations, other businesses and governmental facilities. As a result of the pandemic, casino, hospitality, stadium and travel-related employers have discharged, laid off and furloughed workers.

Under existing law, and in the absence of collective bargaining agreements providing applicable protections, workers who were discharged, laid off or furloughed due to the pandemic are not required to be recalled to their previous positions of employment. This bill requires certain employers that discharged, laid off or furloughed employees to offer job positions to those employees under certain conditions.

Section 3 of this bill sets forth the Legislature's intent that certain employees have an opportunity to return to their jobs when circumstances permit.

Section 4 of this bill provides that the provisions of this bill constitute minimum labor standards and do not: (1) preempt or prevent standards which provide employees with greater protections or benefits; or (2) supersede an employee's right to recall pursuant to a collective bargaining agreement.

Sections 5-19 of this bill define certain terms applicable to the provisions of this bill.

Section 20 of this bill requires an employer, in the event of a layoff, to provide an employee who is to be laid off with a written notice containing certain information regarding the layoff and the employee's right to reemployment.

Section 21 of this bill requires an employer to retain certain information for 2 years if an employee is laid off.

Section 22 of this bill: (1) requires an employer to offer a laid-off employee certain job positions; (2) sets forth an order of preference for job offers if multiple eligible employees were laid off; (3) requires the employer to afford a laid-off employee not less than 24 hours within which to accept or decline an offer; (4) requires an employer to provide a laid-off employee with notice of the reasons for declining to recall the laid-off employee under certain circumstances; and (5) sets forth certain circumstances under which an employer is not required to extend additional offers of employment to a laid-off employee.

Section 23 of this bill prohibits an employer from taking certain adverse actions against certain persons for taking certain actions in relation to the provisions of this bill.

Section 24 of this bill: (1) authorizes the enforcement of the provisions of this bill by an aggrieved employee through the Labor Commissioner or in a civil action; (2) establishes certain requirements which must be met before an aggrieved employee may file a complaint with the Labor Commissioner or file a civil action; (3) sets forth certain standards for establishing and rebutting certain presumptions concerning violations of the provisions of this bill in such an action; and (4) authorizes the granting of certain awards to a prevailing plaintiff and the imposition of certain penalties for violations of the provisions of this bill.

Section 25 of this bill: (1) imposes the requirements and duties of the provisions of this bill upon certain employers that conduct certain transactions, reorganizations or relocations of operations; and (2) extends the rights afforded by this bill to laid-off employees of such employers.

Section 26 of this bill makes the provisions of this bill applicable to all employees other than laid-off employees who are parties to a valid severance agreement, regardless of whether the employees are represented for purposes of collective bargaining or are covered by a collective bargaining agreement.

Section 27 of this bill prohibits the provisions of this bill from being construed to invalidate or limit certain other rights, remedies or procedures available to an employee.

Section 28 of this bill provides for the severability of provisions of this bill by a court under certain circumstances.

Existing law requires the Director of the Department of Health and Human Services to adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. (NRS 447.335) **Section 28.1** of this bill revises those standards.

Existing law requires the Director to adopt regulations requiring each public accommodation facility to establish protocols to: (1) limit the transmission of SARS-CoV-2; and (2) train staff concerning the prevention and mitigation of SARS-CoV-2 transmission. (NRS 447.340) **Section 28.2** of this bill eliminates the requirement to adopt certain protocols relating to social distancing.

Existing law requires the Director to adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan that provides testing and time off for employees who have been exposed to SARS-CoV-2, are experiencing the symptoms of COVID-19 or have been diagnosed with COVID-19. (NRS 447.345) **Section 28.3** of this bill: (1) eliminates from such response plans certain requirements relating to testing and screening for exposure to SARS-CoV-2; (2) revises provisions governing the circumstances under which an employee who is required to take time off due to COVID-19 must be paid for that time off; and (3) eliminates provisions which authorize an employer who operates a public accommodation facility to submit a request to the Director to increase or decrease the amount of days off required by these provisions.

Existing law authorizes the Secretary of State to suspend the business license of a person until the person complies, in good faith, with controlling health standards. Under existing law, these provisions expire by limitation on the later of July 1, 2023, or the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020. (NRS 76.172) **Section 28.4** of this bill eliminates the date of expiration so that the provisions do not expire.

Section 28.5 of this bill: (1) authorizes the Director to amend regulations, if necessary and within 5 business days after the effective date of this bill, to conform to the provisions of **sections 28.1, 28.2 and 28.3** of this bill; (2) requires a district board of health of a health district to adopt regulations that are substantively identical to the regulations adopted by the Director within 10 days after the Director adopts such regulations; and (3) provides that any provisions of regulations adopted by the Director or a district board of health of a health district that are in conflict with the provisions of **sections 28.1, 28.2 and 28.3** of this bill are unenforceable as of the effective date of this act.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this act.

Sec. 2. *Sections 2 to 28, inclusive, of this act may be cited as the Nevada Hospitality and Travel Workers Right to Return Act.*

Sec. 3. *The Legislature hereby finds that:*

1. COVID-19, also known as the “Coronavirus Disease,” is a respiratory disease which has spread across the globe, with many thousands of cases in Nevada.

2. On January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by the novel coronavirus, and, thereafter, the President of the United States issued the Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, beginning March 1, 2020.

3. *The World Health Organization announced on March 11, 2020, that it had characterized COVID-19 as a pandemic.*

4. *On March 12, 2020, the Governor of Nevada issued the Declaration of Emergency for COVID-19, declaring the existence of an emergency in the State.*

5. *On March 13, 2020, the President declared a nationwide emergency pursuant to section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq.*

6. *Since the Governor's Declaration of Emergency for COVID-19 on March 12, 2020, the Governor has issued numerous COVID-19 declaration of emergency directives, setting forth closures, safety precautions and capacity limitations for public accommodations, other businesses and governmental facilities and removing such restrictions as appropriate.*

7. *Jobs in the leisure and hospitality sectors are central to this State's economy and to the well-being of this State as a whole. According to the Budget Division of the Office of Finance, leisure and hospitality jobs constituted a significant portion of total employment in this State during 2019.*

8. *Since the declaration of a national public health emergency on January 31, 2020, the COVID-19 pandemic has caused casino, hospitality, stadium and travel-related employers to discharge, lay off and furlough workers on a massive scale. As of December 2020, according to the Bureau of Labor Statistics of the United States Department of Labor, Nevada experienced a significant annual decrease in leisure and hospitality employment, the largest decline of any sector in Nevada.*

9. *Many thousands of casino, hospitality, stadium and travel-related workers have been separated from their jobs already during the pandemic.*

10. *It is in the public interest and beneficial to the public welfare to ensure that the State's casino, hospitality, stadium and travel-related employers honor their former employees' right to return to their former positions because doing so will speed the transition back to a functioning labor market and will lessen the damage to the State's economy. Recalling workers instead of searching for new employees could minimize the time necessary to match employees with jobs and reduce the unemployment rate more quickly.*

11. *It is in the public interest and beneficial to the public welfare to provide laid-off employees in the casino, hospitality, stadium and travel-related sectors with the economic security of knowing that they will have an opportunity to return to their jobs when business returns. In a typical recession, workers who are permanently laid off, without recall, often cycle through short-term jobs before finding a stable job, and many drop out of the labor market altogether. In addition, workers who believe that they are likely to be called back to a steady job are more likely to continue spending money. Ensuring a path to rehiring can relieve workers' anxiety, which can*

bolster morale and increase consumer spending, thereby supporting economic recovery.

Sec. 4. 1. *The purpose of sections 2 to 28, inclusive, of this act is to ensure minimum labor standards.*

2. *The provisions of sections 2 to 28, inclusive, of this act do not:*

(a) Preempt or prevent the establishment of employment standards which are more protective of, or more beneficial for, employees, including, without limitation, higher wages or the expansion of coverage by any other action of this State; or

(b) Supersede an employee's right to recall contained in a collective bargaining agreement, which right shall govern in the event of a conflict with an employee's rights set forth in sections 2 to 28, inclusive, of this act.

Sec. 5. *As used in sections 2 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Airport" has the meaning ascribed to it in NRS 496.020.*

Sec. 7. 1. *"Airport hospitality operation" means a business that provides food and beverage, retail or other consumer goods or services to the public at an airport.*

2. *The term does not include an air carrier which has been issued an air carrier operating certificate by the Federal Aviation Administration.*

Sec. 8. 1. *"Airport service provider" means a business entity that performs, under contract with a passenger air carrier:*

(a) Functions for the catering of food and beverage; or

(b) Functions on the property of the airport that are directly related to the air transportation of persons, property or mail, including, without limitation:

(1) The loading and unloading of property on aircraft;

(2) Assistance to passengers pursuant to 14 C.F.R. Part 382;

(3) Security;

(4) Airport ticketing and check-in;

(5) Ground-handling of aircraft; and

(6) Aircraft cleaning, sanitization and waste removal.

2. *The term does not include an air carrier which has been issued an air carrier operating certificate by the Federal Aviation Administration.*

Sec. 9. *"Business entity" means a natural person, corporation, partnership, limited partnership, limited-liability partnership, limited-liability company, business trust, estate, trust, association, joint venture, agency, instrumentality or any other legal or commercial entity, whether domestic or foreign.*

Sec. 10. 1. *Except as otherwise provided in subsection 3, "casino" has the meaning ascribed to the term "licensed gaming establishment" in NRS 463.0169.*

2. *The term includes any contracted, leased or sublet premises that are connected to or operated in conjunction with the purpose of the casino,*

including, without limitation, facilities for the preparation of food, concessions, retail stores, restaurants, bars and structured parking facilities.

3. The term does not include:

(a) A restricted operation; or

(b) A licensed gaming establishment, as defined in NRS 463.0169, which operates solely pursuant to a restricted license.

Sec. 11. “Covered enterprise” means an airport hospitality operation, an airport service provider, a casino, an event center or a hotel that is located in a county whose population is 100,000 or more.

Sec. 12. 1. Except as otherwise provided in subsection 2, “employee” has the meaning ascribed to it in NRS 608.010.

2. The term does not include:

(a) Any employee who is:

(1) Employed in a managerial or executive capacity; and

(2) Exempt from the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., pursuant to 29 U.S.C. § 213(a)(1); or

(b) Any person who is engaged as a theatrical or stage performer, including, without limitation, at an exhibition.

Sec. 13. “Employer” means any business entity which directly or indirectly through an agent or any other business entity, including through the services of a temporary employment service, staffing agency or similar entity, owns or operates a covered enterprise within this State and ~~employs~~
:

1. Employs or exercises control over the wages, hours or working conditions of ~~an employee~~ 30 or more employees; or

2. Employed or exercised control over the wages, hours or working conditions of 30 or more employees on March 12, 2020.

Sec. 14. 1. “Event center” means a publicly or privately owned structure of more than 50,000 square feet or containing more than 5,000 seats that is used for the purposes of public performances, sporting events, business meetings or similar events and includes, without limitation, a concert hall, stadium, sports arena, race track, coliseum or convention center.

2. The term includes any contracted, leased or sublet premises that are connected to or operated in conjunction with the purpose of the event center, including, without limitation, facilities for the preparation of food, concessions, retail stores, restaurants, bars and structured parking facilities.

Sec. 15. 1. “Hotel” means:

(a) A resort hotel; or

(b) Any other residential building that:

(1) Is designated or used for lodging and other related services for the public, including, without limitation, the preparation and service of food and beverages, trade shows and conventions; and

(2) *Contains not less than 200 guest rooms or suites of rooms. For the purposes of this paragraph, adjoining rooms do not constitute a suite of rooms.*

2. *The term also includes any contracted, leased or sublet premises that:*

(a) *Is connected to or operated in conjunction with the purpose of the resort hotel or residential building; or*

(b) *Provides services at the resort hotel or residential building.*

Sec. 16. *“Laid-off employee” means an employee:*

1. *Who was employed by an employer for not less than 6 months during the 12 months immediately preceding March 12, 2020; and*

2. *Whose most recent separation from active service for that employer:*

(a) *Occurred after March 12, 2020; and*

(b) *Was due to a governmental order, lack of business, reduction in force or another economic, nondisciplinary reason.*

Sec. 17. *“Length of service” means the total of all periods of time during which an employee has been in active service, including periods of time during which the employee was on leave or on vacation.*

Sec. 18. *“Resort hotel” means:*

1. *A resort hotel, as defined in NRS 463.01865;*

2. *An establishment described in section 19 of chapter 452, Statutes of Nevada 1997; or*

3. *A resort hotel described in section 20 of chapter 452, Statutes of Nevada 1997.*

Sec. 18.5. *“Restricted license” and “restricted operation” have the meaning ascribed to those terms in NRS 463.0189.*

Sec. 19. *“Structured parking facility” means a parking deck, parking garage, parking structure or paved or unpaved parking lot.*

Sec. 20. 1. *In the event of a layoff, an employer shall provide an employee who is to be laid off with written notice of the layoff, either in person or mailed to the last known address of the employee and, if the employer possesses such contact information, by telephone, text message or electronic mail.*

2. *The employer shall provide the notice required by this section at the time of the layoff or, if the layoff took place before the effective date of this act, not later than 20 days after the effective date of this act.*

3. *The employer shall provide the notice required by this section to each affected employee in Spanish, English and any other language that is spoken by not less than 10 percent of the employer’s workforce.*

4. *The notice required by this section must include:*

(a) *A notice of the layoff and the effective date of the layoff.*

(b) *A summary of the right to reemployment pursuant to sections 2 to 28, inclusive, of this act or clear instructions on the means by which the employee may access the information regarding that right.*

(c) *Contact information for the person who the employer has designated to receive, on behalf of the employer, an aggrieved employee’s written notice*

of an alleged violation pursuant to paragraph (a) of subsection 2 of section 24 of this act.

Sec. 21. 1. An employer shall retain the following records for not less than 2 years after an employee is laid off:

- (a) The full legal name of the employee;*
- (b) The job classification of the employee at the time of the separation from employment;*
- (c) The date of hire of the employee;*
- (d) The last known address of the employee;*
- (e) The last known electronic mail address of the employee;*
- (f) The last known telephone number of the employee;*
- (g) A copy of the written notice regarding the layoff that was provided to the employee; and*
- (h) Records of each offer made by the employer to the employee pursuant to subsection 1 of section 22 of this act, including, without limitation, the date and time of each offer.*

2. For the purposes of this section, 2 years is measured from the date of the written notice provided by the employer to the laid-off employee pursuant to section 20 of this act.

Sec. 22. 1. An employer shall offer a laid-off employee in writing, by mail to the last known address of the employee and, if the employer possesses such contact information, by telephone, text message or electronic mail, each job position:

- (a) Which becomes available after the effective date of this act; and*
- (b) For which the laid-off employee is qualified. A laid-off employee is qualified for a job position pursuant to this paragraph if the laid-off employee:*

(1) Held the same position at the covered enterprise at the time of the laid-off employee's most recent separation from active service with the employer; or

(2) Held a similar position within the same job classification at the covered enterprise at the time of the laid-off employee's most recent separation from active service with the employer.

2. An employer shall offer job positions to laid-off employees in an order of preference corresponding to subparagraphs (1) and (2) of paragraph (b) of subsection 1. If more than one laid-off employee is entitled to preference for a position, the employer must first offer the position to the laid-off employee with the greatest length of service for the covered enterprise.

3. An employer may extend simultaneous conditional offers of employment to laid-off employees with a final offer of employment conditioned on application of the order of preference set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. An employer who offers a laid-off employee a job position pursuant to this section shall afford the employee not less than 24 hours after the time of the employee's receipt of the offer to accept or decline the offer. A laid-

off employee who is offered a job position pursuant to this section must be available to return to work within 5 calendar days after accepting the offer.

If a laid-off employee who is offered a job position pursuant to this section:

(a) Does not accept or decline the offer within 24 hours; or

(b) Is not available to return to work within 5 calendar days after accepting the offer,

↳ the employer may recall the next available employee with the greatest length of service for the covered enterprise.

5. An employer who declines to recall a laid-off employee because the employee lacks qualifications and hires a person other than the laid-off employee shall, not later than 30 days after making that decision, provide the laid-off employee with a written notice of the decision identifying all the reasons for the decision.

6. An employer is not required to extend additional offers of employment to a laid-off employee pursuant to this section if any of the following applies:

(a) The employee states in writing that:

(1) The employee does not wish to be considered for future open positions with the employer; or

(2) The employee does not wish to be considered for future open positions with the employer which have regularly scheduled hours of work that are different from those which the employee worked immediately before his or her last separation from active service with the employer.

(b) The employer extends three bona fide offers of employment to the employee, with not less than 3 weeks between each offer, and the employee declines all three offers. For purposes of this paragraph, “bona fide offer” means an offer of employment in the same or a similar job classification and with a comparable number of regularly scheduled hours of work as the employee worked immediately before his or her last separation from active service with the employer.

(c) The employer attempts to make three offers of employment to the employee using the methods described in subsection 1 and:

(1) Each offer made by mail is returned as undeliverable;

(2) If the employer has the electronic mail address of the employee, any offer made by electronic mail is returned as undeliverable; and

(3) If the employer has contact information provided by the employee for telephone calls or text messages, the number provided for such calls or messages is no longer in service.

Sec. 23. An employer shall not terminate, reduce in compensation, refuse to employ or otherwise take any adverse action against:

1. Any person for:

(a) Seeking to enforce by any lawful means his or her rights pursuant to sections 2 to 28, inclusive, of this act;

(b) Participating in proceedings pursuant to sections 2 to 28, inclusive, of this act; or

(c) Opposing any practice proscribed by sections 2 to 28, inclusive, of this act.

2. An employee who mistakenly, but in good faith, alleges noncompliance with sections 2 to 28, inclusive, of this act.

Sec. 24. 1. The provisions of sections 2 to 28, inclusive, of this act may be enforced by an aggrieved employee through the Labor Commissioner or in a civil action in any court of competent jurisdiction.

2. An aggrieved employee may file a complaint with the Labor Commissioner or file a civil action in any court of competent jurisdiction alleging a violation of the provisions of sections 2 to 28, inclusive, of this act only after the following requirements are met:

(a) The employee provides the employer with written notice, including, without limitation, by electronic mail, of the alleged violation and any facts known by the employee to support the allegation of the violation; and

(b) The employer is afforded 15 days after the date of receipt of the written notice to cure any alleged violation.

3. There is a rebuttable presumption that an employer's action is taken in violation of section 23 of this act if it is established that:

(a) A laid-off employee exercised rights pursuant to the provisions of sections 2 to 28, inclusive, of this act or alleged in good faith that the employer was not complying with the provisions of sections 2 to 28, inclusive, of this act;

(b) The employer thereafter terminated, demoted or otherwise took adverse action against the employee; and

(c) The employer took the action described in paragraph (b) against the employee not later than 60 days after the employee exercised rights or made an allegation described in paragraph (a).

4. An employer may rebut a presumption created pursuant to subsection 3 by proving that the true and entire reason for the action taken pursuant to paragraph (b) of subsection 3 was a legitimate business reason. The plaintiff in the action may rebut the legitimate business reason asserted by the employer by showing that the reason was, in fact, a pretext.

5. An employee or employees who establish a violation of sections 2 to 28, inclusive, of this act may be awarded any or all of the following, as appropriate:

(a) Rights of hiring and reinstatement.

(b) Future and back pay for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the greatest of any of the following rates:

(1) The average regular rate of pay received by the laid-off employee during the last 3 years of that employee's employment in the same job classification.

(2) The most recent regular rate of pay received by the laid-off employee while employed by the employer.

(3) *The regular rate of pay received by an employee occupying the job position in place of the laid-off employee who should have been employed in that position.*

(4) *The value of the benefits which the laid-off employee would have received under the benefit plan provided by the employer.*

6. *Any employer, agent of the employer or other person who violates or causes to be violated any provision of sections 2 to 28, inclusive, of this act shall be subject to:*

(a) *A civil penalty of \$100 for each employee whose rights under the provisions of sections 2 to 28, inclusive, of this act are violated; and*

(b) *The imposition of an additional sum payable to each employee as compensatory and liquidated damages in the amount of \$500 for each day the rights provided to that employee pursuant to sections 2 to 28, inclusive, of this act are violated. Such damages shall be continuing until such time as the violation is cured.*

7. *The Labor Commissioner or the court may also award attorney's fees to a prevailing plaintiff in an action filed pursuant to this section.*

8. *No criminal penalties may be imposed for a violation of sections 2 to 28, inclusive, of this act.*

Sec. 25. 1. *An employer that, on or after January 31, 2020:*

(a) *Purchases or otherwise acquires the ownership of another employer which owns or operates a covered enterprise; and*

(b) *Conducts the same or similar operations as those which were conducted by the employer that owned or operated the covered enterprise before the date of the purchase or acquisition,*

↪ *is subject to the provisions of sections 2 to 28, inclusive, of this act as if the purchasing or acquiring employer was the employer that owned or operated the covered enterprise before the date of the purchase or acquisition and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.*

2. *An employer that, on or after January 31, 2020:*

(a) *Purchases or otherwise acquires all or substantially all of the assets of an employer that owned or operated a covered enterprise; and*

(b) *With those assets, conducts the same or similar operations as those which were conducted by the employer that conducted operations with those assets before the date of the purchase or acquisition,*

↪ *is subject to the provisions of sections 2 to 28, inclusive, of this act as if the employer which purchased or acquired the assets was the employer that conducted operations with those assets before the date of the purchase or acquisition and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.*

3. *An employer which:*

(a) *Owns or operates a covered enterprise; and*

(b) *On or after January 31, 2020, changes the employer's form of organization but continues to own or operate the covered enterprise,*

↪ *remains subject to the provisions of sections 2 to 28, inclusive, of this act and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.*

4. *An employer which moves operations from a location at which a laid-off employee was employed before January 31, 2020, to a different location within this State remains subject to the provisions of sections 2 to 28, inclusive, of this act and owes to the laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.*

Sec. 26. 1. *Except as otherwise provided in subsection 2, the provisions of sections 2 to 28, inclusive, of this act apply to all employees, as defined in section 12 of this act, regardless of whether the employees are represented for purposes of collective bargaining or are covered by a collective bargaining agreement.*

2. *The provisions of sections 2 to 28, inclusive, of this act do not apply to a laid-off employee who is a party to a valid severance agreement.*

Sec. 27. *The provisions of sections 2 to 28, inclusive, of this act shall not be construed to:*

1. *Invalidate or limit the rights, remedies and procedures of any contract or agreement that provides greater or equal protection for employees than are afforded by the provisions of sections 2 to 28, inclusive, of this act, notwithstanding the provisions of section 26 of this act.*

2. *Limit a discharged employee's right to bring a cause of action for wrongful termination under common law.*

Sec. 28. 1. *If any section, sentence, clause or phrase of sections 2 to 28, inclusive, of this act is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of sections 2 to 28, inclusive, of this act, which shall remain in full force and effect.*

2. *The Legislature hereby declares that it would have adopted the provisions of sections 2 to 28, inclusive, of this act and each and every section, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of sections 2 to 28, inclusive, of this act were subsequently declared invalid or unconstitutional.*

3. *The courts are hereby authorized to reform the provisions of sections 2 to 28, inclusive, of this act in order to preserve the maximum permissible effect of each section therein.*

Sec. 28.1. NRS 447.335 is hereby amended to read as follows:

447.335 1. The Director shall adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. Those standards must require only the following and with no greater frequency than provided in this section:

(a) ~~{The use of cleaning products that are qualified by the United States Environmental Protection Agency for use against SARS CoV 2 for the cleaning required by paragraphs (b) to (p), inclusive.~~

~~—(b)—~~ Desks, tabletops, ~~minibars that have been used after the most recent cleaning,~~ interior and exterior handles of doors, faucets, toilets, ~~nonporous headboards of beds,~~ light switches, remote controls, telephones, keyboards ~~and touch screens,~~ **and** touch screens ~~, bed linens, towels, bed scarves and other decorative items on beds~~ in guest rooms to be cleaned every day that the room is in use unless the guest using the room declines in-room housekeeping.

~~—(c)—~~ **(b)** The following high-contact areas and items in locations used by the public and employees to be cleaned ~~regularly throughout the day~~ **daily** while in use:

(1) Fixtures with which guests and employees may be expected to have regular physical contact;

(2) Doors and door handles at exterior entrances;

(3) Door handles at interior entrances regularly accessed by guests and employees;

(4) Regularly used computer keyboards, touch screens, credit card readers, printers, telephones, light switches, ice machines, vending machines and other frequently used instruments and equipment; and

(5) Countertops and desks in entrance areas and other high-usage areas.

~~—(d)—~~ **(c)** Glass surfaces, desks, tabletops, door handles and light switches in public areas to be cleaned ~~regularly throughout the day~~ **daily** while in use.

~~—(e)—~~ **(d)** Counters, desks, touch screens, keyboards, credit card readers and desktops in front desk areas to be cleaned ~~regularly throughout the day~~ **daily** while in use.

~~—(f)—~~ **(e)** Key cards and other types of keys for accessing rooms to be cleaned before those key cards or other keys are issued to another guest or removed from circulation for at least 24 hours after a guest checks out.

~~—(g)—~~ **(f)** Elevator buttons and rails in guest and service elevators to be cleaned ~~regularly throughout the day~~ **daily** if the elevator is in use.

~~—(h)—~~ **(g)** Sinks, faucets, walls, toilets, toilet paper dispensers and door handles in employee and public restrooms to be cleaned regularly throughout the day while in use.

~~—(i)—~~ **(h)** Work surfaces, tables, utensils, counters, touch screens and keyboards in areas used for food preparation to be cleaned regularly throughout the day.

~~—(j)—~~ **(i)** Tables, desks, tabletops, door handles and light switches in shared offices, employee locker rooms and employee cafeterias to be cleaned ~~regularly throughout the day~~ **daily** while in use.

~~—(k)—~~ **(j)** Exercise equipment, weights, tables, countertops, chairs, lockers and benches in fitness centers to be cleaned ~~regularly throughout the day~~ **daily** while in use.

~~—(l)—~~ **(k)** Tabletops in meeting rooms to be cleaned while in use.

~~—(m)—~~ **(l)** Tables, bartops, menus and check presentation holders in bar and dining facilities to be cleaned ~~after use by a guest~~

~~—(n)—~~ **daily.**

(m) Touch screens and keyboards in bar and dining facilities to be cleaned ~~regularly while in use.~~

~~—(o)—~~ **daily.**

(n) Soiled laundry to be cleaned as necessary.

~~—(p)—~~ (o) Laundry carts and hampers to be cleaned ~~regularly throughout the day~~ **daily** while in use.

2. A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.

3. An employer operating a public accommodation facility shall conspicuously post at each employee entrance and on each bulletin board where the facility regularly posts official communications with employees:

(a) A one-page summary of the standards adopted pursuant to subsection 1; and

(b) A list of key contact persons at public health agencies.

4. An employer operating a public accommodation facility shall make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to subsection 1 upon request at no cost.

Sec. 28.2. NRS 447.340 is hereby amended to read as follows:

447.340 The Director shall adopt regulations requiring each public accommodation facility to establish protocols to:

1. Limit the transmission of SARS-CoV-2. Such protocols, must include only the following:

(a) ~~Methods to encourage, to the extent reasonably possible:~~

~~—(1) Employees to remain at least 6 feet apart from other employees and guests during their work and while on break.~~

~~—(2) Guests to remain at least 6 feet apart from employees and other guests.~~

~~—(b) A requirement that employee breaks must be structured to allow social distancing to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~—(c) A requirement that workstations must be separated by physical barriers or structured to allow social distancing where practicable to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~—(d)—~~ Requirements concerning the frequency of hand cleaning for employees.

~~—(e)—~~ (b) A requirement that each employee be provided with access to a sink with soap and water for hand washing or hand sanitizer containing at least 60 percent alcohol within reasonable proximity to the work area of the employee.

~~—(f)—~~ (c) Policies providing for the availability of hand sanitizer containing at least 60 percent alcohol near locations where employee meetings are held, breakrooms and cafeterias for employees, front desks, bell desks, lobbies,

entrances to food and beverage service and preparation areas, principal entrances to the facility and, in a resort hotel, on the casino floor, if:

(1) Those areas are not near hand washing facilities with soap and water; and

(2) A supply of hand sanitizer containing at least 60 percent alcohol is generally available.

~~[(e)]~~ **(d)** Policies for the distribution, at no cost to the employee, of masks and, where appropriate, gloves, based on public health concerns.

2. Train staff concerning the prevention and mitigation of SARS-CoV-2 transmission in the manner prescribed by the Director.

Sec. 28.3. NRS 447.345 is hereby amended to read as follows:

447.345 1. The Director shall adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan designed to monitor and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests. The plan must include only the following:

(a) The designation of a person or persons responsible for overseeing and carrying out on-site enforcement of the plan. The regulations must not require such a person or persons to be on-site at all times.

(b) ~~[(a) A requirement that each new employee and each employee returning to work for the first time after March 13, 2020, must undergo testing for SARS-CoV-2, if such testing is available.~~

~~[(c) The designation of an area of the public accommodation facility where employees will check in every day to receive contact-free temperature measurement and review questions to screen for exposure to SARS-CoV-2.~~

~~[(d)]~~ Requirements that:

(1) The public accommodation facility must notify each employee who is known to have had close contact with a guest or employee who has been diagnosed with COVID-19 not later than 24 hours or as soon as practicable after the employer learns of the diagnosis. ~~[(c)]~~

(2) Each such employee must undergo testing for SARS-CoV-2 and, in addition to any other leave to which the employee is entitled, be given:

(I) Not more than 3 days of ~~[(paid)]~~ time off to await testing and testing results; and

(II) Additional ~~[(paid)]~~ time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

~~[(e)]~~ **(3)** *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, the time off required pursuant to subparagraph (2) must be paid time off.*

(c) A requirement that each employee who otherwise has a reasonable belief or has been advised that he or she has been in close contact with a person who has tested positive for SARS-CoV-2 must undergo testing for SARS-CoV-2.

~~((d))~~ (d) Requirements that each employee who notifies his or her employer that he or she is experiencing symptoms of COVID-19:

- (1) Must undergo testing for SARS-CoV-2; and
- (2) Must not return to work while awaiting the results of that testing.

~~((e))~~ (e) Requirements that each employee described in paragraph ~~((e))~~ or ~~((c))~~ (c) *and notifies his or her employer that he or she is experiencing symptoms of COVID-19 or who is described in paragraph (d)* must, in addition to any other leave to which the employee is entitled, be given for the first occurrence on which the employee gives the employer such notification:

- (1) Not more than 3 days of ~~paid~~ time off to await testing and testing results. ~~and~~
- (2) Additional ~~paid~~ time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

~~((h))~~ (3) *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, the time off required pursuant to subparagraphs (1) and (2) must be paid time off.*

(f) A requirement that ~~except as otherwise provided in subsection 3,~~ each employee who tests positive for SARS-CoV-2 or is otherwise diagnosed with COVID-19 and is working or has been recalled to work at the time of the result or diagnosis must be allowed to take at least 14 days off. ~~For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, at least 10 of which the 14 days described in this paragraph must be paid time off.~~

~~((g))~~ (g) A requirement that testing for SARS-CoV-2 required by this section must be:

- (1) Provided at no cost to the employee; and
- (2) Performed on-site or at a testing facility selected by the public accommodation facility.

~~((h))~~ (h) A requirement that an employee that is required to be tested pursuant to this section authorize the provision of or provide the testing results to the public accommodation facility.

~~((i))~~ (i) A requirement that any guest who reports testing positive for SARS-CoV-2 or being diagnosed with COVID-19 must be requested to leave the public accommodation facility if practicable and seek medical attention.

~~((j))~~ (j) A requirement that information pertaining to employees and guests who test positive for SARS-CoV-2 or who are diagnosed with or report symptoms of COVID-19 must be kept confidential, unless the employee or guest agrees otherwise and except as required to be disclosed to public health officials and for purposes of contact tracing or cleaning.

2. The regulations adopted pursuant to this section must define the term “close contact” to have the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health

and Human Services for the purpose of determining when a person has been in close contact with another person who has tested positive for SARS-CoV-2.

~~3. [An employer who operates a public accommodation facility may submit a request to the Director to increase or decrease the amount of days off required by paragraph (h) of subsection 1. The Director may grant such a request if it is consistent with the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning time off for employees who test positive for SARS-CoV-2 or are otherwise diagnosed with COVID-19.~~

~~4.]~~ For the purposes of this section, paid time off must be calculated at the base rate of pay for the employee. Paid time off taken pursuant to this section:

(a) Must not be deducted from paid time off provided to the employee pursuant to NRS 608.0197 or a policy or contract of the public accommodation facility.

(b) May be deducted from paid sick leave provided pursuant to section 5102(a)(1)-(3) of the Families First Coronavirus Response Act, P.L. 116-127.

~~5.]~~ 4. The health authority may require a public accommodation facility that is not under the jurisdiction of the Nevada Gaming Control Board to submit a written SARS-CoV-2 response plan to the health authority. Except as otherwise provided in this section and notwithstanding any other law, a written SARS-CoV-2 response plan submitted to the health authority is confidential. The health authority may disclose all or a part of such a plan upon:

(a) The request of an authorized agent of the Federal Government, a foreign government or a state or local governmental entity in this State or any of the several states, territories, possessions and dependencies of the United States, the District of Columbia or Puerto Rico.

(b) The order of a court of competent jurisdiction.

(c) Specific authorization of the chief administrative officer of the health district or, in a location that is not part of a health district, the Chief Medical Officer.

~~6.]~~ 5. The Nevada Gaming Control Board may require a public accommodation facility that is under the jurisdiction of the Board to submit a written SARS-CoV-2 response plan to the Board, either alone or as part of an emergency response plan adopted pursuant to NRS 463.790.

~~7.]~~ 6. The provisions of this section must not be construed to preclude an employee who is exposed to or tests positive for SARS-CoV-2 or is diagnosed with COVID-19 from choosing to perform his or her duties remotely instead of taking time off if the job duties of the employee are conducive to remote work.

7. *As used in this section:*

(a) *“Fully vaccinated for COVID-19” has the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

(b) “Verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19” means a condition of an employee for whom the SARS-CoV-2 vaccine is not recommended because of a medical exemption that is documented by a note provided by a licensed physician and provided to the employer.

Sec. 28.4. Section 39 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 114, is hereby amended to read as follows:

Sec. 39. ~~11-1~~ This act becomes effective upon passage and approval.

~~{2. Section 30 of this act expires by limitation on the later of:~~

~~—(a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or~~

~~—(b) July 1, 2023.~~

Sec. 28.5. 1. The Director of the Department of Health and Human Services may, if necessary and not later than 5 business days after the date on which this act becomes effective, amend regulations adopted pursuant to the provisions of NRS 447.335, 447.340 and 447.345, as amended by sections 28.1, 28.2 and 28.3, respectively, of this act to conform to those provisions.

2. Notwithstanding the 15-day requirement set forth in NRS 447.355, a district board of health of a health district shall, pursuant to NRS 447.355, adopt regulations that are substantively identical to the regulations adopted by the Director of the Department of Health and Human Services pursuant to subsection 1 within 10 days after the adoption of the regulations by the Director pursuant to subsection 1.

3. Any provision of the regulations adopted by the Director or a district board of health of a health district that are in conflict with the provisions of NRS 447.335, 447.340 or 447.345, as amended by sections 28.1, 28.2 and 28.3, respectively, of this act are unenforceable as of the effective date of this act.

Sec. 28.6. 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. 28.7. 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. 29. 1. This section and sections 28.1 to 28.7, inclusive, of this act become effective upon the later of:

(a) Passage and approval; or

(b) June 1, 2021.

2. Sections 1 to 28, inclusive, of this act become effective on July 1, 2021, and expire by limitation on the later of:

(a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or

(b) August 31, 2022.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 315, 387, 432, and 443 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. 315.

Bill read third time.

Roll call on Assembly Bill No. 315:

YEAS—42.

NAYS—None.

Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Roll call on Assembly Bill No. 387:

YEAS—28.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Titus, Wheeler—14.

Assembly Bill No. 387 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 432.

Bill read third time.

Roll call on Assembly Bill No. 432:

YEAS—26.

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

Assembly Bill No. 432 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. 382 be taken from the Chief Clerk's desk and placed at the top of the General File

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 382.

Bill read third time.

The following amendment was proposed by Assemblyman Watts:

Amendment No. 808.

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;~~ 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.

~~[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. 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,~~ 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 act 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.~~ (Deleted by amendment.)

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 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. 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.~~

~~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. (Deleted by amendment.)~~

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~~ educational institution.

(4) The Consumer Financial Protection Bureau or the Securities and Exchange Commission.

(5) Any accrediting agency.

Sec. 55. ~~1. 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.~~ (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (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.~~ (Deleted by amendment.)

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.}~~ (Deleted by amendment.)

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.}~~ (Deleted by amendment.)

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.] (a) Is not licensed as a postsecondary educational institution in this state by a federal or another state agency;~~

~~[2.] (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.] (c) Educates or trains persons who are not his or her employees; and~~

~~[4.] (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.~~

~~{ }~~

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

Sec. 62. (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,~~ **section 54 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 sections 52 to 59, inclusive,~~ **section 54 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.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 382 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. 382.

Bill read third time.

Remarks by Assemblymen Watts and Tolles.

ASSEMBLYMAN WATTS:

Assembly Bill 382 provides for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions of the Division of Financial Institutions of the Department of Business and Industry.

I rise in support of Assembly Bill 382. Right now, Nevadans have more rights and protections for their credit card than they do when they take on tens of thousands of dollars in student loans, often right as they enter adulthood. AB 382 changes that by extending the same rights that already exist for nearly every other consumer financial market to those who take on debt in order to obtain an education. It is critical to step in and fill this gap where federal action has been lacking, and even as amended, this bill provides some of the strongest protections for student borrower families in the nation.

That said, I want to be clear. This bill is not about loan forgiveness. It is about protecting people who took on debt to pursue their education against company errors and abuses. For one example, just last year, a servicing company inaccurately reported 8 million borrowers to a credit reporting agency despite their accounts being in good standing. AB 382 would ensure that Nevada residents facing that situation can easily get that error corrected without having their credit harmed.

For decades, student loan servicers have repeatedly steered borrowers into options that drive up the long-term cost of their loan. This can lead borrowers to default. In 2019, it was reported that Nevada had the highest default rates of any state in the country despite having relatively low tuition rates. This bill can change that and ensure every Nevada borrower gets the information they need to successfully repay their loans.

AB 382 puts basic requirements in place: responding in a timely manner to customers, transparency on loan policies and options, maintaining records and payment plans when a loan is transferred, applying payments to minimize the accrual of fees, evaluating alternative payment plans before putting a borrower in default, and informing co-signers about how they might be able to get off a loan. It defines deceptive trade practices for the industry that currently do not exist in Nevada law. While banks are now exempt under the private lender provisions of the amended version of the bill, it cracks down on the most suspect actors in the private lending space, holding them to similar standards that other servicers abide by and ensuring some of the problems we have historically seen can never happen again.

The bill also creates protections for some of the most unthinkable circumstances in life. If a borrower becomes totally and permanently disabled, they and their co-signers are released from their liabilities, because in this horrible situation, families should only be focused on taking care of their loved ones. When a co-signer passes away, this bill protects their estate from student loan

debt collectors. I urge my colleagues to stand with students over servicers and put constituents over caucus in support of AB 382.

ASSEMBLYWOMAN TOLLES:

I want to thank the sponsor and all the stakeholders. There has been a lot of conversations around this particular legislation. I gave my word I would support it, and I do appreciate the amendments. I will be supporting.

Roll call on Assembly Bill No. 382:

YEAS—27.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Wheeler—15.

Assembly Bill No. 382 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Assembly Bill No. 443.

Bill read third time.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 3, 7, 8, 61, 86, 132, 182, 186, 195, 251, 253, 257, 301, 320, 333, 343, 359, 396, 463, 471, 479, 481; Assembly Joint Resolution No. 1; Senate Bills Nos. 94, 458.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly withdraw Senate Bill No. 205 from the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 205 be rereferred to the Committee on Government Affairs.

Motion carried.

Senate Bills Nos. 22, 34, 69, 70, 158, 165, 175, 210, 211, 219, 254, 278, 295, 297, 318, 385, 389, 438, 442, 443, 450, 454, and 456 were taken from the General File and placed on the General File for the next legislative day.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Saturday, May 29, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:40 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly