

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), May 31, 2021

Assembly called to order at 12:20 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblyman C.H. Miller.

Father God, wow, what a ride the last 120 days have been. As we put the final touches on the legislation that will guide us out of one of the darkest times in our state's history, into what we hope will become our most prosperous times, we as a body must first thank You for all those fallen soldiers, who like You, gave their lives for our freedom. It's because of the sacrifice of those we lost, those we may lose in the future, and their families, that we are able to stand in arguably the most diverse legislative body in the history of our nation, with the task of making life better for the nearly 3 million people that call the great state of Nevada home.

Furthermore Lord, we thank You, that we were all created, nurtured, and prepared to lead in a time such as this. It's only with Your grace, love, and mercy that we've been able to endure the hard conversations, fierce battles of debate, moments of high-anxiety, and broken hearts from failed hopes. And while we still have a few more of those to bear before we get through this last day of the 81st Legislative Session, we ultimately put our trust in You to ensure that the intent of the good work we have begun with the legislation that will come out of this session, will prove to be a blessing immediately for all Nevadans and on down through to our children's children.

One last thing, Lord, as we depart later this evening from this place, we ask that with Your traveling mercies, everyone arrives home to their districts safely. Please protect and guide our leaders, and in the interim, give us all the wisdom to make proper decisions, the courage to identify and correct things we may have gotten wrong, and please Lord, give us Your empowering and unifying love and grace to not be so hard on each other as we seek to return to this institution or move on to other things. We request all of this in the Name of Jesus, and we thank You in advance for answering our request.

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 Legislative Operations and Elections, to which was referred Senate Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 40, 154, 185, 274, 380, 390, 455, 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. 68, 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 128, 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. 341, 377, 460, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 5, 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 Senate Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Election Contests, to which was referred the contest of the 2020 General Election for Assembly District 21, has had the same under consideration and begs leave to report the same back with the recommendation that the contestant shall be deemed to have abandoned or withdrawn the contest and that the Assembly take no further action on the contest and dismiss the contest with prejudice.

STEVE YEAGER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 149, 365, 493, 494.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 422, Amendment No. 813; Assembly Bill No. 464, Amendment No. 814; Assembly Bill No. 468, Amendment No. 815, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 652, 676 to Senate Bill No. 369.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Yeager:

Assembly Resolution No. 9—Accepting and adopting the report and recommendation of the Assembly Committee on Election Contests regarding

the contest of the 2020 General Election for Assembly District 21; declaring that the contestant shall be deemed to have abandoned or withdrawn the contest; declaring that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice.

WHEREAS, Section 6 of Article 4 of the Nevada Constitution states that “[e]ach House shall judge of the qualifications, elections and returns of its own members”; and

WHEREAS, Section 6 of Article 4 of the Nevada Constitution “expressly reserves to the Senate and Assembly the rights to extend, withhold and withdraw membership status” (*Heller v. Legislature*, 120 Nev. 456, 466 (2004); *Laxalt v. Cannon*, 80 Nev. 588, 590-91 (1964)); and

WHEREAS, Section 6 of Article 4 of the Nevada Constitution ensures that “[e]ach house of a state legislature is the sole judge of the elections of its members” (*Mason’s Manual of Legislative Procedure* § 560(5) (2020)); and

WHEREAS, Under Section 6 of Article 4 of the Nevada Constitution, the Assembly adopted Rule No. 46 of the Standing Rules of the Assembly to govern the review of any contest of the 2020 General Election for any seat in the Assembly; and

WHEREAS, Under Rule No. 46, the Committee on Election Contests was appointed to review the contest of the 2020 General Election for Assembly District 21 delivered to the Assembly pursuant to NRS 293.427; and

WHEREAS, Under Rule No. 46, at its meeting on May 20, 2021, the Committee on Election Contests voted to approve its report and recommendation regarding the contest of the 2020 General Election for Assembly District 21; and

WHEREAS, Under Rule No. 46, it is the report and recommendation of the Committee on Election Contests that the contestant shall be deemed to have abandoned or withdrawn the contest and that the Assembly shall not take further action on the contest and that the Assembly shall dismiss the contest with prejudice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly accepts and adopts the report and recommendation of the Committee on Election Contests; and be it further

RESOLVED, That the Assembly declares that the contestant shall be deemed to have abandoned or withdrawn the contest; and be it further

RESOLVED, That the Assembly declares that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution and the report and recommendation of the Committee on Election Contests to the Governor, the Secretary of State and the Board of County Commissioners of Clark County; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblyman Yeager moved the adoption of the resolution.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Resolution 9 contains the recommendation of the Committee on Election Contests that the contestant shall be deemed to have abandoned or withdrawn the contest and that the Assembly shall not take further action on the contest and shall dismiss the contest with prejudice.

Mr. Speaker, each member has on their desk the report and the recommendation of the Assembly Committee on Election Contests, and I would ask that that be entered in the minutes for today’s journal.

Resolution adopted.

1 **IN THE ASSEMBLY OF THE STATE OF NEVADA**

2 CHERLYN ARRINGTON, in her capacity as
3 a candidate for the Assembly in the 2020
4 General Election for Assembly District 21
5 and as a registered voter of Clark County,
6 Nevada,

7 Contestant,

8 vs.

9 ELAINE MARZOLA, in her capacity as a
10 candidate for the Assembly in the 2020
11 General Election for Assembly District 21
12 and as a seated member of the Assembly for
13 Assembly District 21,

14 Defendant.

**Contest of the 2020 General Election for
Assembly District 21**

15 **REPORT AND RECOMMENDATION OF THE**
16 **ASSEMBLY COMMITTEE ON ELECTION CONTESTS**

17 **I. Introduction.**

18 On March 29, 2021, the Assembly Committee on Election Contests was appointed to
19 consider the statement of contest filed with the Secretary of State pursuant to NRS 293.427 by the
20 contestant, Cherlyn Arrington, in her capacity as a candidate for the Assembly in the 2020 General
21 Election for Assembly District 21 and as a registered voter of Clark County, Nevada. *See*
22 *Assembly Daily Journal*, 81st Sess., at 1-2 (Nev. Mar. 29, 2021) (appointing members of the
23 Committee); NRS 293.407(1) (“A candidate at any election, or any registered voter of the
24 appropriate political subdivision, may contest the election of any candidate, except for the office
 of United States Senator or Representative in Congress.”). The defendant in this election contest
 is Assemblywoman Elaine Marzola in her capacity as a candidate for the Assembly in the 2020
 General Election for Assembly District 21 and as a seated member of the Assembly for Assembly
 District 21. *See Assembly Daily Journal*, 81st Sess., at 2-3 (Nev. Feb. 1, 2021) (seating members

1 of the Assembly); NRS 293.427(2) (“Until the contest has been decided, the candidate who
2 received the highest number of votes for the office in the contested election must be seated as a
3 member of the appropriate house.”).

4 As appointed, the members of the Committee are Assemblyman Yeager, Assemblywoman
5 Jauregui and Assemblyman Roberts, with Assemblyman Yeager serving as the Chair of the
6 Committee and Assemblywoman Jauregui serving as the Vice Chair of the Committee. *See*
7 *Assembly Daily Journal*, 81st Sess., at 1-2 (Nev. Mar. 29, 2021) (appointing members of the
8 Committee). In conducting this election contest, the Committee is governed by Article 4,
9 Section 6 of the Nevada Constitution, the Assembly Standing Rules, the election laws of the State
10 of Nevada and the rules of parliamentary law applicable to legislative bodies. *See Mason’s*
11 *Manual of Legislative Procedure* §§ 30-39 (2020) (*Mason’s Manual*).¹

12 On February 1, 2021, the Assembly adopted Assembly Standing Rule No. 46 (Rule 46),
13 which is reproduced in the addendum to this report and recommendation. *See Assembly Daily*
14 *Journal*, 81st Sess., at 39-40 (Nev. Feb. 1, 2021). To assist the Committee in conducting this
15 election contest, Rule 46(3) provides that “[t]he chair may take, direct or require any reasonable
16 actions to facilitate or carry out the contest, including, without limitation, issuing and enforcing
17 any orders or other directives to the parties and any attorneys representing the parties.” In
18 addition, Rule 46(4) provides that “[t]he committee shall not review the merits of the contest
19 unless the committee first determines that the contestant complied with all requirements to bring
20

21 ¹ In determining the rules of parliamentary law applicable to its proceedings under Article 4,
22 Section 6 of the Nevada Constitution, the Assembly has adopted *Mason’s Manual* as
23 parliamentary authority. *See* Assembly Standing Rule No. 100. In addition, courts have found
24 that “*Mason’s Manual* is a widely recognized authority on state legislative and parliamentary
procedures.” *Gray v. Gienapp*, 727 N.W.2d 808, 811 (S.D. 2007). In this report and
recommendation, all citations to *Mason’s Manual* are to the 2020 edition, which is the most
recent edition published by the National Conference of State Legislatures (NCSL).

1 and maintain the contest.” Finally, Rule 46(4) provides that “[t]o assist the committee in making
2 its determination, the chair shall take, direct or require any reasonable actions to provide the
3 parties with notice and an opportunity to submit written arguments to the committee limited to the
4 issue of whether the contestant complied with all requirements to bring and maintain the contest.”

5 On April 7, 2021, in accordance with Rule 46, the Chair issued an Order Requiring
6 Contestant to Show Cause and Establishing Requirements for Briefing and Related Matters
7 (“Order to Show Cause”). On that same date, Bryan J. Fernley, Legislative Counsel, Legislative
8 Counsel Bureau, Legal Division, served a true and correct copy of the Order to Show Cause, by
9 electronic mail, directed to the email address (electronicservice@craigmuellerlaw.com) which the
10 attorneys for the contestant listed on the statement of contest that they filed with the Secretary of
11 State on November 23, 2020. (*Order to Show Cause at 14.*)

12 The Order to Show Cause provided the parties with “notice and an opportunity to submit
13 written arguments to the Committee in the manner set forth in this order, limited to the issue of
14 whether the contestant complied with all requirements to bring and maintain this election contest.”

15 (*Order to Show Cause at 3.*) The Order to Show Cause also mandated that:

16 [I]n accordance with Rule 46, the contestant is ordered to show cause why the
17 Assembly should not dismiss this election contest with prejudice for failure to comply
18 with all requirements to bring and maintain the contest. In responding to this order,
the contestant and the defendant must follow the briefing schedule and all other
requirements set forth in this order.

19 (*Order to Show Cause at 6.*)

20 Under the briefing schedule set forth in the Order to Show Cause, the attorneys for the
21 contestant had a duty to file an opening brief as follows:

22 Not later than April 16, 2021, the contestant must, in the manner set forth in this order,
23 electronically file and serve an opening brief entitled “Contestant’s Opening Brief on
Order to Show Cause.”

24 (*Order to Show Cause at 6.*) The Order to Show Cause also cautioned the parties that “[i]n

1 complying with this order, the attorneys for the parties must adhere to the professional standards
2 applicable to documents filed by attorneys who represent clients in adjudicatory proceedings.”
3 (*Order to Show Cause at 11.*)

4 Thus, the attorneys for the contestant had a duty to file an opening brief on behalf of the
5 contestant by April 16, 2021, in order to proceed with this election contest. However, the
6 attorneys for the contestant failed to file an opening brief on behalf of the contestant by that
7 deadline. Moreover, the attorneys for the contestant failed to file any other documents on behalf
8 of the contestant in response to the Order to Show Cause.

9 For the reasons explained in the following discussion, because the attorneys for the
10 contestant failed to file an opening brief or any other documents on behalf of the contestant in
11 response to the Order to Show Cause, it is the report and recommendation of the Committee that
12 the contestant shall be deemed to have abandoned or withdrawn this election contest and that the
13 Assembly should not take further action on this election contest and should dismiss this election
14 contest with prejudice. Consequently, if the Assembly votes to accept this report and
15 recommendation, the Assembly hereby declares that the contestant shall be deemed to have
16 abandoned or withdrawn this election contest and that, as a result, the Assembly shall not take
17 further action on this election contest and dismisses this election contest with prejudice.

18 **II. Discussion.**

19 **A. Constitutional authority governing election contests for state legislative offices.**

20 Under Article 4, Section 6 of the Nevada Constitution, each House of the Legislature has
21 plenary and exclusive powers to “judge of the qualifications, elections and returns of its own
22 members” and to “determine the rules of its proceedings.” *See Laxalt v. Cannon*, 80 Nev. 588,
23 590-91 (1964); *Heller v. Legislature*, 120 Nev. 456, 466-67 (2004); *Comm’n on Ethics v. Hardy*,
24 125 Nev. 285, 293-94 (2009). Based on Article 4, Section 6 of the Nevada Constitution, the

1 Nevada Supreme Court has recognized that “[t]his provision expressly reserves to the Senate and
2 Assembly the rights to extend, withhold and withdraw membership status.” *Heller*, 120 Nev. at
3 466. Because Article 4, Section 6 of the Nevada Constitution grants plenary and exclusive powers
4 to each House, it is a well-established rule of parliamentary law that “[e]ach house of a state
5 legislature is the sole judge of the elections of its members.” *Mason’s Manual* § 560(5).

6 When the election of a member is contested, the House may appoint a committee to review
7 the facts, apply the appropriate rules of law and make a report and recommendation to the House.
8 See *Mason’s Manual* §§ 560, 615, 663, 664 & 670. When the House and its committees are
9 exercising powers in an election contest, they are sitting as adjudicatory bodies, and they are
10 exercising judicial powers. See *Barry v. U.S. ex rel. Cunningham*, 279 U.S. 597, 613 (1929);
11 *Laxalt*, 80 Nev. at 590-91. As explained by the U.S. Supreme Court:

12 Generally, the Senate is a legislative body, exercising in connection with the House
13 only the power to make laws. But it has had conferred upon it by the Constitution
14 certain powers, which are not legislative, but judicial, in character. Among these is
15 the power to judge of the elections, returns, and qualifications of its own members.
16 Article 1, § 5, cl. 1. “That power carries with it authority to take such steps as may be
17 appropriate and necessary to secure information upon which to decide concerning
elections.” *Reed v. County Comm’rs*, 277 U.S. 376, 388 (1928). Exercise of the
power necessarily involves the ascertainment of facts, the attendance of witnesses, the
examination of such witnesses, with the power to compel them to answer pertinent
questions, to determine the facts and apply the appropriate rules of law, and, finally, to
render a judgment which is beyond the authority of any other tribunal to review.

18 *Barry*, 279 U.S. at 613.

19 Because Article 4, Section 6 of the Nevada Constitution grants plenary and exclusive
20 powers to each House to render a final and conclusive judgment in election contests involving its
21 members, “such a state constitutional provision deprives the state courts of jurisdiction to decide
22 election contests for state legislative offices.” *Laxalt*, 80 Nev. at 591; *Garrard v. Gallagher*, 11
23 Nev. 382, 385-86 (1876) (“The contest for members of the legislature can only be made in
24 pursuance of the provisions of the statute concerning elections. The proceedings are special in

1 their character. In such contests, under our statute, the courts have no jurisdiction.” (citations
2 omitted)). Consequently, when the House conducts an election contest under Article 4, Section 6
3 of the Nevada Constitution, “its determination is conclusive and not subject to review by the
4 judiciary.” *Mason’s Manual* § 560(3); *see also Feehan v. Marcone*, 204 A.3d 666, 671 (Conn.
5 2019) (concluding that state courts do not have jurisdiction to review election contests for state
6 legislative offices because “the elections clause gives our state House of Representatives exclusive
7 jurisdiction over this election contest.”), *cert. denied*, 140 S. Ct. 144, 205 L. Ed. 2d 35 (2019);
8 26 Am. Jur. 2d *Elections* § 399 (Westlaw Feb. 2021 Update) (“[A] state constitutional provision
9 that the houses of a state legislature shall be the judge of the election and qualifications of its own
10 members is an exclusive grant of power making each house the sole tribunal to pass on the
11 qualifications of its own members, which power cannot be granted away or transferred to any
12 other tribunal or officer, leaving the courts without jurisdiction.” (footnotes omitted)); 29 C.J.S.
13 *Elections* § 444 (Westlaw Mar. 2021 Update) (“As a general rule, where constitutional or statutory
14 provisions make a legislative body the sole judge of the election and qualifications of its own
15 members, the final decision rests in such body, and the courts may not interfere.” (footnotes
16 omitted)).

17 **B. The contestant shall be deemed to have abandoned or withdrawn this election**
18 **contest because the attorneys for the contestant failed to file an opening brief or any other**
19 **documents on behalf of the contestant in response to the Order to Show Cause.**

19 In the Order to Show Cause, the parties were notified that the statement of contest filed by
20 the contestant with the Secretary of State on November 23, 2020, revealed a potential
21 jurisdictional defect for failure to comply with all requirements to bring and maintain the contest.
22 (*Order to Show Cause* at 5-6.) In particular, the parties were notified that the contestant may have
23 filed the statement of contest with the Secretary of State beyond the time prescribed by statute for
24 instituting the election contest. NRS 293.413(1) & 293.425(1).

1 Under Nevada’s election laws, in determining whether a contestant has complied with all
2 requirements to bring and maintain the election contest, the Nevada Supreme Court has found that:

3 Statutory proceedings regarding election contests such as are provided for in the
4 foregoing sections are special and summary in their nature, and generally a strict
5 observance of the statute so far as regards the steps necessary to give jurisdiction is
6 required, and the jurisdictional facts must appear on the face of the proceedings.

7 *Crownover v. Millar*, 45 Nev. 81, 85 (1921). If a contestant files the statement of contest beyond
8 the time prescribed by statute for instituting the election contest, the Nevada Supreme Court has
9 found that the contest must be dismissed for lack of jurisdiction. *Kirk v. Parsons*, 76 Nev. 442,
10 444-45 (1960), *overruled in part on other grounds by Rogers v. State*, 85 Nev. 361, 364 (1969);
11 *see also* 26 Am. Jur. 2d *Elections* § 393 (Westlaw Feb. 2021 Update) (“[A] statutory provision
12 requiring an election contest to be filed within a certain number of days is mandatory and
13 jurisdictional and cannot be waived.” (footnotes omitted)); 29 C.J.S. *Elections* § 456 (Westlaw
14 Mar. 2021 Update) (“Time requirements in an election contest are to be strictly construed, and
15 adhered to, and there is authority that in the absence of strict compliance, the court is without
jurisdiction to proceed.” (footnotes omitted)).

16 Consequently, in accordance with Rule 46, the Order to Show Cause imposed a duty on the
17 attorneys for the contestant to “show cause why the Assembly should not dismiss this election
18 contest with prejudice for failure to comply with all requirements to bring and maintain the
19 contest.” (*Order to Show Cause at 6.*) The Order to Show Cause also imposed a duty on the
20 attorneys for the contestant to “follow the briefing schedule and all other requirements set forth in
21 this order.” (*Order to Show Cause at 6.*) Under the briefing schedule set forth in the Order to
22 Show Cause, the attorneys for the contestant had a duty to file an opening brief not later than
23 April 16, 2021. (*Order to Show Cause at 6.*) The Order to Show Cause also cautioned the parties
24 that “[i]n complying with this order, the attorneys for the parties must adhere to the professional

standards applicable to documents filed by attorneys who represent clients in adjudicatory proceedings.” (*Order to Show Cause at 11.*) Finally, the Order to Show Cause was served by the Legislative Counsel on the attorneys for the contestant, by electronic mail, directed to the email address (electronicservice@craigmuellerlaw.com) which the attorneys for the contestant listed on the statement of contest that they filed with the Secretary of State on November 23, 2020. (*Order to Show Cause at 14.*)

It is a well-established rule in adjudicatory proceedings that “[n]otice to an attorney is, in legal contemplation, notice to his client.” *Huckabay Props. v. NC Auto Parts*, 130 Nev. 196, 208 (2014) (quoting *Lange v. Hickman*, 92 Nev. 41, 43 (1976)). It is also a well-established rule in adjudicatory proceedings that the attorneys for the parties have a professional duty to represent their clients with “high standards of diligence, professionalism, and competence.” *Polk v. State*, 126 Nev. 180, 184 (2010) (quoting *Barry v. Lindner*, 119 Nev. 661, 671 (2003)); *Cuzdey v. State*, 103 Nev. 575, 578-79 (1987). To that end, “it is the duty of attorneys to state their points and arguments in their written briefs, [so] that opposing counsel may have an opportunity to answer.” *State ex rel. Kearns v. Streshley*, 46 Nev. 199, 206 (1922) (opinion on petition for rehearing).

When the attorneys for a party fail to file written briefs as ordered, the party is generally deemed to have abandoned or withdrawn the party’s case, and the proceedings may be dismissed based exclusively on that failure. See *Huckabay Props.*, 130 Nev. at 202-07; *Leone v. Goodman*, 105 Nev. 221, 222 n.1 (1989); *Portland Co. v. United States*, 82 U.S. 1, 1-3 (1872); 5 Am. Jur. 2d *Appellate Review* § 496 (Westlaw Feb. 2021 Update); 4 C.J.S. *Appeal and Error* § 742 (Westlaw May 2021 Update). The reason for this rule is that the attorneys for the parties “are not at liberty to disobey notices, orders, or any other directives issued [in the proceedings].” *Weddell v. Stewart*, 127 Nev. 645, 652 (2011). As explained by the Nevada Supreme Court in proceedings held before the judiciary:

1 [W]hen this court perceives a lack of regard for its rules or decisions, we may well
2 impose sanctions such as striking a brief, dismissing an appeal, or finding a confession
of error. Additionally, the attorneys involved may be referred to the bar for discipline.

3 *Bd. of Cnty. Comm'rs v. Las Vegas Disc. Golf & Tennis*, 110 Nev. 567, 569-70 (1994) (quoting
4 *State Employment Sec. Dep't v. Weber*, 100 Nev. 121, 124 (1984)).

5 As discussed previously, when the House and its committees are exercising powers in an
6 election contest under Article 4, Section 6 of the Nevada Constitution, they are sitting as
7 adjudicatory bodies, and they are exercising judicial powers. *See Barry*, 279 U.S. at 613; *Laxalt*,
8 80 Nev. at 590-91. Therefore, the attorneys for the contestant had a professional duty to represent
9 the contestant in this election contest in compliance with the same high standards of diligence,
10 professionalism and competence that are applicable to all other adjudicatory proceedings,
11 including proceedings held before Nevada's state courts. As a result, the attorneys for the
12 contestant had a professional duty to comply with the Order to Show Cause.

13 Under the Order to Show Cause, the attorneys for the contestant had a duty to file an
14 opening brief on behalf of the contestant by April 16, 2021, in order to proceed with this election
15 contest. However, the attorneys for the contestant failed to file an opening brief on behalf of the
16 contestant by that deadline. Moreover, the attorneys for the contestant failed to file any other
17 documents on behalf of the contestant in response to the Order to Show Cause. Because the
18 attorneys for the contestant failed to file an opening brief or any other documents on behalf of the
19 contestant in response to the Order to Show Cause, it is the report and recommendation of the
20 Committee that the contestant shall be deemed to have abandoned or withdrawn this election
21 contest and that the Assembly should not take further action on this election contest and should
22 dismiss this election contest with prejudice.

23 //

24 //

III. Conclusion.

In accordance with Rule 46, the parties were provided in the Order to Show Cause with notice and an opportunity to submit written arguments to the Committee limited to the issue of whether the contestant complied with all requirements to bring and maintain the contest. The attorneys for the contestant failed to file an opening brief or any other documents on behalf of the contestant in response to the Order to Show Cause. Based on that failure, it is the report and recommendation of the Committee that the contestant shall be deemed to have abandoned or withdrawn this election contest and that the Assembly should not take further action on this election contest and should dismiss this election contest with prejudice. Consequently, if the Assembly votes to accept this report and recommendation, the Assembly hereby declares that the contestant shall be deemed to have abandoned or withdrawn this election contest and that, as a result, the Assembly shall not take further action on this election contest and dismisses this election contest with prejudice.

ADDENDUM

Assembly Standing Rule No. 46. Procedure for Election Contests.

1. If the Secretary of State delivers a statement of contest of the general election for the legislative office of any member pursuant to NRS 293.427, the Speaker shall appoint a committee to review the contest and designate the chair and vice chair of the committee. The committee must consist of three members who are not parties to the contest.

2. The parties to the contest must be designated as the contestant and the defendant, and the parties may be represented in the contest by attorneys who are licensed to practice law in this State.

3. The chair may take, direct or require any reasonable actions to facilitate or carry out the contest, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

4. The committee shall not review the merits of the contest unless the committee first determines that the contestant complied with all requirements to bring and maintain the contest. To assist the committee in making its determination, the chair shall take, direct or require any reasonable actions to provide the parties with notice and an opportunity to submit written arguments to the committee limited to the issue of whether the contestant complied with all requirements to bring and maintain the contest.

5. If the committee determines that the contestant complied with all requirements to bring and maintain the contest, the committee shall review the merits of the contest pursuant to this rule. If the committee determines that the contestant did not comply with all requirements to bring and maintain the contest, the committee shall report to the Assembly its recommendation that the Assembly should not take further action on the contest and that the Assembly should dismiss the contest with prejudice. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment. If the Assembly accepts the committee's recommendation, the Speaker shall declare that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice. If the Assembly rejects the committee's recommendation, the Speaker shall declare that the Assembly returns the contest to the committee with directions to review the merits of the contest pursuant to this rule.

6. If the committee reviews the merits of the contest pursuant to this rule, the committee may conduct any reasonable hearings or other proceedings to receive any evidence and arguments from the parties regarding the merits of the contest. The committee shall keep written minutes of any hearings that are conducted.

7. To the extent possible, the merits of the contest must be presented and submitted to the committee upon depositions and any written or oral arguments as the chair may order. If, at any hearings or other proceedings, any oral statements are made that purport to establish matters of fact, the statements must be made under oath. Strict rules of evidence do not apply in any hearings or other proceedings, but the chair may admit or exclude any evidence based on the rules of evidence.

8. A party may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State, but the chair may establish reasonable limitations and deadlines regarding any depositions. Before taking a deposition, a party must provide at least 5 days' notice to the prospective deponent and the other party.

1 9. To prevail on the merits of the contest, the contestant has the burden of proving that,
2 based on one or more of the grounds set forth in NRS 293.410, there were sufficient
irregularities in the election of such a substantial nature as to establish that the result of the
election was changed thereby.

3 10. If the committee reviews the merits of the contest pursuant to this rule, the
4 committee shall report to the Assembly its findings and its recommendation on which party
should be declared elected, unless the committee declines to make such a recommendation
5 in its report. As soon as practicable after receiving the committee's report, the Assembly
shall vote on whether to accept or reject the committee's recommendation without
6 amendment, if such a recommendation is made. If the Assembly accepts the committee's
recommendation, the Speaker shall declare the recommended party elected. If the Assembly
7 rejects the committee's recommendation or if the committee did not make such a
recommendation, the Assembly shall vote on which party should be declared elected, and
the Speaker shall declare the party elected after the vote.

8 11. If the contestant is declared elected and seated as a member of the Assembly as a
result of the contest, the Speaker shall inform the Governor of the Assembly's actions.

9 [Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480;
10 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929; Moved from Rule 45 by
2011, 3799; 2013, 3905; Assembly Resolution No. 1 of the 2021 Session (File No. 5)]

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 165, 175, 291, 389, and 437 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 380 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 22 revises the order of priority of deductions made from individual accounts of offenders and from the wages of offenders. It also reorders the priority of several other deductions, depending on the offender's hourly wage. It directs the Director of Nevada's Department of Corrections that they may deduct no more than 25 percent of a single deposit to an offender's individual account and no more than 50 percent of any single deposit from a wage earned by the offender.

In committee we heard testimony from an inmate who works at the SSI [Silver State Industries] garment factory in Lovelock Correctional Facility. This is basically what he said: \$172.68 the amount of my last pay statement. It cost me \$2 to get a copy of that statement. Minus \$86.30 for restitution, \$8.63 for capital improvement, \$42.31 for room and board, \$17.21 for savings, \$8.63 for victim's compensation, \$5.18 for court fees, and \$4.08 for child support. He was left with \$.34. I urge you to support this bill.

Roll call on Senate Bill No. 22:

YEAS—42.

NAYS—None.

Senate Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.

Roll call on Senate Bill No. 34:

YEAS—36.

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

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 51.

Bill read third time.

Roll call on Senate Bill No. 51:

YEAS—36.

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

Senate Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 69.

Bill read third time.

Roll call on Senate Bill No. 69:

YEAS—38.

NAYS—Ellison, Kasama, Titus, Wheeler—4.

Senate Bill No. 69 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 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 12:38 p.m.

ASSEMBLY IN SESSION

At 1:26 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 495, 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*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 440, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 748 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

Assembly Conference Committee

SENATOR DALLAS HARRIS

SENATOR MELANIE SCHEIBLE

SENATOR JAMES A. SETTELMAYER

Senate Conference Committee

ASSEMBLYMAN STEVE YEAGER

ASSEMBLYWOMAN ROCHELLE T. NGUYEN

ASSEMBLYWOMAN LISA KRASNER

Conference Amendment No. 1.

SUMMARY—Revises provisions relating to ~~the issuance of certain citations~~ **law enforcement**. (BDR 14-376)

AN ACT relating to ~~crimes~~ **law enforcement**; defining the terms “repeat offense,” “prohibited offense” and “crime of violence”; requiring certain persons to issue misdemeanor citations, traffic citations, vessel citations and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute repeat offenses, crimes of violence or certain other prohibited offenses under certain circumstances; **revising provisions governing the qualifications for the office of county sheriff**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a peace officer, whenever any person is detained by the peace officer for any violation of an ordinance or a state law punishable as a misdemeanor and the person is not otherwise required to be taken before a magistrate, to issue the person a misdemeanor citation instead of taking the person before the proper magistrate. (NRS 171.1771) Similarly, existing law authorizes a peace officer to issue a misdemeanor citation in lieu of taking a person before a magistrate if the person is arrested by a private person for any violation of an ordinance or a state law punishable as a misdemeanor. (NRS 171.1772) Existing law, however, removes the discretion of the peace officer to issue the misdemeanor citation and requires the person to be taken before a magistrate if the identity of the person cannot be verified or the peace officer believes the person will disregard a written promise to appear in court. (NRS 171.1771, 171.1772) **Sections 6 and 7** of this bill: (1) require a peace officer to issue a misdemeanor citation for any such violation unless the violation is a repeat offense or a prohibited offense, in which case the peace officer is authorized to issue the misdemeanor citation; and (2) expand the circumstances under which a peace officer is prohibited from issuing the misdemeanor citation to include those circumstances in which the peace officer believes the violation will continue if the person is not taken before a magistrate or the peace officer believes another person or property is in imminent danger. **Section 8** of this bill makes a conforming change related to the issuance of misdemeanor citations.

Section 3.5 of this bill defines the term “repeat offense” for the purposes of **sections 6 and 7**. **Section 3.3** of this bill defines the term “prohibited offense” for the purposes of **sections 6 and 7**. Additionally, **section 3** of this bill defines the term “crime of violence” for the purposes of **sections 3.3, 6, 7 and 9-14** of this bill. **Section 4** of this bill makes a conforming change related to the proper placement of **sections 3, 3.3 and 3.5** in the Nevada Revised Statutes.

Existing law provides that whenever any person is halted by a peace officer for a violation of certain traffic laws and is not otherwise required to be taken before a magistrate, the person may be given a traffic citation or be taken before the proper magistrate. (NRS 484A.730) **Section 24** of this bill revises the discretionary issuance of such citations by instead requiring a peace officer to issue a traffic citation for an offense punishable as misdemeanor that does not constitute a “repeat offense” or a “prohibited offense,” as defined in **section 24**.

Sections 19, 20, 22 and 23 of this bill make conforming changes related to the requirement to issue traffic citations for traffic offenses punishable as misdemeanors that do not constitute repeat offenses or prohibited offenses.

Existing law authorizes a peace officer to issue a traffic citation or a misdemeanor citation at the scene of a traffic crash under certain circumstances. (NRS 484A.660) **Section 21** of this bill revises the discretionary issuance of such citations by requiring a peace officer to issue a traffic citation in accordance with the standards provided in **section 24** or a misdemeanor citation in accordance with the standards provided in **section 6**.

Existing law authorizes a game warden, sheriff or peace officer to issue a citation for certain offenses relating to vessels. (NRS 488.920) While retaining the existing discretionary issuance of citations for offenses relating to vessels that are punishable as felonies or gross misdemeanors, **section 25** of this bill requires a game warden, sheriff or peace officer to issue a citation for such an offense punishable as a misdemeanor unless the offense is a repeat offense or a prohibited offense, in which case the game warden, sheriff or peace officer is authorized to issue the citation. **Section 25** defines the terms “prohibited offense” and “repeat offense” for the purpose of **section 25**.

Existing law also authorizes a game warden to issue a citation for certain offenses relating to wildlife. (NRS 501.386) While retaining the existing discretionary issuance of citations for offenses relating to wildlife that are punishable as felonies or gross misdemeanors, **section 26** of this bill requires a game warden to issue a citation for an offense punishable as a misdemeanor unless the offense is a repeat offense or a crime of violence, in which case the game warden is authorized to issue the citation.

Section 27 of this bill provides that the amendatory provisions of sections 6, 21 and 24-26 of this bill relating to the mandatory issuance of misdemeanor citations, traffic citations, boating citations and wildlife citations do not apply to a peace officer employed by the Division of Parole and Probation of the Department of Public Safety until the earlier of: (1) the date that the Director of the Department of Public Safety notifies the Director of the Legislative Counsel Bureau that the Division of Parole and Probation has sufficient resources to carry out the amendatory provisions of sections 6, 21 and 24-26; or (2) July 1, 2023.

Existing law requires a candidate for the office of county sheriff to: (1) be a qualified elector and at least 21 years old on the date on which the candidate is to take office; and (2) meet certain other qualifications based

upon the population of the county. In a county whose population is 100,000 or more (currently Clark and Washoe Counties), existing law requires the candidate to, before filing a declaration of candidacy: (1) have accumulated at least 5 consecutive years of any combination of employment or service as a peace officer in this State, or as a law enforcement officer of the Federal Government or another state or political subdivision thereof; and (2) have been certified as a category I peace officer in this State or the equivalent in another state or have successfully completed a federal law enforcement training program approved by the Peace Officers' Standards and Training Commission. In a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), existing law does not require the person to meet any requirements with respect to employment, service, certification or training at the time of filing the declaration of candidacy. However, such a person forfeits the office if, within 1 year after the date of taking office as sheriff, the person fails to earn certification by the Commission as a category I, II or III peace officer. (NRS 248.005) Section 18.5 of this bill decreases the population threshold for such qualifications relating to employment, service, certification and training from 100,000 to 30,000, meaning that a candidate for the office of county sheriff in a county whose population is 30,000 or more (currently Clark, Washoe, Lyon, Elko, Douglas and Nye Counties and Carson City) is required to meet the additional employment, service, certification and training requirements on the date of filing the declaration of candidacy.

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

Section 1. Chapter 169 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 3.3 and 3.5 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *“Crime of violence” has the meaning ascribed to it in NRS 200.408.*

Sec. 3.3. 1. *“Prohibited offense” means:*

- (a) A violation of a temporary order for protection;*
- (b) A violation of NRS 200.575;*
- (c) A crime of violence;*
- (d) A violation of NRS 483.490; or*
- (e) A violation of NRS 483.560.*

2. *As used in this section, “temporary order for protection” means an order for protection which may be issued by a court without affording the adverse party notice and an opportunity to be heard.*

Sec. 3.5. *“Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.*

Sec. 4. NRS 169.045 is hereby amended to read as follows:

169.045 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 169.049 to 169.205, inclusive, **and sections 3, 3.3 and 3.5 of this act** have the meanings ascribed to them in those sections.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 171.1771 is hereby amended to read as follows:

171.1771 ~~{Whenever}~~

1. Except as otherwise provided in subsection 2, whenever any person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not required to be taken before a magistrate, the person ~~{shall,}~~ **must be given a misdemeanor citation unless the violation constitutes a repeat offense or a prohibited offense in which case, the person may,** in the discretion of the peace officer, either be given a misdemeanor citation ~~{,}~~ or be taken without unnecessary delay before the proper magistrate. ~~{Any such person shall}~~

2. A person described in subsection 1 must be taken before the **proper** magistrate when ~~{the}~~ :

(a) The person does not furnish satisfactory evidence of identity ~~{or when the}~~ ; or

(b) The peace officer has reasonable ~~{and probable}~~ grounds to believe ~~{the}~~ that:

(1) The person will disregard a written promise to appear in court ~~{,}~~ ;

(2) The violation will continue; or

(3) Another person or property is in imminent danger.

Sec. 7. NRS 171.1772 is hereby amended to read as follows:

171.1772 **1.** Whenever any person is arrested by a private person, as provided in NRS 171.126, for any violation of a county, city or town ordinance or state law which is punishable as a misdemeanor, such person arrested ~~{may}~~ **must** be issued a misdemeanor citation by a peace officer in lieu of being immediately taken before a magistrate by the peace officer ~~{if,}~~ **unless the violation constitutes a repeat offense or a prohibited offense, in which case the person arrested may be issued the misdemeanor citation or be immediately taken before a magistrate by the peace officer.**

2. The citation described in subsection 1 must not be issued unless:

~~{1-}~~ **(a)** The person arrested furnishes satisfactory evidence of identity; and

~~{2-}~~ **(b)** The peace officer has reasonable grounds to believe that ~~{the}~~ :

(1) The person arrested will keep a written promise to appear in court ~~{,}~~ ;

(2) The violation will cease; and

(3) Another person or property is not in imminent danger.

Sec. 8. NRS 171.1773 is hereby amended to read as follows:

171.1773 **1.** Whenever a person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not taken before a magistrate as required or permitted by NRS 171.177, 171.1771 or 171.1772, the peace officer ~~{may}~~ **must** prepare a misdemeanor citation manually or electronically in the form of

a complaint issuing in the name of “The State of Nevada” or in the name of the respective county, city or town, containing a notice to appear in court, the name and address of the person, the state registration number of the person’s vehicle, if any, the offense charged, including a brief description of the offense and the NRS or ordinance citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be necessary. The citation must be signed by the peace officer. If the citation is prepared electronically, the officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.

3. The place specified in the notice must be before a magistrate, as designated in NRS 171.178 and 171.184.

4. The person charged with the violation may give a written promise to appear in court by signing at least one copy of the misdemeanor citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the officer shall deliver the signed copy of the citation to the person and shall indicate on the electronic record of the citation whether the person charged gave a written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave a written promise to appear suffices as proof of service.

Sec. 9. NRS 174.031 is hereby amended to read as follows:

174.031 1. At the arraignment of a defendant in justice court or municipal court, but before the entry of a plea, the court may determine whether the defendant is eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032. The court shall receive input from the prosecuting attorney and the attorney for the defendant, if any, whether the defendant would benefit from and is eligible for assignment to the program.

2. A defendant may be determined to be eligible by the court for assignment to a preprosecution diversion program if the defendant:

(a) Is charged with a misdemeanor other than:

(1) A crime of violence ; ~~as defined in NRS 200.408;~~

(2) Vehicular manslaughter as described in NRS 484B.657;

(3) Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 484C.130; or

(4) A minor traffic offense; and

(b) Has not previously been:

(1) Convicted of violating any criminal law other than a minor traffic offense; or

(2) Ordered by a court to complete a preprosecution diversion program in this State.

3. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to subsection 2, the justice court or municipal court may order the defendant to complete the program pursuant to subsection 5 of NRS 174.032.

4. A defendant has no right to complete a preprosecution diversion program or to appeal the decision of the justice court or municipal court relating to the participation of the defendant in such a program.

Sec. 10. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation or parole.

6. The Division may not seek revocation of probation or parole for a technical violation of the conditions of probation or parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) “Responsivity factors” has the meaning ascribed to it in NRS 213.107.

(c) “Technical violation” means any alleged violation of the conditions of probation or parole that does not constitute absconding and is not the commission of a:

- (1) New felony or gross misdemeanor;
- (2) Battery which constitutes domestic violence pursuant to NRS 200.485;
- (3) Violation of NRS 484C.110 or 484C.120;
- (4) Crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor;
- (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;
- (6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or
- (7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

➡ The term does not include termination from a specialty court program.

Sec. 11. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and system of graduated sanctions adopted pursuant to NRS 176A.510, as applicable, and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary

or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

- (a) Continue or revoke the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

- (d) Cause the sentence imposed to be executed; or
- (e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:

- (1) Thirty days for the first temporary revocation;
 - (2) Ninety days for the second temporary revocation; or
 - (3) One hundred and eighty days for the third temporary revocation; or
- (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

- (a) Continue probation and modify the terms and conditions of probation;
- or
- (b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

- (a) Consuming any alcoholic beverage.
 - (b) Testing positive on a drug or alcohol test.
 - (c) Failing to abide by the requirements of a mental health or substance use treatment program.
 - (d) Failing to seek and maintain employment.
 - (e) Failing to pay any required fines or fees.
 - (f) Failing to report any changes in residence.
5. As used in this section:

(a) "Absconding" means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.

(b) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

- (1) New felony or gross misdemeanor;
- (2) Battery which constitutes domestic violence pursuant to NRS 200.485;
- (3) Violation of NRS 484C.110 or 484C.120;
- (4) Crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.

↪ The term does not include termination from a specialty court program.

Sec. 12. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence ~~pursuant to NRS 200.408~~ or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

- (1) Date of birth of the petitioner;
- (2) Specific conviction to which the records to be sealed pertain; and
- (3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.430;
- (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (h) A violation of NRS 488.420 or 488.425.

7. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

8. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, ~~pursuant to NRS 200.408,~~ if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 13. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was

convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the

court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the prosecuting attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits, a hearing on the petition must be conducted.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

- (a) Vacate the judgment and dismiss the accusatory pleading; and
- (b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

~~10. As used in this section, "crime of violence" means:~~
~~(a) Any offense involving the use or threatened use of force or violence against the person or property of another; or~~
~~(b) Any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.~~

Sec. 14. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

- (a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.
- (b) Sexual assault pursuant to NRS 200.366.
- (c) Statutory sexual seduction pursuant to NRS 200.368.
- (d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.
- (e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, ~~pursuant to NRS 200.408,~~ if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(q) Sex trafficking pursuant to NRS 201.300.

(r) Any other offense that has an element involving a sexual act or sexual conduct with another.

(s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (r), inclusive.

(t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. Except for the offenses described in paragraphs (n) and (o) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 17.5. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.5. NRS 248.005 is hereby amended to read as follows:

248.005 1. No person is eligible to the office of sheriff unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected;

(b) Is a qualified elector; and

(c) On or after January 1, 2010, meets the requirements set forth in subsection 2 or 3, as applicable.

2. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is ~~100,000~~ **30,000** or more, the person must meet the following requirements at the time he or she files his or her declaration of candidacy for the office:

(a) He or she has a history of at least 5 consecutive years of employment or service:

(1) As a peace officer;

(2) As a law enforcement officer of an agency of the United States;

(3) As a law enforcement officer of another state or political subdivision thereof; or

(4) In any combination of the positions described in subparagraphs (1), (2) and (3); and

(b) He or she has:

(1) Been certified as a category I peace officer by the Commission;

(2) Been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification as a category I peace officer in this State; or

(3) Successfully completed a federal law enforcement training program approved by the Commission.

3. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is less than ~~100,000~~ **30,000**, the person is not required to meet any requirements with respect to employment, service, certification or training at the time he or she files his or her declaration of candidacy for the office. However, such a person forfeits his or her office if, within 1 year after the date on which the person takes office, the person fails to earn certification by the Commission as a category I peace officer, category II peace officer or category III peace officer.

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether the person has been restored to his or her civil rights.

5. As used in this section:

(a) “Category I peace officer” has the meaning ascribed to it in NRS 289.460.

(b) “Category II peace officer” has the meaning ascribed to it in NRS 289.470.

(c) “Category III peace officer” has the meaning ascribed to it in NRS 289.480.

(d) “Commission” means the Peace Officers’ Standards and Training Commission created pursuant to NRS 289.500.

(e) “Declaration of candidacy” has the meaning ascribed to it in NRS 293.0455.

(f) “Peace officer” has the meaning ascribed to it in NRS 289.010.

Sec. 19. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation ~~may~~ **must** be issued pursuant to NRS 484A.630 or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 5, the court or traffic violations bureau may allow a person who has been issued a traffic citation that is filed with the court or traffic violations bureau to make a plea and state his or her defense or any mitigating circumstances by mail, by electronic mail, over the Internet or by other electronic means.

2. Except as otherwise provided in subsection 5, if a court or traffic violations bureau has established a system pursuant to subsection 1, a person who has been issued a traffic citation that is filed with the court or traffic violations bureau may, if allowed by the court and in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court, make a plea and state his or her defense or any mitigating circumstances by using the system. Any such plea and statement must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation.

3. If a court or traffic violations bureau allows an eligible person to whom a traffic citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives ~~this or her~~ **any relevant constitutional right, including, without limitation, the** right to a trial, ~~and~~ the right to confront any witnesses ~~and~~ **and the right to counsel, as applicable.**

4. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances is the person to whom the traffic citation was issued, be capable of requiring the person to submit any of the following information, at the discretion of the court or traffic violations bureau:

- (1) The traffic citation number;
- (2) The name and address of the person;
- (3) The state registration number of the person’s vehicle, if any;
- (4) The number of the driver’s license of the person, if any;

(5) The offense charged; or

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 6.

(b) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives ~~this or her~~ **any relevant constitutional right, including, without limitation, the** right to a trial, ~~and~~ the right to confront any witnesses ~~and~~ **the right to counsel, as applicable.**

(c) If a plea and statement of the defense or mitigating circumstances is submitted by electronic mail, over the Internet or by other electronic means, confirm receipt of the plea and statement or make available to the person making the plea a copy of the plea and statement.

5. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle ~~for a vessel under power or sail~~ while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 ~~or~~ **or** 484C.120, ~~for 488.410,~~ as applicable.

6. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 20. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS ~~punishable as a misdemeanor~~ and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer ~~may~~ **must** prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of “The State of Nevada,” containing a notice to appear in court, the name and address of the person, the state registration number of the person’s vehicle, if any, the number of the person’s driver’s license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace

officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 21. NRS 484A.660 is hereby amended to read as follows:

484A.660 ~~Except for felonies and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710,]~~ ***When, based upon the personal investigation of*** a peace officer at the scene of a traffic crash , ~~[may issue a traffic citation, as provided in NRS 484A.630, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the crash when, based upon personal investigation,]~~ the peace officer has reasonable and probable grounds to believe that ~~the~~ a person has committed any offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the crash ~~[-]~~ , ***the peace officer must determine whether to issue, as applicable:***

1. A traffic citation in accordance with the standards provided in NRS 484A.730; or

2. A misdemeanor citation in accordance with the standards provided in NRS 171.1771.

Sec. 22. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

(a) Homicide by vehicle;

(b) A violation of NRS 484C.110 or 484C.120;

- (c) A violation of NRS 484C.430;
- (d) A violation of NRS 484C.130;
- (e) Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;
- (f) Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;
- (g) Reckless driving;
- (h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or
- (i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750. ~~I, except that in the case of either of the offenses designated in paragraphs (f) and (g) of subsection 1, a peace officer has the same discretion as is provided in other cases in NRS 484A.730.~~

Sec. 23. NRS 484A.720 is hereby amended to read as follows:

484A.720 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS, ~~not amounting to a gross misdemeanor or felony,~~ the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750, in ~~either of~~ the following cases:

1. When the person demands an immediate appearance before a magistrate; ~~or~~
2. ***When the person does not furnish satisfactory evidence of identity; or***
3. In any other event when the person is issued a traffic citation ~~by an authorized person~~ and refuses to sign or take physical delivery of a copy of the traffic citation.

Sec. 24. NRS 484A.730 is hereby amended to read as follows:

484A.730 **1.** Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS ***punishable as a misdemeanor*** and is not required to be taken before a magistrate, the person ~~may,~~ ***must be given a traffic citation unless the violation constitutes a repeat offense or a prohibited offense, in which case the person may,*** in the discretion of the peace officer, either be given a traffic citation ~~or~~ be taken without unnecessary delay before the proper magistrate. ~~The person must be taken before the magistrate in any of the following cases:~~

- ~~1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or a notice to appear in court;~~

2. ~~When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;~~

~~3. When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or~~

~~4. When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.~~ **As used in this section:**

(a) ***“Prohibited offense” means:***

(1) *A violation of NRS 484B.653;*

(2) *A violation of NRS 484C.110;*

(3) *A violation of NRS 484C.120;*

(4) *A violation of NRS 484E.020;*

(5) *A violation of NRS 484E.030;*

(6) *A violation of NRS 484E.040; or*

(7) *A crime of violence, as defined in NRS 200.408.*

(b) ***“Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.***

Sec. 25. NRS 488.920 is hereby amended to read as follows:

488.920 ~~Whenever~~

1. ***Except as otherwise provided in subsection 2, whenever*** any person is halted by a game warden, sheriff or peace officer for any violation of this chapter, the person ~~shall~~ :

(a) ***Must, except as otherwise provided in paragraph (b), be given a citation, if the violation is punishable as a misdemeanor; or***

(b) ***May, in the discretion of the game warden, sheriff or peace officer either be given a citation or be taken without unnecessary delay before the proper magistrate*** ~~The person shall~~ ***, if the violation is punishable as:***

(1) *A felony or gross misdemeanor; or*

(2) *A misdemeanor that constitutes a repeat offense or a prohibited offense.*

2. ***A person described in subsection 1 must*** be taken before the *proper* magistrate in either of the following cases:

~~1-1~~ (a) When the person does not furnish satisfactory evidence of identity;
or

~~2-1~~ (b) When the game warden, sheriff or peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

3. ***As used in this section:***

(a) ***“Prohibited offense” means:***

(1) *A crime of violence as defined in NRS 200.408.*

(2) *A violation of NRS 488.410.*

(b) “Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.

Sec. 26. NRS 501.386 is hereby amended to read as follows:

501.386 1. Except as otherwise provided in *subsection 2 and* NRS 501.382, whenever any person is halted by a game warden for any violation of this title, the person ~~must~~:

(a) Must, except as otherwise provided in paragraph (b), be given a citation, if the violation is punishable as a misdemeanor; or

(b) May, in the discretion of the game warden, either be given a citation or be taken without unnecessary delay before the proper magistrate ~~†. The person must~~, if the violation is punishable as:

(1) A felony or gross misdemeanor; or

(2) A misdemeanor that constitutes a repeat offense or a crime of violence.

2. *A person described in subsection 1 must* be taken before the magistrate in either of the following cases:

~~††~~ (a) When the person does not furnish satisfactory evidence of identity; or

~~†2†~~ (b) When the game warden has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

3. *As used in this section:*

(a) “Crime of violence” has the meaning ascribed to it in NRS 200.408.

(b) “Repeat offense” means an offense for which the person has previously been arrested, convicted or issued a citation.

Sec. 27. 1. The amendatory provisions of sections 6, 21, 24, 25 and 26 of this act do not apply to a peace officer employed by the Division of Parole and Probation of the Department of Public Safety until the earlier of:

(a) The date that the Director of the Department of Public Safety notifies the Director of the Legislative Counsel Bureau that the Division of Parole and Probation has sufficient resources to carry out the amendatory provisions of sections 6, 21, 24, 25 and 26 of this act; or

(b) July 1, 2023.

2. As used in this section, “peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.630, inclusive.

Assemblyman Yeager moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 440.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Assembly Bill No. 495.

Bill read third time.

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

Amendment No. 849.

AN ACT relating to governmental financial administration; providing for the imposition, administration and payment of an excise tax on the Nevada gross revenue of business entities engaged in the business of extracting gold or silver in this State; revising provisions governing the distribution of the proceeds of the tax imposed on the net proceeds of minerals extracted in this State; revising provisions governing the credits against the payroll taxes imposed on certain businesses for taxpayers who donate money to a scholarship organization; authorizing a recipient of Medicaid to receive reimbursements for personal care services; removing the prohibition against a scholarship organization using certain donations to provide a grant on behalf of a pupil other than a pupil who received such a grant in the immediately preceding school year or for whom the scholarship organization reasonably expects to provide a grant of the same amount for each school year until graduation; requiring the disbursement of certain federal money to the Department of Education for the purpose of making grants for certain educational purposes; requiring the Commission on School Funding to investigate sources of revenue to fund public education; **requiring the Legislative Committee on Education to conduct an interim study concerning the composition of the board of trustees of school districts;** making appropriations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceeds \$4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. (NRS 363C.200) **Section 25** of this bill imposes an annual tax on each business entity engaged in the business of extracting gold or silver in this State whose Nevada gross revenue in a taxable year exceeds \$20,000,000. In accordance with **section 12** of this bill, the Nevada gross revenue of a business entity is determined by taking the amount of its gross revenue, as defined in **section 10** of this bill, making various adjustments to that amount under **section 26** of this bill, and then situsing that adjusted amount to this State pursuant to **section 27** of this bill. **Sections 2-44** of this bill further provide for the administration, collection and enforcement of the tax by the Department of Taxation in the same manner as the commerce tax. **Section 38** of this bill temporarily provides for the deposit of the payments made pursuant to **sections 2-44** in the State General Fund. **Sections 56 and 62** of this bill provide for the deposit of such payments in the State Education Fund beginning on July 1, 2023.

Existing law provides for the taxation of the net proceeds of minerals extracted in this State based upon the actual net proceeds from the preceding calendar year. (NRS 362.100-362.240) Under existing law, from the proceeds

of the tax on the net proceeds of minerals: (1) there is an appropriation to each county equal to the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, by the combined property tax rate, excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county; and (2) the remaining proceeds of the tax are deposited in the State General Fund. **Sections 45, 51 and 62** of this bill provide that beginning on July 1, 2023, the portion of the tax on the net proceeds of minerals that is deposited in the State General Fund must instead be deposited in the State Education Fund.

Section 59 of this bill requires the disbursement of, from the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada, the amount of \$200,000,000 to the Department of Education to be administered as grants to qualifying school districts, ~~and charter schools~~ and university schools for profoundly gifted pupils in Nevada to be used to augment certain programs implemented to address the impacts of learning loss experienced as a result of the COVID-19 pandemic.

Section 60 of this bill requires the Commission on School Funding to investigate sources of revenue to fund public education in this State and requires the Commission to submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before ~~January 1, 2023~~, **November 15, 2022**.

Section 60.5 of this bill requires the Legislative Committee on Education to conduct a study of the composition of the board of trustees of school districts in this State and requires the Committee to submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before February 1, 2023.

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) Existing law also requires Medicaid to cover certain home and community-based services for persons with physical disabilities, including supported personal care. (NRS 422.396) **Section 53** of this bill requires the Director of the Department to include in the State Plan for Medicaid authorization for a recipient of Medicaid to directly receive reimbursements for personal care services provided by a personal care assistant or an agency to provide personal care services in the home and paid for by the recipient. **Section 50** of this bill makes a conforming change to provide for the provisions of **section 53** to be administered by the same agency that administers existing law governing Medicaid. **Section 58** of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the State's share of the costs of personal care services for recipients of Medicaid under the self-directed model required by **section 53**.

Existing law establishes a credit against the payroll tax paid by certain businesses that make a donation to a scholarship organization that provides

grants on behalf of pupils who are members of a household having a household income below a certain level to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils. (NRS 363A.130, 363B.110, 388D.270) Under existing law, the Department: (1) is required to approve or deny applications for the tax credit in the order in which the applications are received by the Department; and (2) is authorized to approve applications for each fiscal year until the amount of tax credits approved for the fiscal year is the amount authorized by statute for that fiscal year, which is \$6,655,000. (NRS 363A.139, 363B.119) **Section 52** of this bill removes the prohibition against a scholarship organization using a donation for which the donor received a tax credit to provide a grant on behalf of a pupil: (1) who did not receive a grant from such a donation for the immediately preceding school year; or (2) for whom the scholarship organization does not reasonably expect to be able to provide a grant of the same amount on behalf of the pupil for each school year until the pupil graduates from high school. (NRS 388D.270) **Sections 46 and 47** of this bill authorize the Department to approve, in addition to the amount of credits authorized under existing law an amount of tax credits equal to \$4,745,000 for Fiscal Year 2021-2022. Any amount of those credits that are not approved in Fiscal Year 2021-2022 must be carried forward to subsequent fiscal years. (NRS 363A.139, 363B.119)

Section 57 of this bill makes an appropriation to the Nevada System of Higher Education for the support of the Silver State Opportunity Grant Program.

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

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 40, 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 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Business” means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaged in the business of extracting gold or silver, or both, in this State.*

2. *The term does not include:*

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming, or its equivalent or successor form, for that business.

(c) A governmental entity.

(d) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(e) A business entity organized pursuant to chapter 82 or 84 of NRS.

(f) A credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act.

(g) A grantor trust as defined by sections 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.

(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).

(l) A passive entity.

(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property

physically located outside this State. For the purposes of this paragraph, “intangible investments” includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

Sec. 5. “Commission” means the Nevada Tax Commission.

Sec. 6. “Credit sales” means a sale of goods by a seller who accepts payments for the goods at a later time.

Sec. 7. “Engaging in a business” means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.

Sec. 8. “Gold” and “silver” include, respectively, without limitation:

- 1. Gold-bearing and silver-bearing ores, quartz or minerals from which gold and silver are extracted;*
- 2. Gold and silver bullion; and*
- 3. The products or derivatives of gold and silver.*

Sec. 9. “Governmental entity” means:

- 1. The United States and any of its unincorporated agencies and instrumentalities.*
- 2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.*
- 3. The State of Nevada and any of its unincorporated agencies and instrumentalities.*
- 4. Any county, city, district or other political subdivision of this State.*

Sec. 10. 1. Except as otherwise provided in subsection 3, “gross revenue” means the total amount realized by a business entity from engaging in a business in this State, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income, including, without limitation, the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

2. Except as otherwise provided in subsection 3, the term includes, without limitation:

(a) Amounts realized from the sale, exchange or other disposition of a business entity’s property;

(b) Amounts realized from the performance of services by a business entity;

(c) *Amounts realized from another person's possession of the property or capital of a business entity; and*

(d) *Any combination of these amounts.*

3. *The term does not include:*

(a) *Amounts realized from the sale, exchange, disposition or other grant of the right to use trademarks, trade names, patents, copyrights and similar intellectual property;*

(b) *The value of cash discounts allowed by the business entity and taken by a customer;*

(c) *The value of goods or services provided to a customer on a complimentary basis;*

(d) *Amounts realized from a transaction subject to, described in, or equivalent to, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033 of the Internal Revenue Code, 26 U.S.C. § 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033, regardless of the federal tax classification of the business entity under 26 C.F.R. § 301.7701-3;*

(e) *Amounts indirectly realized from a reduction of an expense or deduction;*

(f) *The value of property or services donated to a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), if the donation is tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code, 26 U.S.C. § 170(c); and*

(g) *Amounts that are not considered revenue under generally accepted accounting principles.*

Sec. 11. *“Loan” means any extension of credit or the purchase in whole or in part of an extension of credit from another person, including, without limitation, participations and syndications.*

Sec. 12. *“Nevada gross revenue” means the gross revenue of a business entity from engaging in a business in this State, as adjusted pursuant to section 26 of this act and sitused to this State pursuant to section 27 of this act.*

Sec. 13. *“Pass-through entity” means an entity that is disregarded as an entity for the purposes of federal income taxation or is treated as a partnership for the purposes of federal income taxation.*

Sec. 14. 1. *“Pass-through revenue” means:*

(a) *Revenue received by a business entity that is required by law or fiduciary duty to be distributed to another person or governmental entity;*

(b) *Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority;*

(c) *Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages;*

(d) Revenue received by a business entity that is mandated by contract or subcontract to be distributed to another person or entity if the revenue constitutes:

(1) Sales commissions that are paid to a person who is not an employee of the business entity, including, without limitation, a split-fee real estate commission;

(2) The tax basis of securities underwritten by the business entity, as determined for the purposes of federal income taxation; or

(3) Subcontracting payments under a contract or subcontract entered into by a business entity to provide services, labor or materials in connection with the actual or proposed design, construction, remodeling, remediation or repair of improvements on real property or the location of the boundaries of real property; or

(e) Revenue received by a business entity that is part of an affiliated group from another member of the affiliated group.

2. As used in this section:

(a) “Affiliated group” means a group of two or more business entities, including, without limitation, an entity described in subsection 2 of section 4 of this act, each of which is controlled by one or more common owners or by one or more members of the group.

(b) “Controlled by” means the direct or indirect ownership, control or possession of 50 percent or more of a business entity.

(c) “Sales commission” means:

(1) Any form of compensation paid to a person for engaging in an act for which a license is required pursuant to chapter 645 of NRS; or

(2) Compensation paid to a sales representative by a principal in an amount that is based on the amount or level of orders for or sales on behalf of the principal and that the principal is required to report on Internal Revenue Service Form 1099-MISC, Miscellaneous Income.

Sec. 15. “Sale of gold or silver” means a sale or transfer of gold or silver in exchange for consideration by the business entity that extracted the gold, silver or gold-bearing or silver-bearing ore, quartz or mineral from which gold or silver is extracted.

Sec. 16. “Securities” means United States Treasury securities, obligations of United States governmental agencies and corporations, obligations of a state or political subdivision, corporate stock, bonds, participations in securities backed by mortgages held by the United States or state governmental agencies, loan-backed securities, money market instruments, federal funds, securities purchased and sold under agreements to resell or repurchase, commercial paper, banker’s acceptances, purchased certificates of deposit, options, futures contracts, forward contracts, notional principal contracts, including, without limitation, swaps, and other similar securities and instruments.

Sec. 17. “Taxable year” means the 12-month period beginning on January 1 and ending on December 31 of a calendar year.

Sec. 18. *“Taxpayer” means any person liable for the tax imposed by this chapter.*

Sec. 19. *“Wages” means any remuneration paid for personal services, including, without limitation, commissions and bonuses, and remuneration payable in any medium other than cash.*

Sec. 20. *For the purposes of this chapter, unless otherwise indicated, section references are to the Internal Revenue Code of 1986, as amended, and include future amendments to such sections and corresponding provisions of future federal internal revenue laws.*

Sec. 21. 1. *For the purposes of this chapter, a business is a “passive entity” only if:*

(a) The business is a limited-liability company, general partnership, limited-liability partnership, limited partnership or limited-liability limited partnership, or a trust, other than a business trust;

(b) During the period for which the gross revenue of the business entity is reported pursuant to section 25 of this act, at least 90 percent of the business entity’s federal gross income consists of the following income:

(1) Dividends, interest, foreign currency exchange gains, periodic and nonperiodic payments with respect to notional principal contracts, option premiums, cash settlements or termination payments with respect to a financial instrument, and income from a limited-liability company;

(2) Capital gains from the sale of real property, gains from the sale of commodities traded on a commodities exchange and gains from the sale of securities; and

(3) Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests; and

(c) The business entity does not receive more than 10 percent of its federal gross income from conducting an active trade or business.

2. *As used in paragraph (b) of subsection 1, the term “income” does not include any:*

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

3. *For the purposes of paragraph (c) of subsection 1:*

(a) Except as otherwise provided in this subsection, a business entity is “conducting an active trade or business” if:

(1) The activities being carried on by the business entity include one or more active operations that form a part of the process of earning income or profit, and the business entity performs active management and operating functions; or

(2) Any assets, including, without limitation, royalties, patents, trademarks and other intangible assets, held by the business entity are used in the active trade or business of one or more related business entities.

(b) The ownership of a royalty interest or a nonoperating working interest in mineral rights does not constitute the conduct of an active trade or business.

(c) The payment of compensation to employees or independent contractors for financial or legal services reasonably necessary for the operation of a business does not constitute the conduct of an active trade or business.

(d) Holding a seat on the board of directors of a business entity does not by itself constitute the conduct of an active trade or business.

(e) Activities performed by a business entity include activities performed by persons outside the business entity, including independent contractors, to the extent that those persons perform services on behalf of the business entity and those services constitute all or any part of the business entity's trade or business.

Sec. 22. *The Department shall administer and enforce the provisions of this chapter and may adopt such regulations as it deems appropriate for those purposes.*

Sec. 23. 1. *Each person responsible for maintaining the records of a taxpayer shall:*

(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. *The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a taxpayer pursuant to the provisions of this chapter.*

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

Sec. 24. 1. *To verify the accuracy of any return filed or, if no return is filed by a taxpayer, to determine the amount of the tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the tax imposed by this chapter.*

2. *Any person who may be liable for the tax imposed by this chapter and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.*

Sec. 25. 1. *For the privilege of engaging in a business in this State, an excise tax is hereby imposed upon the Nevada gross revenue of each business entity whose Nevada gross revenue in a taxable year exceeds \$20,000,000, which shall be at the following rates:*

(a) For all Nevada gross revenue in a taxable year in excess of \$20,000,000 but not more than \$150,000,000, a rate of 0.75 percent.

(b) For all Nevada gross revenue in excess of \$150,000,000, a rate of 1.10 percent.

2. *Each business entity whose Nevada gross revenue in a taxable year exceeds \$20,000,000 shall, on or before April 1 immediately following the end of that taxable year, file with the Department a return on a form prescribed by the Department. The Department shall not require a business entity whose Nevada gross revenue for a taxable year is \$20,000,000 or less to file a return for that taxable year. The return required by this subsection must include such information as is required by the Department.*

3. *A business entity shall remit with the return the amount of tax due pursuant to subsection 1. Upon written application made before the date on which payment must be made, the Department may for good cause extend by not more than 30 days the time within which a taxpayer is required to pay the tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the taxpayer shall pay interest at the rate of 1 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.*

Sec. 26. *In computing the tax owed by a business entity pursuant to this chapter, the business entity is entitled to deduct from its gross revenue the following amounts, to the extent such amounts are included in the gross revenue of the business entity:*

1. *Any gross revenue which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.*

2. *Any gross revenue of the business entity attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.*

3. *Any gross revenue realized from the sale or transfer of a mineral other than gold or silver.*

4. *The amount of any pass-through revenue of the business entity.*

5. *The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.*

6. *The amount of revenue received by the business entity that is directly derived from the operation of a facility that is:*

(a) Located on property owned or leased by the Federal Government; and

(b) Managed or operated primarily to house members of the Armed Forces of the United States.

7. *Interest income other than interest on credit sales.*

8. *Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity.*

9. *Receipts from the sale, exchange or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. § 1221 or 1231, without regard to the length of time the business entity held the asset.*

10. *Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this subsection, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.*

11. *Proceeds received by a business entity that are attributable to the repayment, maturity or redemption of the principal of a loan, bond, mutual fund, certificate of deposit or marketable instrument.*

12. *The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan.*

13. *Proceeds received from the issuance of the business entity's own stock, options, warrants, puts or calls, from the sale of the business entity's treasury stock or as contributions to the capital of the business entity.*

14. *Proceeds received on account of payments from insurance policies, except those proceeds received for the loss of business revenue.*

15. *Damages received as a result of litigation in excess of amounts that, if received without litigation, would not have been included in the gross receipts of the business entity pursuant to this section.*

16. *Bad debts expensed for the purposes of federal income taxation.*

17. *Returns and refunds to customers.*

18. *Amounts realized from the sale of an account receivable to the extent the receipts from the underlying transaction were included in the gross receipts of the business entity.*

19. *If the business entity owns an interest in a passive entity, the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the gross revenue of another business entity.*

Sec. 27. 1. *In computing the tax owed by a business entity pursuant to this chapter, the gross revenue of the business entity, as adjusted pursuant to section 26 of this act, must be situated to this State in accordance with the following rules:*

(a) Gross rents and royalties from real property is situated to this State if the real property is located in this State.

(b) Gross revenue from the sale of real property is situated to this State if the real property is located in this State.

(c) Gross rents and royalties from tangible personal property is situated to this State to the extent that the tangible personal property is located or used in this State.

(d) Gross revenue from the sale of gold or silver is situated to this State if the gold or silver is extracted in this State.

(e) Gross revenue from the sale of tangible personal property is situated to this State if the property is delivered or shipped to a buyer in this State, regardless of the F.O.B. point or any other condition of sale.

(f) Gross revenue from the sale of transportation services is situated to this State if both the origin and the destination point of the transportation are located in this State.

(g) Gross revenue from the sale of any services not otherwise described in this section is situated to this State in the proportion that the purchaser's benefit in this State, with respect to what was purchased, bears to the purchaser's benefit everywhere with respect to what was purchased. For the purposes of this paragraph, the physical location at which the purchaser of a service ultimately uses or receives the benefit of the service that was purchased is paramount in determining the proportion of the benefit in this State to the benefit everywhere. If the records of a business entity do not allow the taxpayer to determine that location, the business entity may use an alternative method to situs gross revenue pursuant to this section if the alternative method is reasonable, is consistently and uniformly applied and is supported by the taxpayer's records as those records exist when the service is provided or within a reasonable period of time thereafter.

(h) Gross revenue not otherwise described in this section is situated to this State if the gross receipts are from business conducted in this State. For the purposes of this paragraph, the physical location of the purchaser is paramount in determining if business is done in this State. If the records of a business entity do not allow the business entity to determine the location of the purchaser, the gross revenue must not be considered to be from business conducted in this State.

2. If the application of the provisions of subsection 1 does not fairly represent the extent of the business conducted in this State by a business entity, the Department may authorize the business entity to use an alternative method of situsing gross revenue to this State.

Sec. 28. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of

Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 29. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the calendar quarter for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 30. 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the tax imposed by this chapter at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 31. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 32. 1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 33. 1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim

disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 34. In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 35. A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

Sec. 36. 1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 37. 1. If any amount in excess of \$25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify that fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.

2. If an amount not exceeding \$25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying that fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 38. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the State under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury for credit to the State General Fund.

Sec. 39. 1. A person shall not:

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration with intent to defraud the State or to evade payment of the tax or any part of the tax imposed by this chapter.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.

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

Sec. 40. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 41. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C or 377D of NRS, **or sections 2 to 40, inclusive, of this act**, any of the taxes provided for in NRS 372A.290, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 42. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS,

or sections 2 to 40, inclusive, of this act, as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

- (a) The facts contained in the return;
- (b) Any information within its possession or that may come into its possession; or
- (c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 43. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C, 377D, 444A or 585 of NRS, *or sections 2 to 40, inclusive, of this act*, any of the taxes provided for in NRS 372A.290, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 44. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

- (a) Not later than 3 years after the payment became delinquent or the determination became final; or
- (b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

↪ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D or 444A of NRS, NRS

482.313, or chapter 585 or 680B of NRS *or sections 2 to 40, inclusive, of this act*, from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 45. NRS 362.100 is hereby amended to read as follows:

362.100 1. The Department shall:

(a) Investigate and determine the net proceeds of all minerals extracted and certify them as provided in NRS 362.100 to 362.240, inclusive.

(b) Appraise and assess all reduction, smelting and milling works, plants and facilities, whether or not associated with a mine, all drilling rigs, and all supplies, machinery, equipment, apparatus, facilities, buildings, structures and other improvements used in connection with any mining, drilling, reduction, smelting or milling operation as provided in chapter 361 of NRS.

(c) Deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund. Each year after the distribution of all money due to ~~the~~ the State of Nevada and each county pursuant to NRS 362.170, the State Controller shall transfer all taxes, interest and penalties collected pursuant to this chapter to the State Education Fund.

2. As used in this section, “net proceeds of all minerals extracted” includes the proceeds of all:

(a) Operating mines;

(b) Operating oil and gas wells;

(c) Operations extracting geothermal resources for profit, except an operation which uses natural hot water to enhance the growth of animal or plant life; and

(d) Operations extracting minerals from natural solutions.

Sec. 46. NRS 363A.139 is hereby amended to read as follows:

363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer’s intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after

receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 4 of NRS 363B.119 is \$6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. Except as otherwise provided in this subsection, in addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020 , ~~and 2020-2021~~ ~~and 2021-2022~~, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is \$4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4. If, in Fiscal Year 2019-2020 , ~~or 2020-2021~~ ~~or 2021-2022~~, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than \$4,745,000, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~\$9,490,000.~~ **\$14,235,000.** The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the

tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, “scholarship organization” has the meaning ascribed to it in NRS 388D.260.

Sec. 47. NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer’s intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 4 of NRS 363A.139 is \$6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020 , ~~and~~ 2020-2021 ~~+~~ **and 2021-2022**, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is \$4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this

subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4. If, in Fiscal Year 2019-2020, ~~for~~ 2020-2021 ~~or~~ **2021-2022**, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than \$4,745,000, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~\$9,490,000~~ **\$14,235,000**. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, “scholarship organization” has the meaning ascribed to it in NRS 388D.260.

Sec. 48. NRS 363C.020 is hereby amended to read as follows:

363C.020 1. Except as otherwise provided in subsection 2, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaged in a business.

2. “Business entity” does not include:

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or successor form, for that business.

(c) A governmental entity.

(d) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(e) A business entity organized pursuant to chapter 82 or 84 of NRS.

(f) A credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act.

(g) A grantor trust as defined by section 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.

(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).

(l) A passive entity.

(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

(o) A person engaged in the business of extracting gold or silver in this State.

Sec. 49. NRS 78.245 is hereby amended to read as follows:

78.245 1. Except as otherwise provided in subsection 2, no stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to chapter 363C of NRS ~~††~~ ***or the tax imposed pursuant to sections 2 to 40, inclusive, of this act.***

Sec. 50. 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 53 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. 51. NRS 387.1212 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(i) ***The money required to be transferred to the State Education Fund pursuant to NRS 362.100;***

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

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

~~(l)~~ (l) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

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

~~(n)~~ (n) The money identified in paragraph (b) of subsection 3 of NRS 678B.390;

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

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

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

~~(r)~~ (r) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

~~(s)~~ (s) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and

~~(t)~~ (t) **The money required to be distributed to the State Education Fund pursuant to section 56 of this act;**

~~(u)~~ (u) The direct legislative appropriation from the State General Fund required by subsection 3.

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

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

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil

funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

Sec. 52. NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed \$7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

~~6. [A scholarship organization shall not use a donation for which a taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of a pupil unless the scholarship organization used a donation for which the taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of the pupil for the immediately preceding school year or reasonably expects to be able to provide a grant pursuant to this section on behalf of the pupil in at least the same amount for each school year until the pupil graduates from high school. A scholarship organization that violates this subsection shall repay to the Department of Taxation the amount of the tax credit received by the taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable.]~~

~~7.]~~ The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

~~[8.]~~ 7. As used in this section, “private school” has the meaning ascribed to it in NRS 394.103.

Sec. 53. 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 in the State Plan for Medicaid authorization for a recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursements for personal care services covered by Medicaid and use that money to pay for services provided by a personal care assistant acting pursuant to NRS 629.091 or an agency to provide personal care services in the home using a self-directed model.*

2. *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) *“Personal care services” means the services described in NRS 449.1935.*

Sec. 54. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, 607.217 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not

be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.037 and administered pursuant to NRS 223.820, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➡ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or

obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS ~~and~~ **and sections 2 to 40,**

inclusive, of this act. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

12. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

13. The Administrator, any employee or other person acting on behalf of the Administrator, or any employee or other person acting on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter, is guilty of a gross misdemeanor if he or she:

- (a) Uses or permits the use of the list for any political purpose;
- (b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or
- (c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject

matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 55. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↪ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to

further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

- (a) Lists containing the names and addresses of employers; and
- (b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS, ➡ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS ~~+~~ **and sections 2 to 40, inclusive, of this act.** The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

- (a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or
- (b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 56. Section 38 of this act is hereby amended to read as follows:

Sec. 38. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the State under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury for credit to the State ~~General~~ **Education** Fund.

Sec. 57. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education for the support of the Silver State Opportunity Grant Program the following sums:

For the Fiscal Year 2021-2022 ~~[\$6,000,000]~~ **\$600,000**

For the Fiscal Year 2022-2023 ~~[\$6,000,000]~~ **\$600,000**

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. 58. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services to pay the State's share of the costs of personal care services for recipients of Medicaid under the self-directed model required by section 53 of this act the following sums:

For the Fiscal Year ~~2021~~-2022 \$50,895

For the Fiscal Year ~~2022~~-2023 \$104,354

2. 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. 59. The Chief of the Budget Division of the Office of Finance shall disburse from the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada the amount of \$200,000,000 , in accordance with the provisions of chapter 353 of NRS, to the Department of Education to be administered as grants to qualifying school districts ~~[, charter schools]~~ and university schools for profoundly gifted pupils in Nevada to be used to augment programs implemented to address the impacts of learning loss experienced as a result of the COVID-19 pandemic, including, without limitation, evidence-based educational services and practices to address the academic needs of pupils, such as tutoring, summer school, afterschool programs and other extended learning and enrichment programs, in addition to literacy instruction programs, instructional programs and support for at-risk pupils. To qualify for such a grant, a school district ~~[, charter school]~~ or university school for profoundly gifted pupils must describe how the entity has

expended or plans to expend its allocation of federal funding from the Elementary and Secondary School Emergency Relief and Governor's Emergency Education Relief Funds under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Pub. L. No. 116-260, and federal funding from the Elementary and Secondary School Emergency Relief Fund under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to demonstrate funding gaps in existing literacy and at-risk programming experienced because of the COVID-19 pandemic impacts.

Sec. 60. The Commission on School Funding created by NRS 387.1246 shall:

1. Investigate sources of revenue to fund public education in this State; and

2. On or before November 1, 2022, submit written findings and recommendations to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 60.5. 1. The Legislative Committee on Education shall conduct a study during the 2021-2022 interim concerning the composition of the board of trustees of county school districts in this State, including, without limitation, the manner in which members of the board of trustees of school districts are selected.

2. On or before February 1, 2023, the Legislative Committee on Education shall submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Legislature.

Sec. 61. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee 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. 62. The provisions of sections 1 to 44, inclusive, of this act apply to the taxable year, as defined in section 17 of this act, that began on January 1, 2021, and to each subsequent taxable year.

Sec. 63. 1. This section and sections 1 to 44, inclusive, 46 to 50, inclusive, 52 to 55, inclusive, and 57 to 62, inclusive, of this act become effective on July 1, 2021.

2. Sections 45, 51 and 56 of this act become effective on July 1, 2023.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 858.

AN ACT relating to governmental financial administration; providing for the imposition, administration and payment of an excise tax on the Nevada gross revenue of business entities engaged in the business of extracting gold

or silver in this State; revising provisions governing the distribution of the proceeds of the tax imposed on the net proceeds of minerals extracted in this State; revising provisions governing the credits against the payroll taxes imposed on certain businesses for taxpayers who donate money to a scholarship organization; authorizing a recipient of Medicaid to receive reimbursements for personal care services; removing the prohibition against a scholarship organization using certain donations to provide a grant on behalf of a pupil other than a pupil who received such a grant in the immediately preceding school year or for whom the scholarship organization reasonably expects to provide a grant of the same amount for each school year until graduation; requiring the disbursement of certain federal money to the Department of Education and the State Public Charter School Authority for the purpose of making grants for certain educational purposes; requiring the Commission on School Funding to investigate sources of revenue to fund public education; making appropriations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceeds \$4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. (NRS 363C.200) **Section 25** of this bill imposes an annual tax on each business entity engaged in the business of extracting gold or silver in this State whose Nevada gross revenue in a taxable year exceeds \$20,000,000. In accordance with **section 12** of this bill, the Nevada gross revenue of a business entity is determined by taking the amount of its gross revenue, as defined in **section 10** of this bill, making various adjustments to that amount under **section 26** of this bill, and then situsing that adjusted amount to this State pursuant to **section 27** of this bill. **Sections 2-44** of this bill further provide for the administration, collection and enforcement of the tax by the Department of Taxation in the same manner as the commerce tax. **Section 38** of this bill temporarily provides for the deposit of the payments made pursuant to **sections 2-44** in the State General Fund. **Sections 56 and 62** of this bill provide for the deposit of such payments in the State Education Fund beginning on July 1, 2023.

Existing law provides for the taxation of the net proceeds of minerals extracted in this State based upon the actual net proceeds from the preceding calendar year. (NRS 362.100-362.240) Under existing law, from the proceeds of the tax on the net proceeds of minerals: (1) there is an appropriation to each county equal to the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, by the combined property tax rate, excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county; and (2) the remaining proceeds of the tax are deposited in the State General Fund.

Sections 45, 51 and 62 of this bill provide that beginning on July 1, 2023, the portion of the tax on the net proceeds of minerals that is deposited in the State General Fund must instead be deposited in the State Education Fund.

Section 59 of this bill requires the disbursement of, from the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada, the amount of \$200,000,000 to the Department of Education to be administered as grants to qualifying school districts, ~~and charter schools~~, and university schools for profoundly gifted pupils in Nevada to be used to augment certain programs implemented to address the impacts of learning loss experienced as a result of the COVID-19 pandemic. **Section 59.5 of this bill requires the disbursement of, from the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada, the amount of \$15,000,000 to the State Public Charter School Authority to be administered as grants to qualifying Title I charter schools in Nevada to be used to augment certain programs implemented to address the impacts of learning loss experienced as a result of the COVID-19 pandemic.**

Section 60 of this bill requires the Commission on School Funding to investigate sources of revenue to fund public education in this State and requires the Commission to submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before ~~January 1, 2023.~~ **November 15, 2022.**

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) Existing law also requires Medicaid to cover certain home and community-based services for persons with physical disabilities, including supported personal care. (NRS 422.396) **Section 53** of this bill requires the Director of the Department to include in the State Plan for Medicaid authorization for a recipient of Medicaid to directly receive reimbursements for personal care services provided by a personal care assistant or an agency to provide personal care services in the home and paid for by the recipient. **Section 50** of this bill makes a conforming change to provide for the provisions of **section 53** to be administered by the same agency that administers existing law governing Medicaid. **Section 58** of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the State's share of the costs of personal care services for recipients of Medicaid under the self-directed model required by **section 53**.

Existing law establishes a credit against the payroll tax paid by certain businesses that make a donation to a scholarship organization that provides grants on behalf of pupils who are members of a household having a household income below a certain level to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils. (NRS 363A.130, 363B.110, 388D.270) Under existing law, the Department: (1) is required to approve or deny applications for the tax credit in the order in which the applications are received by the Department; and (2) is authorized to

approve applications for each fiscal year until the amount of tax credits approved for the fiscal year is the amount authorized by statute for that fiscal year, which is \$6,655,000. (NRS 363A.139, 363B.119) **Section 52** of this bill removes the prohibition against a scholarship organization using a donation for which the donor received a tax credit to provide a grant on behalf of a pupil: (1) who did not receive a grant from such a donation for the immediately preceding school year; or (2) for whom the scholarship organization does not reasonably expect to be able to provide a grant of the same amount on behalf of the pupil for each school year until the pupil graduates from high school. (NRS 388D.270) **Sections 46 and 47** of this bill authorize the Department to approve, in addition to the amount of credits authorized under existing law an amount of tax credits equal to \$4,745,000 for Fiscal Year 2021-2022. Any amount of those credits that are not approved in Fiscal Year 2021-2022 must be carried forward to subsequent fiscal years. (NRS 363A.139, 363B.119)

Section 57 of this bill makes an appropriation to the Nevada System of Higher Education for the support of the Silver State Opportunity Grant Program.

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

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 40, 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 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Business” means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaged in the business of extracting gold or silver, or both, in this State.*

2. *The term does not include:*

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming, or its equivalent or successor form, for that business.

(c) *A governmental entity.*

(d) *A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).*

(e) *A business entity organized pursuant to chapter 82 or 84 of NRS.*

(f) *A credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act.*

(g) *A grantor trust as defined by sections 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described*

in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(h) *An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).*

(i) *A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:*

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) *A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.*

(k) *A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).*

(l) *A passive entity.*

(m) *A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible*

assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

Sec. 5. “Commission” means the Nevada Tax Commission.

Sec. 6. “Credit sales” means a sale of goods by a seller who accepts payments for the goods at a later time.

Sec. 7. “Engaging in a business” means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.

Sec. 8. “Gold” and “silver” include, respectively, without limitation:

- 1. Gold-bearing and silver-bearing ores, quartz or minerals from which gold and silver are extracted;**
- 2. Gold and silver bullion; and**
- 3. The products or derivatives of gold and silver.**

Sec. 9. “Governmental entity” means:

- 1. The United States and any of its unincorporated agencies and instrumentalities.**
- 2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.**
- 3. The State of Nevada and any of its unincorporated agencies and instrumentalities.**
- 4. Any county, city, district or other political subdivision of this State.**

Sec. 10. 1. Except as otherwise provided in subsection 3, “gross revenue” means the total amount realized by a business entity from engaging in a business in this State, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income, including, without limitation, the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

2. Except as otherwise provided in subsection 3, the term includes, without limitation:

(a) Amounts realized from the sale, exchange or other disposition of a business entity’s property;

(b) Amounts realized from the performance of services by a business entity;

(c) Amounts realized from another person’s possession of the property or capital of a business entity; and

(d) Any combination of these amounts.

3. The term does not include:

(a) *Amounts realized from the sale, exchange, disposition or other grant of the right to use trademarks, trade names, patents, copyrights and similar intellectual property;*

(b) *The value of cash discounts allowed by the business entity and taken by a customer;*

(c) *The value of goods or services provided to a customer on a complimentary basis;*

(d) *Amounts realized from a transaction subject to, described in, or equivalent to, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033 of the Internal Revenue Code, 26 U.S.C. § 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033, regardless of the federal tax classification of the business entity under 26 C.F.R. § 301.7701-3;*

(e) *Amounts indirectly realized from a reduction of an expense or deduction;*

(f) *The value of property or services donated to a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), if the donation is tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code, 26 U.S.C. § 170(c); and*

(g) *Amounts that are not considered revenue under generally accepted accounting principles.*

Sec. 11. “Loan” means any extension of credit or the purchase in whole or in part of an extension of credit from another person, including, without limitation, participations and syndications.

Sec. 12. “Nevada gross revenue” means the gross revenue of a business entity from engaging in a business in this State, as adjusted pursuant to section 26 of this act and situated to this State pursuant to section 27 of this act.

Sec. 13. “Pass-through entity” means an entity that is disregarded as an entity for the purposes of federal income taxation or is treated as a partnership for the purposes of federal income taxation.

Sec. 14. 1. “Pass-through revenue” means:

(a) *Revenue received by a business entity that is required by law or fiduciary duty to be distributed to another person or governmental entity;*

(b) *Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority;*

(c) *Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages;*

(d) *Revenue received by a business entity that is mandated by contract or subcontract to be distributed to another person or entity if the revenue constitutes:*

(1) *Sales commissions that are paid to a person who is not an employee of the business entity, including, without limitation, a split-fee real estate commission;*

(2) *The tax basis of securities underwritten by the business entity, as determined for the purposes of federal income taxation; or*

(3) *Subcontracting payments under a contract or subcontract entered into by a business entity to provide services, labor or materials in connection with the actual or proposed design, construction, remodeling, remediation or repair of improvements on real property or the location of the boundaries of real property; or*

(e) *Revenue received by a business entity that is part of an affiliated group from another member of the affiliated group.*

2. *As used in this section:*

(a) *“Affiliated group” means a group of two or more business entities, including, without limitation, an entity described in subsection 2 of section 4 of this act, each of which is controlled by one or more common owners or by one or more members of the group.*

(b) *“Controlled by” means the direct or indirect ownership, control or possession of 50 percent or more of a business entity.*

(c) *“Sales commission” means:*

(1) *Any form of compensation paid to a person for engaging in an act for which a license is required pursuant to chapter 645 of NRS; or*

(2) *Compensation paid to a sales representative by a principal in an amount that is based on the amount or level of orders for or sales on behalf of the principal and that the principal is required to report on Internal Revenue Service Form 1099-MISC, Miscellaneous Income.*

Sec. 15. *“Sale of gold or silver” means a sale or transfer of gold or silver in exchange for consideration by the business entity that extracted the gold, silver or gold-bearing or silver-bearing ore, quartz or mineral from which gold or silver is extracted.*

Sec. 16. *“Securities” means United States Treasury securities, obligations of United States governmental agencies and corporations, obligations of a state or political subdivision, corporate stock, bonds, participations in securities backed by mortgages held by the United States or state governmental agencies, loan-backed securities, money market instruments, federal funds, securities purchased and sold under agreements to resell or repurchase, commercial paper, banker’s acceptances, purchased certificates of deposit, options, futures contracts, forward contracts, notional principal contracts, including, without limitation, swaps, and other similar securities and instruments.*

Sec. 17. *“Taxable year” means the 12-month period beginning on January 1 and ending on December 31 of a calendar year.*

Sec. 18. *“Taxpayer” means any person liable for the tax imposed by this chapter.*

Sec. 19. *“Wages” means any remuneration paid for personal services, including, without limitation, commissions and bonuses, and remuneration payable in any medium other than cash.*

Sec. 20. *For the purposes of this chapter, unless otherwise indicated, section references are to the Internal Revenue Code of 1986, as amended, and include future amendments to such sections and corresponding provisions of future federal internal revenue laws.*

Sec. 21. 1. *For the purposes of this chapter, a business is a “passive entity” only if:*

(a) The business is a limited-liability company, general partnership, limited-liability partnership, limited partnership or limited-liability limited partnership, or a trust, other than a business trust;

(b) During the period for which the gross revenue of the business entity is reported pursuant to section 25 of this act, at least 90 percent of the business entity’s federal gross income consists of the following income:

(1) Dividends, interest, foreign currency exchange gains, periodic and nonperiodic payments with respect to notional principal contracts, option premiums, cash settlements or termination payments with respect to a financial instrument, and income from a limited-liability company;

(2) Capital gains from the sale of real property, gains from the sale of commodities traded on a commodities exchange and gains from the sale of securities; and

(3) Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests; and

(c) The business entity does not receive more than 10 percent of its federal gross income from conducting an active trade or business.

2. *As used in paragraph (b) of subsection 1, the term “income” does not include any:*

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

3. *For the purposes of paragraph (c) of subsection 1:*

(a) Except as otherwise provided in this subsection, a business entity is “conducting an active trade or business” if:

(1) The activities being carried on by the business entity include one or more active operations that form a part of the process of earning income or profit, and the business entity performs active management and operating functions; or

(2) Any assets, including, without limitation, royalties, patents, trademarks and other intangible assets, held by the business entity are used in the active trade or business of one or more related business entities.

(b) The ownership of a royalty interest or a nonoperating working interest in mineral rights does not constitute the conduct of an active trade or business.

(c) The payment of compensation to employees or independent contractors for financial or legal services reasonably necessary for the operation of a business does not constitute the conduct of an active trade or business.

(d) Holding a seat on the board of directors of a business entity does not by itself constitute the conduct of an active trade or business.

(e) Activities performed by a business entity include activities performed by persons outside the business entity, including independent contractors, to the extent that those persons perform services on behalf of the business entity and those services constitute all or any part of the business entity's trade or business.

Sec. 22. The Department shall administer and enforce the provisions of this chapter and may adopt such regulations as it deems appropriate for those purposes.

Sec. 23. 1. Each person responsible for maintaining the records of a taxpayer shall:

(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a taxpayer pursuant to the provisions of this chapter.

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

Sec. 24. 1. To verify the accuracy of any return filed or, if no return is filed by a taxpayer, to determine the amount of the tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the tax imposed by this chapter.

2. Any person who may be liable for the tax imposed by this chapter and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 25. 1. *For the privilege of engaging in a business in this State, an excise tax is hereby imposed upon the Nevada gross revenue of each business entity whose Nevada gross revenue in a taxable year exceeds \$20,000,000, which shall be at the following rates:*

(a) For all Nevada gross revenue in a taxable year in excess of \$20,000,000 but not more than \$150,000,000, a rate of 0.75 percent.

(b) For all Nevada gross revenue in excess of \$150,000,000, a rate of 1.10 percent.

2. *Each business entity whose Nevada gross revenue in a taxable year exceeds \$20,000,000 shall, on or before April 1 immediately following the end of that taxable year, file with the Department a return on a form prescribed by the Department. The Department shall not require a business entity whose Nevada gross revenue for a taxable year is \$20,000,000 or less to file a return for that taxable year. The return required by this subsection must include such information as is required by the Department.*

3. *A business entity shall remit with the return the amount of tax due pursuant to subsection 1. Upon written application made before the date on which payment must be made, the Department may for good cause extend by not more than 30 days the time within which a taxpayer is required to pay the tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the taxpayer shall pay interest at the rate of 1 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.*

Sec. 26. *In computing the tax owed by a business entity pursuant to this chapter, the business entity is entitled to deduct from its gross revenue the following amounts, to the extent such amounts are included in the gross revenue of the business entity:*

1. *Any gross revenue which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.*

2. *Any gross revenue of the business entity attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.*

3. *Any gross revenue realized from the sale or transfer of a mineral other than gold or silver.*

4. *The amount of any pass-through revenue of the business entity.*

5. *The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.*

6. *The amount of revenue received by the business entity that is directly derived from the operation of a facility that is:*

(a) Located on property owned or leased by the Federal Government; and

(b) Managed or operated primarily to house members of the Armed Forces of the United States.

7. *Interest income other than interest on credit sales.*

8. *Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity.*

9. *Receipts from the sale, exchange or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. § 1221 or 1231, without regard to the length of time the business entity held the asset.*

10. *Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this subsection, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.*

11. *Proceeds received by a business entity that are attributable to the repayment, maturity or redemption of the principal of a loan, bond, mutual fund, certificate of deposit or marketable instrument.*

12. *The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan.*

13. *Proceeds received from the issuance of the business entity's own stock, options, warrants, puts or calls, from the sale of the business entity's treasury stock or as contributions to the capital of the business entity.*

14. *Proceeds received on account of payments from insurance policies, except those proceeds received for the loss of business revenue.*

15. *Damages received as a result of litigation in excess of amounts that, if received without litigation, would not have been included in the gross receipts of the business entity pursuant to this section.*

16. *Bad debts expensed for the purposes of federal income taxation.*

17. *Returns and refunds to customers.*

18. *Amounts realized from the sale of an account receivable to the extent the receipts from the underlying transaction were included in the gross receipts of the business entity.*

19. *If the business entity owns an interest in a passive entity, the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the gross revenue of another business entity.*

Sec. 27. 1. *In computing the tax owed by a business entity pursuant to this chapter, the gross revenue of the business entity, as adjusted pursuant to section 26 of this act, must be situated to this State in accordance with the following rules:*

(a) Gross rents and royalties from real property is situated to this State if the real property is located in this State.

(b) Gross revenue from the sale of real property is situated to this State if the real property is located in this State.

(c) Gross rents and royalties from tangible personal property is situated to this State to the extent that the tangible personal property is located or used in this State.

(d) Gross revenue from the sale of gold or silver is situated to this State if the gold or silver is extracted in this State.

(e) Gross revenue from the sale of tangible personal property is situated to this State if the property is delivered or shipped to a buyer in this State, regardless of the F.O.B. point or any other condition of sale.

(f) Gross revenue from the sale of transportation services is situated to this State if both the origin and the destination point of the transportation are located in this State.

(g) Gross revenue from the sale of any services not otherwise described in this section is situated to this State in the proportion that the purchaser's benefit in this State, with respect to what was purchased, bears to the purchaser's benefit everywhere with respect to what was purchased. For the purposes of this paragraph, the physical location at which the purchaser of a service ultimately uses or receives the benefit of the service that was purchased is paramount in determining the proportion of the benefit in this State to the benefit everywhere. If the records of a business entity do not allow the taxpayer to determine that location, the business entity may use an alternative method to situs gross revenue pursuant to this section if the alternative method is reasonable, is consistently and uniformly applied and is supported by the taxpayer's records as those records exist when the service is provided or within a reasonable period of time thereafter.

(h) Gross revenue not otherwise described in this section is situated to this State if the gross receipts are from business conducted in this State. For the purposes of this paragraph, the physical location of the purchaser is paramount in determining if business is done in this State. If the records of a business entity do not allow the business entity to determine the location of the purchaser, the gross revenue must not be considered to be from business conducted in this State.

2. If the application of the provisions of subsection 1 does not fairly represent the extent of the business conducted in this State by a business entity, the Department may authorize the business entity to use an alternative method of situsing gross revenue to this State.

Sec. 28. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of

Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 29. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the calendar quarter for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 30. 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the tax imposed by this chapter at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 31. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 32. 1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 33. 1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim

disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 34. In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 35. A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

Sec. 36. 1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 37. 1. If any amount in excess of \$25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify that fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.

2. If an amount not exceeding \$25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying that fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 38. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the State under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury for credit to the State General Fund.

Sec. 39. 1. A person shall not:

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration with intent to defraud the State or to evade payment of the tax or any part of the tax imposed by this chapter.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.

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

Sec. 40. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 41. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C or 377D of NRS, **or sections 2 to 40, inclusive, of this act**, any of the taxes provided for in NRS 372A.290, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 42. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS,

or sections 2 to 40, inclusive, of this act, as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

- (a) The facts contained in the return;
- (b) Any information within its possession or that may come into its possession; or
- (c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 43. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C, 377D, 444A or 585 of NRS, *or sections 2 to 40, inclusive, of this act*, any of the taxes provided for in NRS 372A.290, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 44. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

- (a) Not later than 3 years after the payment became delinquent or the determination became final; or
- (b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

↪ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D or 444A of NRS, NRS

482.313, or chapter 585 or 680B of NRS *or sections 2 to 40, inclusive, of this act*, from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 45. NRS 362.100 is hereby amended to read as follows:

362.100 1. The Department shall:

(a) Investigate and determine the net proceeds of all minerals extracted and certify them as provided in NRS 362.100 to 362.240, inclusive.

(b) Appraise and assess all reduction, smelting and milling works, plants and facilities, whether or not associated with a mine, all drilling rigs, and all supplies, machinery, equipment, apparatus, facilities, buildings, structures and other improvements used in connection with any mining, drilling, reduction, smelting or milling operation as provided in chapter 361 of NRS.

(c) Deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund. Each year after the distribution of all money due to a county pursuant to NRS 362.170, the State Controller shall transfer all taxes, interest and penalties collected pursuant to this chapter to the State Education Fund.

2. As used in this section, “net proceeds of all minerals extracted” includes the proceeds of all:

(a) Operating mines;

(b) Operating oil and gas wells;

(c) Operations extracting geothermal resources for profit, except an operation which uses natural hot water to enhance the growth of animal or plant life; and

(d) Operations extracting minerals from natural solutions.

Sec. 46. NRS 363A.139 is hereby amended to read as follows:

363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer’s intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship

organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 4 of NRS 363B.119 is \$6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. Except as otherwise provided in this subsection, in addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020 , ~~and 2020-2021~~ ~~and 2021-2022~~, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is \$4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4. If, in Fiscal Year 2019-2020 , ~~for 2020-2021~~ ~~or 2021-2022~~, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than \$4,745,000, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~\$9,490,000.~~ **\$14,235,000.** The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5

years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, “scholarship organization” has the meaning ascribed to it in NRS 388D.260.

Sec. 47. NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer’s intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 4 of NRS 363A.139 is \$6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020 , ~~and~~ 2020-2021 ~~+~~ **and 2021-2022**, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is \$4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be

considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4. If, in Fiscal Year 2019-2020, ~~for 2020-2021~~ **or 2021-2022**, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than \$4,745,000, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~\$9,490,000~~ **\$14,235,000**. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, “scholarship organization” has the meaning ascribed to it in NRS 388D.260.

Sec. 48. NRS 363C.020 is hereby amended to read as follows:

363C.020 1. Except as otherwise provided in subsection 2, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaged in a business.

2. “Business entity” does not include:

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or successor form, for that business.

(c) A governmental entity.

(d) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(e) A business entity organized pursuant to chapter 82 or 84 of NRS.

(f) A credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act.

(g) A grantor trust as defined by section 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.

(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).

(l) A passive entity.

(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

(o) A person engaged in the business of extracting gold or silver in this State.

Sec. 49. NRS 78.245 is hereby amended to read as follows:

78.245 1. Except as otherwise provided in subsection 2, no stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to chapter 363C of NRS ~~or~~ **or the tax imposed pursuant to sections 2 to 40, inclusive, of this act.**

Sec. 50. 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 53 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. 51. NRS 387.1212 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(i) ***The money required to be transferred to the State Education Fund pursuant to NRS 362.100;***

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

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

~~{(k)}~~ **(l)** The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

~~{(l)}~~ **(m)** The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

~~{(m)}~~ **(n)** The money identified in paragraph (b) of subsection 3 of NRS 678B.390;

~~{(n)}~~ **(o)** The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

~~{(o)}~~ **(p)** The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

~~{(p)}~~ **(q)** The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

~~{(q)}~~ **(r)** The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

~~{(r)}~~ **(s)** The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and

~~{(s)}~~ **(t)** The direct legislative appropriation from the State General Fund required by subsection 3.

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

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

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

Sec. 52. NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed \$7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the

information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

~~6. [A scholarship organization shall not use a donation for which a taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of a pupil unless the scholarship organization used a donation for which the taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of the pupil for the immediately preceding school year or reasonably expects to be able to provide a grant pursuant to this section on behalf of the pupil in at least the same amount for each school year until the pupil graduates from high school. A scholarship organization that violates this subsection shall repay to the Department of Taxation the amount of the tax credit received by the taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable.]~~

~~7.]~~ The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

~~7.]~~ 7. As used in this section, “private school” has the meaning ascribed to it in NRS 394.103.

Sec. 53. 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 in the State Plan for Medicaid authorization for a recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursements for personal care services covered by Medicaid and use that money to pay for services provided by a personal care assistant acting pursuant to NRS 629.091 or an agency to provide personal care services in the home using a self-directed model.*

2. *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) *“Personal care services” means the services described in NRS 449.1935.*

Sec. 54. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, 607.217 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person’s or employing unit’s identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant’s claim in any proceeding pursuant to this

chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.037 and administered pursuant to NRS 223.820, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➡ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection

or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS ~~§~~ **and sections 2 to 40, inclusive, of this act.** The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and

regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

12. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

13. The Administrator, any employee or other person acting on behalf of the Administrator, or any employee or other person acting on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter, is guilty of a gross misdemeanor if he or she:

- (a) Uses or permits the use of the list for any political purpose;
- (b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or
- (c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 55. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be

disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➔ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

- (a) Lists containing the names and addresses of employers; and
- (b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS, ➔ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS ~~and sections 2 to 40, inclusive, of this act~~. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

- (a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or
- (b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

- (1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

- (2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 56. Section 38 of this act is hereby amended to read as follows:

Sec. 38. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the State under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury for credit to the State ~~General~~ **Education** Fund.

Sec. 57. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education for the support of the Silver State Opportunity Grant Program the following sums:

For the Fiscal Year ~~2021~~ 2022	\$6,000,000
For the Fiscal Year ~~2022~~ 2023	\$6,000,000

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. 58. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services to pay the State’s share of the costs of personal care services for recipients of Medicaid under the self-directed model required by section 53 of this act the following sums:

For the Fiscal Year ~~2021~~-2022 \$50,895

For the Fiscal Year ~~2022~~-2023 \$104,354

2. 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. 59. The Chief of the Budget Division of the Office of Finance shall disburse from the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada the amount of \$200,000,000 to the Department of Education to be administered as grants to qualifying school districts ~~[- charter schools]~~ and university schools for profoundly gifted pupils in Nevada to be used to augment programs implemented to address the impacts of learning loss experienced as a result of the COVID-19 pandemic, including, without limitation, evidence-based educational services and practices to address the academic needs of pupils, such as tutoring, summer school, afterschool programs and other extended learning and enrichment programs, in addition to literacy instruction programs, instructional programs and support for at-risk pupils. To qualify for such a grant, a school district ~~[- charter school]~~ or university school for profoundly gifted pupils must describe how the entity has expended or plans to expend its allocation of federal funding from the Elementary and Secondary School Emergency Relief and Governor’s Emergency Education Relief Funds under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Pub. L. No. 116-260, and federal funding from the Elementary and Secondary School Emergency Relief Fund under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to

demonstrate funding gaps in existing literacy and at-risk programming experienced because of the COVID-19 pandemic impacts.

Sec. 59.5. The Chief of the Budget Division of the Office of Finance created by NRS 223.400 shall disburse from the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada the amount of \$15,000,000, in accordance with the provisions of chapter 353 of NRS, to the State Public Charter School Authority to be administered as grants to qualifying charter schools in Nevada to be used to augment programs implemented to address the impacts of learning loss experienced as a result of the COVID-19 pandemic, including, without limitation, evidence-based educational services and practices to address the academic needs of pupils, such as tutoring, summer school, afterschool programs and other extended learning and enrichment programs, in addition to literacy instruction programs, instructional programs and support for at-risk pupils. To qualify for such a grant, a charter school must be a Title I school, as defined in NRS 385A.040, and describe how the charter school has expended or plans to expend its allocation of federal funding from the Elementary and Secondary School Emergency Relief and Governor's Emergency Education Relief Funds under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, Pub. L. No. 116-260, and federal funding from the Elementary and Secondary School Emergency Relief Fund under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to demonstrate funding gaps in existing literacy and at-risk programming experienced because of the COVID-19 pandemic impacts.

Sec. 60. The Commission on School Funding created by NRS 387.1246 shall:

1. Investigate sources of revenue to fund public education in this State; and
2. On or before November ~~11~~ **15**, 2022, submit written findings and recommendations to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 61. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee 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. 62. The provisions of sections 1 to 44, inclusive, of this act apply to the taxable year, as defined in section 17 of this act, that began on January 1, 2021, and to each subsequent taxable year.

Sec. 63. 1. This section and sections 1 to 44, inclusive, 46 to 50, inclusive, 52 to 55, inclusive, and 57 to 62, inclusive, of this act become effective on July 1, 2021.

2. Sections 45, 51 and 56 of this act become effective on July 1, 2023.

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. 212 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. 212.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 824.

AN ACT relating to peace officers; revising provisions relating to the use of force by peace officers; requiring certain law enforcement agencies to adopt a written policy relating to the use of force; requiring certain law enforcement agencies to submit to the Central Repository for Nevada Records of Criminal History certain information relating to certain incidents involving the use of force by peace officers; requiring the preparation and submittal of a report relating to such information; imposing certain restrictions and requirements regarding the use of restraint chairs; prohibiting peace officers from using certain forms of force under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a defendant who is being arrested flees or forcibly resists, a peace officer may use only the amount of reasonable force necessary to effect the arrest, unless deadly force is authorized under the circumstances. (NRS 171.122) Existing law also provides that a peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person: (1) has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or (2) poses a threat of serious bodily harm to the peace officer or to others. (NRS 171.1455)

Section 2 of this bill requires a peace officer to use de-escalation techniques and alternatives to the use of force whenever possible or appropriate and consistent with the training of the peace officer. If the peace officer uses force, the peace officer must: (1) if it is possible for the peace officer to do so safely, identify himself or herself as a peace officer; and (2) use only the amount of force objectively reasonable to safely accomplish a lawful purpose. **Section 2** further requires law enforcement agencies to adopt a written policy on the threat certain persons pose to peace officers or others and include certain information relating to the use of force. **Section 1** of this bill makes a

conforming change to clarify the circumstances under which a peace officer may use force to effect an arrest.

Section 3.3 of this bill requires: (1) each law enforcement agency to annually make available to the public and to submit monthly to the Central Repository for Nevada Records of Criminal History a report containing certain information relating to incidents involving the use of force; and (2) the Central Repository to make the use-of-force data available to the public on its Internet website. **Section 3.3** also requires the Office of the Attorney General to: (1) review the use-of-force data that is publicly available on the Internet website of the Central Repository; (2) prepare a report containing any conclusions or recommendations resulting from its review; and (3) submit its report to the Governor and the Director of the Legislative Counsel Bureau each year. Additionally, **section 3.3**: (1) requires each law enforcement agency to participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation; and (2) prohibits using the data collected under **section 3.3** in any way against a peace officer during any criminal proceeding.

Existing law provides that homicide by a public officer or person acting under the command and in the aid of the public officer is justifiable in protecting against an imminent threat to the life of a person, among other circumstances. (NRS 200.140) **Section 3.7** of this bill prohibits a peace officer from using deadly force against a person based on the danger that the person poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person. **Section 4.5** of this bill : **(1)** makes a conforming change to reflect the exception established in section 3.7 for when homicide by a ~~public~~ peace officer is not justifiable. ~~It~~ ; **and (2) changes the persons who are authorized to assert that a homicide is justifiable to include peace officers and persons acting under the command and in the aid of peace officers, rather than public officers and persons acting under the command and in the aid of public officers.**

Existing law prohibits a peace officer from using a choke hold on another person or placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. (NRS 193.350) **Section 4** of this bill imposes certain restrictions and requirements regarding the use of a restraint chair. **Section 4** also provides that in responding to a protest or demonstration, a peace officer is prohibited from: (1) discharging a kinetic energy projectile indiscriminately into a crowd or in a manner that intentionally targets the head, pelvis or spine or any other vital area of the body of a person unless the person poses an immediate threat of physical harm or death to the peace officer or others; or (2) using a chemical agent without first declaring that the protest or demonstration constitutes an unlawful assembly and providing orders to disperse under certain circumstances, an egress route from the area and reasonable time to disperse.

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

Section 1. NRS 171.122 is hereby amended to read as follows:

171.122 1. Except as otherwise provided in subsection 2, the warrant must be executed by the arrest of the defendant. The officer need not have the warrant in the officer's possession at the time of the arrest, but upon request the officer must show the warrant to the defendant as soon as possible. If the officer does not have a warrant in the officer's possession at the time of the arrest, the officer shall then inform the defendant of the officer's intention to arrest the defendant, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for the defendant's arrest and detention. If the defendant either flees or forcibly resists, the officer may ~~use only the amount of reasonable force necessary to effect the arrest~~ **as provided in NRS 171.1455 and 193.350.**

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

- (a) The warrant is issued upon an offense punishable as a misdemeanor;
- (b) The officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;
- (c) The defendant provides satisfactory evidence of his or her identity to the peace officer;
- (d) The defendant signs a written promise to appear in court for the misdemeanor offense; and
- (e) The officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

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

Sec. 2. NRS 171.1455 is hereby amended to read as follows:

171.1455 ~~If necessary to prevent escape, an~~

1. A peace officer shall use de-escalation techniques and alternatives to the use of force whenever possible or appropriate and consistent with his or her training, including, without limitation, advisements, warnings, verbal

persuasion and other tactics. If it is necessary for the peace officer to use force, the peace officer must:

(a) If it is possible to do so safely, identify himself or herself as a peace officer through verbal commands, visual identification, including, without limitation, a clearly marked uniform or vehicle, or other reasonable means; and

(b) Use only the level of force that is objectively reasonable under the circumstances to bring an incident or person under control and safely accomplish a lawful purpose. The level of force used by the officer must, to the extent feasible:

(1) Be balanced against the level of force or resistance exhibited by the person; and

(2) Be carefully controlled.

2. A peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

~~11-1~~ (a) Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or

~~12-1~~ (b) Poses a threat of serious bodily harm *or death* to the peace officer or to others.

3. Each law enforcement agency shall adopt a written policy and provide training to a peace officer regarding the potential threat of serious bodily harm or death to the peace officer or others from a person who:

(a) Is known or reasonably believed not to be armed with a deadly weapon; and

(b) Is known or reasonably believed by the peace officer to be:

(1) Under 13 years of age;

(2) Over 70 years of age;

(3) Physically frail;

(4) Mentally or physically disabled;

(5) Pregnant;

(6) Suffering from a mental or behavioral health issue; or

(7) Experiencing a medical emergency.

4. The written policy adopted and training provided pursuant to subsection 3 must reflect the best practices with respect to the use of force on the persons described in that subsection.

5. In addition to any other information required pursuant to subsection 3, the written policy must include, without limitation:

(a) Guidelines for the use of force;

(b) Guidelines for the use of deadly force;

(c) A requirement that peace officers utilize de-escalation techniques, crisis intervention and other alternatives to force when feasible;

(d) A requirement that peace officers utilize de-escalation techniques for responding to persons with mental illness or experiencing a behavioral health crisis;

(e) A requirement that the law enforcement agency, when feasible, send a peace officer who has been trained in crisis intervention to respond to an incident involving a person who has made suicidal statements;

(f) Factors for evaluating and reviewing all incidents which require the use of force; and

(g) The date on which the written policy was adopted by the law enforcement agency.

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

(a) “Law enforcement agency” means:

(1) A police department of an incorporated city;

(2) The sheriff’s office of a county;

(3) A metropolitan police department;

(4) The Department of Corrections;

(5) The police department for the Nevada System of Higher Education;

(6) Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or

(7) Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers pursuant to NRS 289.150 to 289.360, inclusive, to fulfill its duty.

(b) “Level of force” means an escalating series of actions a peace officer may use to resolve or control a situation or person depending on the intensity of the situation or resistance of the person that ranges from the use of no force to the use of deadly force.

Sec. 3. Chapter 193 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 and 3.7 of this act.

Sec. 3.3. 1. Each law enforcement agency shall annually make available to the public and on a monthly basis submit to the Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the immediately preceding calendar year, or month, as applicable, including, without limitation:

(a) The number of complaints against peace officers employed by the law enforcement agency relating to the use of force and the number of such complaints that were substantiated; and

(b) A compilation of statistics relating to incidents involving the use of force that, for each incident, includes, without limitation, all information collected by the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

2. Each law enforcement agency shall submit the report required pursuant to subsection 1 in a manner approved by the Director of the Department of Public Safety and in accordance with the policies, procedures and definitions of the Department.

3. The Central Repository shall make the use-of-force data submitted by each law enforcement agency pursuant to subsection 1 available for access by the public on the Internet website of the Central Repository.

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

5. *To the extent of legislative appropriation, the Office of the Attorney General shall:*

(a) *Review the use-of-force data that is publicly available on the Internet website of the Central Repository;*

(b) *Prepare a report containing any conclusions or recommendations resulting from its review; and*

(c) *On or before December 1 of each year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature the report prepared pursuant to paragraph (b).*

6. *Each law enforcement agency in this State shall participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation.*

7. *Information collected pursuant to this section must not be introduced into evidence or otherwise used in any way against a peace officer during a criminal proceeding.*

8. *As used in this section:*

(a) *“Central Repository” means the Central Repository for Nevada Records of Criminal History.*

(b) *“Law enforcement agency” means:*

(1) *The sheriff’s office of a county;*

(2) *A metropolitan police department;*

(3) *A police department of an incorporated city;*

(4) *The Department of Corrections;*

(5) *The police department for the Nevada System of Higher Education;*

(6) *Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or*

(7) *Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers to fulfill its duty.*

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

Sec. 3.7. 1. *In carrying out his or her duties, a peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself, if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.*

2. *As used in this section, “peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 4. NRS 193.350 is hereby amended to read as follows:

193.350 1. *In carrying out his or her duties, a peace officer shall not use a choke hold on another person.*

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

3. *In carrying out his or her duties, a peace officer shall use a restraint chair on another person only if:*

(a) *The person resists an order of a peace officer in a physically violent or life-threatening manner;*

(b) *A supervising peace officer who has attained the rank of sergeant or higher authorizes the use of a restraint chair;*

(c) *The peace officer informs a member of the medical staff that a restraint chair will be used;*

(d) *A member of the medical staff conducts a medical evaluation of the person immediately before and immediately after the person is placed in the restraint chair; and*

(e) *The law enforcement agency that employs the peace officer creates and maintains a video recording of the incident involving the use of the restraint chair.*

➡ *A peace officer shall not threaten a person with the use of a restraint chair unless the person is resisting an order of the peace officer in a physically violent or life-threatening manner.*

4. *After a person is placed in a restraint chair:*

(a) *A peace officer shall visually observe the person in the restraint chair until both medical evaluations of the person have been completed pursuant to subsection 3 and at least once every 15 minutes thereafter;*

(b) *If the person in the restraint chair appears to be in distress or indicates that he or she is in distress or requires medical aid, a peace officer shall ensure that medical aid is rendered to the person as soon as practicable;*

(c) *A supervising peace officer who has attained the rank of sergeant or higher shall evaluate whether it is necessary for the person to remain in the restraint chair at least once every 30 minutes after the person has been placed in the restraint chair;*

(d) *The person must not be restrained in the restraint chair for more than 2 hours unless a supervising peace officer who has attained the rank of sergeant or higher approves the use of a restraint chair for more than 2 hours and such use complies with the policy adopted pursuant to this subsection; and*

(e) *The law enforcement agency that employs the peace officer who used the restraint chair shall create and maintain a record of the incident which includes, without limitation:*

(1) *The period for which the person was restrained in the restraint chair; and*

(2) A description of any injuries sustained by the person as a result of the use of the restraint chair.

↪ Each law enforcement agency shall adopt a written policy that establishes the circumstances under which a person may be restrained in a restraint chair for more than 2 hours.

5. A restraint chair must not be used to restrain a person who is pregnant.

6. The provisions of subsections 3, 4 and 5 do not apply to mechanical restraint used pursuant to NRS 433.545 to 433.551, inclusive. As used in this subsection, “mechanical restraint” has the meaning ascribed to it in NRS 433.547.

7. A peace officer shall not, in response to a protest or demonstration:

(a) Discharge a kinetic energy projectile indiscriminately into a crowd or in a manner that intentionally targets the head, pelvis or spine or any other vital area of the body of a person unless the person poses an immediate threat of physical harm or death to the peace officer or others; or

(b) Use a chemical agent without first declaring that the protest or demonstration constitutes an unlawful assembly and providing to the persons who are present at the protest or demonstration:

(1) Except as otherwise provided in this paragraph, at least three orders to disperse, given in a manner that each order may be heard by those persons, including, without limitation, issuing the order from multiple locations and issuing the order in multiple languages;

(2) An egress route from the area where the protest or demonstration is occurring; and

(3) A reasonable amount of time to disperse from the area where the protest or demonstration is occurring.

↪ If there is an immediate threat of physical harm or death to a person, then no order to disperse must be provided. If there is an immediate threat of harm to property, then only one order to disperse must be provided.

8. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~14.1~~ *9. As used in this section:*

(a) “Chemical agent” means any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. The term includes, without limitation, items commonly referred to as tear gas, pepper spray, pepper balls and oleoresin capsicum.

(b) “Choke hold” means:

(1) A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

(2) Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~[(b)]~~ (c) *“Kinetic energy projectile” means any type of device designed to be nonlethal or less lethal than standard ammunition and to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. The term includes, without limitation, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds and foam-tipped plastic rounds.*

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

~~[(e)]~~ (e) “Physical force” means the application of physical techniques, chemical agents or weapons to another person.

(f) *“Restraint chair” means a chair that secures a person in an upright sitting position by restricting the movement of the arms, legs and torso of the person.*

Sec. 4.5. NRS 200.140 is hereby amended to read as follows:

200.140 1. Homicide is justifiable when committed by a ~~[(public)]~~ peace officer, or person acting under the command and in the aid of the ~~[(public)]~~ peace officer, in the following cases:

~~[(1)]~~ (a) In obedience to the judgment of a competent court.

~~[(2)]~~ (b) When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.

~~[(3)]~~ (c) When necessary:

~~[(a)]~~ (1) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony;

~~[(b)]~~ (2) In attempting, by lawful ways or means, ~~[()]~~ and in accordance with the provisions of NRS 171.1455, to apprehend or arrest a person;

~~[(c)]~~ (3) In lawfully suppressing a riot or preserving the peace; or

~~[(d)]~~ In

(4) Except as otherwise provided in section 3.7 of this act, in protecting against an imminent threat to the life of a person.

2. As used in this section, “peace officer” has the meaning ascribed to it in NRS 169.125.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 6. 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. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 3 and 3.7 to 6, inclusive, of this act become effective on October 1, 2021.

3. Section 3.3 of this act becomes effective:

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

(b) On the date that the Director of the Department of Public Safety determines that there is sufficient funding to carry out the provisions of that section.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 369, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Yeager.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Nguyen, and Kasama as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 369.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 422.

The following Senate amendment was read:

Amendment No. 813.

CONTAINS UNFUNDED MANDATE (§ ~~32.41~~, 37.7)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; requiring the Secretary of State to create a centralized database that collects and stores voter preregistration and registration information from all of the counties; requiring each county clerk to use the database created by the Secretary of State to collect and store preregistration and registration information; making various other changes related to the creation and use of the database created by the Secretary of State; revising provisions governing risk-limiting audits of elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list in consultation with each county and city clerk which serves as the official list of registered voters in this State. (NRS 293.675) **Section 32** of this bill requires the Secretary of State to

establish and maintain a centralized, top-down database that collects and stores information relating to voter preregistration and registration from all counties. **Section 32** further requires: (1) the county clerks to use the database to collect and maintain all information related to voter preregistration and registration; and (2) the Secretary of State to use the voter registration information contained in the database to create the official statewide voter list. **Sections 1-31, 33-37 and 39** of this bill make conforming changes to existing provisions relating to elections, voter preregistration and voter registration to account for the required use of the centralized database.

Section 39.5 of this bill requires the Secretary of State to, beginning on January 1, 2022, and ending on January 1, 2024, submit a semi-annual report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee detailing the progress made by the Secretary of State in implementing the provisions of this bill ~~that~~ **related to the centralized, top-down database.**

Existing law: (1) requires the Secretary of State to develop a pilot program for conducting a risk-limiting audit of the results of the 2020 general election; and (2) authorizes the Secretary of State to require each county clerk to participate in the pilot program and conduct a risk-limiting audit of the results of the 2020 general election. (Section 86 of chapter 546, Statutes of Nevada 2019, at page 3426) Effective January 1, 2022, existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of the election. (NRS 293.394) Section 37.3 of this bill delays the effective date of this requirement until January 1, 2024. Section 37.7 of this bill: (1) requires the Secretary of State to develop a pilot program for conducting a risk-limiting audit of the results of the 2022 general election; and (2) authorizes the Secretary of State to require each county clerk to participate in the pilot program and conduct a risk-limiting audit of the results of the 2022 general election.

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

Section 1. NRS 293.017 is hereby amended to read as follows:

293.017 “Active registration” means a current registration of a voter in the ~~official register.~~ ***statewide voter registration list***, entitling such voter to vote in the manner provided by this title.

Sec. 2. 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) ~~[(a)] Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;~~

~~—(b)—~~ (b) A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

~~[(c)]~~ (b) 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)]~~ (c) A person registers to vote pursuant to NRS 293.5742,
↪ 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. 3. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of ~~the~~

~~—(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.~~

~~—(2) The~~ *the* system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by

the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 4. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. Except as otherwise provided in this section, a registered voter who provides sufficient written notice to the county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. The written notice is effective for all elections that are conducted after the registered voter provides the written notice to the county clerk, except that the written notice is not effective for the next ensuing election unless the written notice is provided to the county clerk before the time has elapsed for requesting an absent ballot for the election pursuant to subsection 1 of NRS 293.313.

2. Except as otherwise provided in this section or for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, upon receipt of the written notice provided by the registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election, other than a special city election, that is conducted after the written notice is effective pursuant to subsection 1.

(b) Inform the applicable city clerk of receipt of the written notice provided by the registered voter. Upon being informed of the written notice by the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the written notice is effective pursuant to subsection 1.

3. The county clerk must not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530;

(b) The county clerk cancels the registration of the person pursuant to NRS ~~293.527~~, 293.530, 293.535 or 293.540; ~~for~~

(c) ***The registered voter has moved to another county and the county clerk of that county has updated the voter's registration on the statewide voter registration list pursuant to NRS 293.527; or***

(d) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

4. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 5. NRS 293.4855 is hereby amended to read as follows:

293.4855 1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the methods available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as soon as practicable after the person is deemed to be registered to vote, but the issuance of a voter registration card to the person is not a prerequisite to vote in an election.

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

(b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the methods for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2, the person is issued a voter registration card as soon as practicable and is immediately added to the statewide voter registration list ; ~~and the registrar of voters' register;~~ and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 6. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to preregistration or registration provided for in this chapter.

2. All books, documents and papers pertaining to preregistration or registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the ~~registrar of voters' register~~ **statewide voter registration list** for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the ~~registrar of voters' register~~ **statewide voter registration list** must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person preregisters or registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to preregistration and registration.

Sec. 7. NRS 293.506 is hereby amended to read as follows:

293.506 ~~{1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.~~

~~— 2. A system established pursuant to subsection 1 must:~~

~~— (a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and~~

~~— (b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.~~

~~— 3. }~~ Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, ~~{regardless of whether a county clerk establishes a system pursuant to subsection 1, }~~ the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to NRS 293.671.

Sec. 8. 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 }~~ **Each** 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 }~~ *use the database created by the Secretary of State pursuant to NRS 293.675 to prepare a roster* 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 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.~~

~~—4.1~~ 2. 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. 9. NRS 293.513 is hereby amended to read as follows:

293.513 If at any time ~~{the registrar of voters' register}~~ **voter registration** is closed for one election, but open for some other election, any elector must be permitted to register **to vote** for the other election . ~~{, but the county clerk shall retain the elector's application to register to vote in a separate file until the registrar of voters' register is again open for filing of applications at which time all applications in the temporary file must be placed in their proper position in the registrar of voters' register.}~~

Sec. 10. 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 or 293.5742 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~~ **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 ~~†~~ 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, 293.5767 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. 11. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in NRS 293.5737 and 293.5742, 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.~~ **statewide voter registration list.**

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. 12. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.

(b) A computer using ~~:-~~

~~—(1) The system established by the Secretary of State pursuant to NRS 293.671 . ~~:-~~ or~~

~~—(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the ~~registrar of voters' register.~~ **statewide voter registration list.**

4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.

6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or

(b) A notice that the person's application to preregister to vote or the ~~registrar of voters' register~~ **statewide voter registration list** has been corrected to reflect any changes indicated on the application.

8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card; or

(b) A notice that the person's application to preregister to vote or the ~~registrar of voters' register~~ **statewide voter registration list** has been corrected to reflect any changes indicated on the application.

➡ If the applicant does not provide the additional information within the prescribed period, the application is void.

9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the ~~registrar of voters' register~~ **statewide voter registration list** on the date the application is postmarked or received by the county clerk, whichever is earlier.

10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote by computer using ~~the~~

~~— (1) The~~ **the** system established by the Secretary of State pursuant to NRS 293.671. ~~the~~

~~— (2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

12. The application to preregister or register to vote by mail must include:

- (a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

- (b) The question, “Are you a citizen of the United States?” and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

- (c) If the application is to:

(1) Preregister to vote, the question, “Are you at least 17 years of age and not more than 18 years of age?” and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, “Will you be at least 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

- (d) A statement instructing the applicant not to complete the application if the applicant checked “no” in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

- (e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person’s current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide

the information required by this subsection will not result in the application being deemed incomplete.

16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

19. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 13. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the ~~records in the registrar of voters' register~~ **statewide voter registration list** or the roster incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the ~~registrar of voters' register~~ **statewide voter registration list** and the roster.

Sec. 14. NRS 293.527 is hereby amended to read as follows:

293.527 When a person moves to another county and preregisters to vote therein, or an elector moves to another county and registers to vote therein, the county clerk of the county where the person or elector has moved shall ~~send a cancellation notice to the clerk of the county in which the person or elector previously resided. The county clerk receiving such a notice shall cancel the preregistration or registration of the person or elector and place it in a cancelled file.~~ **update the person's preregistration or elector's registration, as**

applicable, in the database created by the Secretary of State pursuant to NRS 293.675.

Sec. 15. NRS 293.533 is hereby amended to read as follows:

293.533 Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the ~~registrar of voters' register~~ **statewide voter registration list** and the roster.

Sec. 16. NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain:

(a) A file of the applications to preregister to vote of persons who have cancelled their preregistration; and

(b) A file of the applications to register to vote of electors who have cancelled their registration, ~~+~~

↪ in the database created by the Secretary of State pursuant to NRS 293.675.

The files must be kept in alphabetical order. The county clerk shall mark the applications "Cancelled," and indicate thereon the reason for cancellation.

2. If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person's application to preregister to vote.

3. If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

4. The county clerk ~~may:~~

~~— (a) Microfilm the applications to preregister or register to vote of a person or an elector who cancels his or her preregistration or registration, as applicable, and destroy the originals at any time.~~

~~— (b) Record~~ **shall record** cancelled applications to preregister or register to vote ~~by computer~~ **in the database created by the Secretary of State pursuant to NRS 293.675** and destroy the originals at any time.

~~— (c) Destroy any application to preregister or register to vote of a person or an elector who cancels his or her preregistration or registration, as applicable, after the expiration of 3 years after the date of cancellation.~~

Sec. 17. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and ~~file the affidavit of cancellation with the registrar of voters' register and:~~

~~— (a) In counties where records of registration are not kept by computer, the county clerk shall~~ attach a copy of the affidavit of cancellation in the roster.

~~[(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.]~~

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 18. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) ~~File the challenge in the registrar of voters' register and:~~
~~—(1) In counties where records of registration are not kept by computer, he or she shall attach.~~ **Attach** a copy of the challenge to the challenged registration in the roster.

~~—(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the roster.~~

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 19. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:

(a) Remove the challenge or affidavit from ~~the registrar of voters' register,~~ any roster and any other record in which the challenge or affidavit has been filed or entered;

(b) If a notice of the challenge or affidavit has been mailed to the person who is the subject of the challenge or affidavit, mail a notice and a copy of the request to withdraw to that person; and

(c) If a notice of the challenge has been mailed to the district attorney, mail a notice and a copy of the request to withdraw to the district attorney.

2. If the county clerk receives a request to withdraw pursuant to subsection 1, the county clerk shall withdraw the person's challenge or affidavit.

Sec. 20. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) ~~By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.~~

~~—(4)~~ By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➤ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 21. 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 a paper application to preregister or register to vote to each person who:

(a) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department; 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]~~ **an applicant** to vote or to correct ~~[information in a person's previous application to preregister or the registrar of voters' register.]~~ **the preregistration or registration of the applicant, as applicable.** A paper 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 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 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 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,~~ **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,~~ **database created by the Secretary of State pursuant to NRS 293.675.** 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. 22. NRS 293.5732 is hereby amended to read as follows:

293.5732 1. The Secretary of State ~~+~~ **and** the Department of Motor Vehicles ~~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 must be transmitted electronically

to *the database created by the Secretary of State ~~and the county clerks~~ pursuant to NRS 293.675* 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.

2. The system established pursuant to subsection 1 must:

(a) Ensure the secure electronic storage of information collected pursuant to NRS 293.5742, the secure transmission of such information to *the database created by the Secretary of State ~~and county clerks~~ pursuant to NRS 293.675* and the secure electronic storage of such information ~~by the Secretary of State and county clerks;~~ *in the database;*

(b) Provide for the destruction of records by the Department as required by subsection 2 of NRS 293.5747; and

(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of NRS 293.5742.

Sec. 23. NRS 293.5737 is hereby amended to read as follows:

293.5737 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 database created by the Secretary of State ~~and the county clerks~~ pursuant to NRS 293.675* 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~~ *database created by the Secretary of State pursuant to NRS 293.675* 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.

Sec. 24. NRS 293.5742 is hereby amended to read as follows:

293.5742 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~~ **database created by the Secretary of State pursuant to NRS 293.675** 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.

Sec. 25. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall electronically transmit to the *database created by* Secretary of State ~~and the appropriate county clerk~~ *pursuant to NRS 293.675* the information and any electronic documents collected from a person pursuant to NRS 293.5742:

(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 *database created by 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~~ *database created by the Secretary of State pursuant to NRS 293.675* 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. 26. 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 ~~the county clerk~~ **the database created by the Secretary of State pursuant to NRS 293.675** by the Department of Motor Vehicles, the **appropriate** county clerk shall collate the information into an individual electronic document ~~in the database~~, which shall be deemed an application to register to vote.

(d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to NRS 293.5742 shall be deemed the date on which the applicant registered to vote.

2. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, **the county clerk shall ensure that** the name of the applicant ~~must appear~~ **appears** 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 ~~the~~

~~—(1) An~~ **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 to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

Sec. 27. NRS 293.5762 is hereby amended to read as follows:

293.5762 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 *database created by the* Secretary of State ~~and the appropriate county clerks~~ *pursuant to NRS 293.675* 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 *database created by the* Secretary of State ~~and the appropriate county clerks~~ *pursuant to NRS 293.675* 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.

Sec. 28. NRS 293.5767 is hereby amended to read as follows:

293.5767 1. Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to NRS 293.5747 and 293.5762 to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:

(a) It shall be deemed that the transmittal is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; ~~and~~

(c) The county clerk must reject the application **and remove the information transmitted by the Department of Motor Vehicles from the database created by the Secretary of State pursuant to NRS 293.675;** and ~~may~~

(d) **May** not register that person to vote.

Sec. 29. NRS 293.5832 is hereby amended to read as follows:

293.5832 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize **at least one** ~~for more~~ of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application; **or**

(b) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~—(c)—~~ The system established by the Secretary of State pursuant to NRS 293.671.

➡ If the county or city clerk authorizes the use of ~~more than one method,~~ **both methods**, the county or city clerk may limit the use of ~~a particular~~ **one** method to circumstances when ~~another~~ **the other** method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city clerk may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a provisional ballot in the election pursuant to this section, the provisional ballot is subject to final verification in accordance with the procedures that apply to other provisional ballots cast in the election pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 30. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize *at least* one ~~for more~~ of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; *or*

(2) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~—(3)—~~ The system established by the Secretary of State pursuant to NRS 293.671.

➔ If the county or city clerk authorizes the use of ~~more than one method,~~ *both methods*, the county or city clerk may limit the use of ~~a particular~~ *one* method to circumstances when ~~another~~ *the other* method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 31. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize *at least one* ~~for more~~ of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; *or*

(2) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~—(3)—~~ The system established by the Secretary of State pursuant to NRS 293.671.

➡ If the county or city clerk authorizes the use of ~~more than one method,~~ **both methods**, the county or city clerk may limit the use of ~~a particular~~ **one** method to circumstances when ~~another~~ **the other** method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;
- (c) A bank or credit union statement;
- (d) A paycheck;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot.

Sec. 32. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain ~~an~~ *a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.*

2. *The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.*

~~{2-}~~ 3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~17-1~~ **8**, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~18-1~~ **9**, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

~~13-1~~ **4.** Each county and city clerk shall:

(a) ~~Except for information related to the preregistration of persons to vote, electronically~~ **Electronically** enter into the ~~statewide voter registration list~~ **database created pursuant to subsection 1** all information related to voter **preregistration and** registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

~~14-1~~ **5.** In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

~~15-1~~ **6.** The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

~~16-1~~ **7.** The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

~~17-1~~ **8.** Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~18-1~~ **9.** The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 33. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. Except as otherwise provided in this section, a registered voter who provides sufficient written notice to the city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. The written notice is effective for all elections that are conducted after the registered voter provides the written notice to the city clerk, except that the written notice is not effective for the next ensuing election unless the written notice is provided to the city clerk before the time has elapsed for requesting an absent ballot for the election pursuant to subsection 1 of NRS 293C.310.

2. Except as otherwise provided in this section or for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, upon receipt of the written notice provided by the registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the written notice is effective pursuant to subsection 1.

(b) Inform the county clerk of receipt of the written notice provided by the registered voter. Upon being informed of the written notice by the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election, other than a special city election, that is conducted after the written notice is effective pursuant to subsection 1.

3. The city clerk must not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530;

(b) The county clerk cancels the registration of the person pursuant to NRS ~~{293.527,}~~ 293.530, 293.535 or 293.540; ~~{or}~~

(c) ***The registered voter has moved to another county and the county clerk of that county has updated the voter's registration on the statewide voter registration list pursuant to NRS 293.527; or***

(d) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

4. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 34. NRS 293C.525 is hereby amended to read as follows:

293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in ~~the registrar of voters' register or~~ the roster incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.

Sec. 35. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) ~~By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.~~

~~(4)~~ By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

↪ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 36. NRS 293C.540 is hereby amended to read as follows:

293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall *use the database created by the Secretary of State pursuant to NRS 293.675 to prepare and* deliver to the city clerk the official register for the city.

Sec. 37. NRS 266.022 is hereby amended to read as follows:

266.022 1. The county clerk shall invalidate the signature of any qualified elector if the signature is not signed in ink and dated or if the signature is executed before the notice to incorporate and the petition for incorporation are filed with the county clerk pursuant to NRS 266.018. The county clerk shall not invalidate a signature because it does not correspond exactly to the signature ~~on the registrar of voters' register~~ *in the database created by the Secretary of State pursuant to NRS 293.675* if the county clerk is able to determine the identity of the signer from the signature on the petition.

2. A petition for incorporation must contain a number of signatures equal to at least one-third of the qualified electors within the boundaries of the city proposed to be incorporated.

3. The petition containing the required number of signatures must be filed with the county clerk within 90 days after the notice to incorporate is filed pursuant to NRS 266.018.

Sec. 37.3. Section 88 of chapter 546, Statutes of Nevada 2019, at page 3426 is hereby amended to read as follows:

Sec. 88. 1. This section becomes effective upon passage and approval.

2. Sections 34, 43, 84.4 and 84.6 of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

3. Sections 1 to 8, inclusive, 10 to 33, inclusive, 35 to 42, inclusive, 43.5 to 83, inclusive, 85, 86 and 87 of this act become effective on July 1, 2019.

4. Section 84 of this act becomes effective on July 1, 2021.

5. Section 9 of this act becomes effective on January 1, ~~2022~~ **2024**.

Sec. 37.7. 1. The Secretary of State shall develop a pilot program for conducting a risk-limiting audit of the results of the 2022 general election.

2. The Secretary of State may require each county clerk to participate in the pilot program developed pursuant to subsection 1 and conduct a risk-limiting audit of the results of the 2022 general election.

3. As used in this section, “risk-limiting audit” means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 38. 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. 39. 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. 39.5. Beginning with a report that is due on January 1, 2022, and ending with the submission of a final report that is due on January 1, 2024, the Secretary of State shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee every 6 months that details the progress made by the Secretary of State in implementing the provisions of **sections 1 to 37, inclusive, of** this act.

Sec. 40. NRS 293.0925 and 293.511 are hereby repealed.

Sec. 41. 1. This section and ~~section~~ **sections 37.3, 37.7 and 39.5** ~~are~~ **become** effective upon passage and approval.

2. Sections 1 to ~~39~~, **37**, inclusive, **38, 39** and 40 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

293.0925 “Registrar of voters’ register” defined. “Registrar of voters’ register” means the record of registered voters kept by the county clerk.

293.511 Register or roster kept by computer to include certain information. If a registrar of voters’ register or roster is kept by computer, the register or roster, as applicable, must include the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 813 to Assembly Bill No. 422.

Remarks by Assemblywoman Brittney Miller.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 464.

The following Senate amendment was read:

Amendment No. 814

SUMMARY—Makes appropriations to restore the balances in the Stale Claims Account, the Emergency Account, the Reserve for Statutory Contingency Account and the Contingency Account ~~to~~ and to the Interim Finance Committee to make certain allocations. (BDR S-1051)

AN ACT making appropriations to restore the balances in the Stale Claims Account, the Emergency Account, the Reserve for Statutory Contingency Account and the Contingency Account ~~to~~ and to the Interim Finance Committee to make certain allocations; 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. There is hereby appropriated from the State General Fund to restore the balance in the Stale Claims Account created by NRS 353.097 the sum of \$3,570,578.

Sec. 2. There is hereby appropriated from the State General Fund to restore the balance in the Emergency Account created by NRS 353.263 the sum of \$239,791.

Sec. 3. There is hereby appropriated from the State General Fund to restore the balance in the Reserve for Statutory Contingency Account created by NRS 353.264 the sum of \$12,051,658.

Sec. 4. There is hereby appropriated from the State General Fund to restore the balance in the Contingency Account created by NRS 353.266 the sum of \$13,667,305.

Sec. 4.3. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$267,500 for allocation to the Department of Taxation for personnel costs related to the issuance of refunds for the portion of modified business taxes paid in Fiscal Year

2019-2020 and Fiscal Year 2020-2021 that exceeded the reduced tax rates determined by the Department pursuant to NRS 360.203.

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. 4.7. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$2,500,000 for allocation to the Division of Forestry of the State Department of Conservation and Natural Resources only for expenses incurred in the suppression of fires or response to emergencies charged to the Forest Fire Suppression budget account.

2. Money appropriated by subsection 1 may be allocated to the Division of Forestry of the State Department of Conservation and Natural Resources with the approval of the Interim Finance Committee, upon the recommendation of the Governor and submittal of documentation indicating that billings related to the suppression of fires or response to emergencies have been received.

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. 5. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 814 to Assembly Bill No. 464.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 468.

The following Senate amendment was read:

Amendment No. 815.

SUMMARY—Makes appropriations to various divisions of the Department of Motor Vehicles for the replacement of computer hardware and software and certain other equipment ++ and to the Interim Finance Committee to

allocate to the Department for certain computer programming costs.
(BDR S-1135)

AN ACT making appropriations to various divisions of the Department of Motor Vehicles for the replacement of computer hardware and software and certain other equipment ~~++~~ **and to the Interim Finance Committee to allocate to the Department for certain computer programming costs;** 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 Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of \$23,677 for the costs of the replacement of the DUO Digipass security application and one UPS battery backup unit.

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 Highway Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of \$645,078 for the replacement of computer hardware and software and associated equipment.

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 Highway Fund on or before September 15, 2023.

Sec. 3. 1. There is hereby appropriated from the State Highway Fund to the Motor Carrier Division of the Department of Motor Vehicles the sum of \$38,916 for the replacement of computer hardware and software.

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 Highway Fund on or before September 15, 2023.

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of \$561,647 for the replacement of credit card readers, scanners, shredders, facsimile machines and a stylus marking 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 Highway Fund on or before September 15, 2023.

Sec. 5. 1. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of \$61,614 for the replacement of barcode scanners.

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 Highway Fund on or before September 15, 2023.

Sec. 6. 1. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of \$745,632 for the replacement of computer hardware and software.

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 Highway Fund on or before September 15, 2023.

Sec. 7. 1. There is hereby appropriated from the State Highway Fund to the Division of Compliance Enforcement of the Department of Motor Vehicles the sum of \$51,874 for the replacement of computer hardware and software.

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 Highway Fund on or before September 15, 2023.

Sec. 8. 1. There is hereby appropriated from the State Highway Fund to the Office of the Director of the Department of Motor Vehicles the sum of \$42,408 for the replacement of computer hardware and software.

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 Highway Fund on or before September 15, 2023.

Sec. 9. 1. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of \$46,888 for the replacement of computer hardware and software.

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 Highway Fund on or before September 15, 2023.

Sec. 9.5. 1. There is hereby appropriated from the State Highway Fund to the Interim Finance Committee the sum of \$615,643 for allocation to the Department of Motor Vehicles for the costs of computer programming related to legislation enacted by the 81st Session of the Nevada Legislature and approved by the Governor.

2. Money appropriated by subsection 1 may be allocated to the Department of Motor Vehicles with the approval of the Interim Finance Committee, upon recommendation of the Governor, and submittal of documentation for the costs.

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 Highway Fund on or before September 15, 2023.

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 815 to Assembly Bill No. 468.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Senate Bill No. 147.

Bill read third time.

Roll call on Senate Bill No. 147:

YEAS—42.

NAYS—None.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 158.

Bill read third time.

Roll call on Senate Bill No. 158:

YEAS—42.

NAYS—None.

Senate Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—41.

NAYS—Black.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Roll call on Senate Bill No. 194:

YEAS—37.

NAYS—Black, Dickman, Ellison, Matthews, Brittney Miller—5.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 278.

Bill read third time.

Roll call on Senate Bill No. 278:

YEAS—42.

NAYS—None.

Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 295 provides that an insurer may not terminate, suspend, withhold, offset, reduce, or otherwise halt, restrict, or limit the payment of compensation for permanent total disability to certain injured firefighters, arson investigators, police officers, or emergency medical attendants or their dependents on the basis that the injured employee earns income.

I promise, Mr. Speaker, that I will try to make this fast, but this is a bill that is very important to me. I rise today in support of Senate Bill 295, a bill that merely clarifies existing law. Police officers, firefighters, and arson investigators dedicated and risked their lives to serving and protecting our communities daily. Unfortunately, by performing their duties, it is known that they also suffer heart disease, lung disease, and hepatitis at a much greater rate than the general population. Nevada has long recognized those risks and for decades has provided specific protections for them in the Nevada workers' compensation laws. Specifically, it has been and continues to be the law of this state that police officers, firefighters, and arson investigators who suffer from heart disease, lung disease, or hepatitis and lose their careers as a result of those diseases are able to receive permanent, total disability benefits regardless whether or not they subsequently find other forms of work. Yet, a small number of actors in the workers' compensation space incorrectly believe that those benefits can be stripped simply because of subsequent work by former police officers, firefighters, and arson investigators. This is not so.

Senate Bill 295 does not change current law; rather, it simply and specifically clarifies existing law and the long-standing intent of this body, I believe, that such benefits should not be reduced or removed from our former police officers, firefighters, and arson investigators simply because they continue to work in other professions and choose to remain active and productive community members of our society. I urge the Nevada Assembly to pass Senate Bill 295.

Roll call on Senate Bill No. 295:

YEAS—42.

NAYS—None.

Senate Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 297.

Bill read third time.

Roll call on Senate Bill No. 297:

YEAS—36.

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

Senate Bill No. 297 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. 175 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Senate Bill 175 requires the state's Chief Medical Officer to establish and maintain a system for the reporting of information on lupus and its variants.

Roll call on Senate Bill No. 175:

YEAS—35.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—7.

Senate Bill No. 175 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 460 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 460.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 860.

SUMMARY—~~Revises provisions relating to state financial administration.~~ Makes appropriations to certain state agencies for certain purposes. (BDR S-1176)

AN ACT ~~relating to state financial administration,~~ making appropriations to certain state agencies for certain purposes; ~~revising provisions relating to the compensation of employees of the Senate and Assembly;~~ 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 Division of Public and Behavioral Health of the Department of Health and Human Services for the Northern Nevada Adult Mental Health Services budget account the sum of \$389,399 for community-based living arrangement services.

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. 2. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Rural Clinics budget account for psychiatric services the following sums:

For the Fiscal Year 2021-2022	\$486,321
For the Fiscal Year 2022-2023	\$486,321

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. 3. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Washoe County Child Welfare budget account for the fiscal incentives program the following sums:

For the Fiscal Year 2021-2022	\$892,500
For the Fiscal Year 2022-2023	\$805,000

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. 4. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Clark County Child Welfare budget account for the fiscal incentives program the following sums:

For the Fiscal Year 2021-2022	\$2,677,500
For the Fiscal Year 2022-2023	\$2,415,000

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. 5. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Problem Gambling budget account for gambling treatment and prevention services the following sums:

For the Fiscal Year 2021-2022 \$176,000
For the Fiscal Year 2022-2023 \$176,000

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. 6. 1. There is hereby appropriated from the State General Fund to the Account for Family Planning created by NRS 442.725 the following sums:

For the Fiscal Year 2021-2022 \$621,707
For the Fiscal Year 2022-2023 \$621,707

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. 7. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Children, Youth and Family Administration budget account for the Nevada Partnership for Training contract with the University of Nevada, Reno, School of Social Work the following sums:

For the Fiscal Year 2021-2022 \$64,963
For the Fiscal Year 2022-2023 \$65,106

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. 8. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Southern Nevada Adult Mental Health Services budget account for office space and associated operating costs the following sums:

For the Fiscal Year 2021-2022	\$76,871
For the Fiscal Year 2022-2023	\$78,987

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. 9. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Chronic Disease budget account for vaping prevention activities the following sums:

For the Fiscal Year 2021-2022	\$2,500,000
For the Fiscal Year 2022-2023	\$2,500,000

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. 10. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and

Human Services for the Health Care Facilities Regulation budget account for community-based living arrangement services the following sums:

For the Fiscal Year 2021-2022 \$61,205

For the Fiscal Year 2022-2023 \$63,855

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. 11. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the Health Care Facilities Regulation budget account for replacement equipment the following sums:

For the Fiscal Year 2021-2022 \$1,089

For the Fiscal Year 2022-2023 \$2,129

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. 12. 1. There is hereby appropriated from the State General Fund to the Department of Tourism and Cultural Affairs for the Nevada Humanities budget account for the Nevada Humanities program the following sums:

For the Fiscal Year 2021-2022 \$25,000

For the Fiscal Year 2022-2023 \$25,000

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. 13. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Nevada Institute on Teaching and Educator Preparation established pursuant to NRS 396.5185 the following sums:

For the Fiscal Year 2021-2022 \$750,000
For the Fiscal Year 2022-2023 \$750,000

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. 14. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education for the Cooperative Extension Service budget account for travel and operating costs the following sums:

For the Fiscal Year 2021-2022 \$213,771
For the Fiscal Year 2022-2023 \$213,771

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. 15. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 for personnel costs for two security scanner positions the following sums:

For the Fiscal Year 2021-2022 \$124,182
For the Fiscal Year 2022-2023 \$129,272

Sec. 16. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 for personnel, travel and operating costs for three positions for the Senate the following sums:

For the Fiscal Year 2021-2022 \$302,596
For the Fiscal Year 2022-2023 \$5,925

Sec. 17. ~~NRS 218A.605 is hereby amended to read as follows:~~

~~218A.605 1. Except as otherwise provided in this section, the employees of the Senate and the Assembly must be paid, for all services rendered by them~~

under the provisions of this chapter, the following base amounts of money for each day's employment:

Assistant Secretary/Assistant Chief Clerk	\$111
Document Clerk	105
History Clerk	105
Journal Clerk	105
Media Clerk	105
Recording Clerk	105
Sergeant at Arms	105
Deputy/Senior Sergeant at Arms	90
Assistant Sergeant at Arms	84
Senior Page	77
Page/Student	61
Clerical Services Administrator/Supervisor of Clerical Services	111
Executive Assistant	\$103
Executive Secretary	98
Leadership Receptionist	90
Senior Secretary	90
Secretary	84
Senior Committee Manager	103
Committee Manager	98
Lead Committee Secretary	103
Secretary for Senate Committee on Finance or Assembly Committee on Ways and Means	101
Senior Committee Secretary	98
Committee Secretary	90
Senior Proofreader	98
Proofreader	90
Committee Minutes Coordinator	98
Data Entry Technician	82
Word Processing Clerk	69
Reproduction Services Supervisor	90
Bill Services Administrator/Supervisor of Bill Services	82
Assistant Bill Services Administrator/Supervisor of Bill Services	75
Bill Services Clerk	61

— 2. — In addition to the positions listed in subsection 1, the Secretary of the Senate and the Chief Clerk of the Assembly may establish additional positions as necessary and shall establish an appropriate base amount for those additional positions.

— 3. — The base amount paid to an employee of the Legislature listed in subsection 1 or created pursuant to subsection 2:

~~— (a) Must be increased cumulatively by each cost of living increase granted to employees in the classified service of the State that becomes effective on or after July 1, 2001; and~~

~~— (b) May be increased cumulatively by the Secretary of the Senate or the Chief Clerk of the Assembly, as applicable, by:~~

~~— (1) One step of 5 percent for each regular session during which the employee previously worked for the Legislature in the same or a similar position, not to exceed the number of steps in the State's compensation schedule per position, if the Secretary of the Senate or the Chief Clerk of the Assembly determined that the employee performed his or her duties in a satisfactory manner during the previous regular session or sessions; or~~

~~— (2) One or more steps of 5 percent, not to exceed the number of steps in the State's compensation schedule per position, as determined by the Secretary of the Senate or the Chief Clerk of the Assembly, based upon previous service with the Legislative Counsel Bureau in a position that is similar to the position with the Senate or the Assembly, as applicable.~~

~~— 4. If an employee of the Legislative Counsel Bureau transfers to a position with the Senate or the Assembly during a regular or special session, the employee may, with the approval of the Secretary of the Senate or the Chief Clerk of the Assembly, continue to be paid on an hourly basis at the same rate that the employee was being paid by the Legislative Counsel Bureau if the position with the Legislative Counsel Bureau is similar to the position with the Senate or the Assembly, as applicable.~~

~~— 5. During periods of adjournment to a day certain, employees of the Legislature whose service is required shall perform duties as assigned and are entitled to be paid the amount specified in subsection 1 for each day of service, as adjusted pursuant to subsection 3, if applicable.~~

~~— 6. During periods before the commencement of a regular or special session and after the adjournment of a regular or special session sine die, employees of the Legislature whose service is required shall perform duties as assigned and are entitled to be paid at an hourly rate commensurate with the daily rate specified in subsection 1, as applicable, and are entitled to be compensated for overtime in the same manner as provided for employees of the Legislative Counsel Bureau.~~

~~— 7. During a special session and with the approval of the Secretary of the Senate or the Chief Clerk of the Assembly, an employee of the Legislature whose service is required may be paid at an hourly rate commensurate with the daily rate specified in subsection 1, as applicable, and compensated for overtime in the same manner as provided for employees of the Legislative Counsel Bureau.~~ **(Deleted by amendment.)**

Sec. 18. This act becomes effective on July 1, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 460 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 460.

Bill read third time.

Roll call on Senate Bill No. 460:

YEAS—36.

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

EXCUSED—Leavitt.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 325.

Bill read third time.

Roll call on Senate Bill No. 325:

YEAS—40.

NAYS—Black, Matthews—2.

Senate Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 353.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Senate Bill 353 requires the Nevada Department of Education [NDE] to review certain examinations and assessments administered to pupils for their educational benefit, cost, and redundancy in information, skills, and abilities measured. This bill also requires NDE to adopt regulations prescribing limits on the actual instruction time that can be taken to conduct the assessments and the total number of assessments administered in each school year.

Roll call on Senate Bill No. 353:

YEAS—42.

NAYS—None.

Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 385.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Senate Bill 385 requires the Division of Child and Family Services of the Department of Health and Human Services to conduct an interim study related to some very important stuff.

Roll call on Senate Bill No. 385:

YEAS—42.

NAYS—None.

Senate Bill No. 385 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. 389 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 389.

Bill read third time.

Roll call on Senate Bill No. 389:

YEAS—33.

NAYS—Black, Dickman, Ellison, Kasama, Matthews, McArthur, O'Neill, Titus, Wheeler—9.

Senate Bill No. 389 having received a two-thirds 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 2:05 p.m.

ASSEMBLY IN SESSION

At 2:56 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 116, Amendment No. 774; Assembly Bill No. 224, Amendment No. 850; Assembly Bill No. 486, Amendment No. 835, and respectfully requests your honorable body to concur in said amendments.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 224.

The following Senate amendment was read:

Amendment No. 850.

AN ACT relating to education; requiring that the annual report of accountability prepared by the board of trustees of each school district and the governing bodies of certain charter schools include certain information related to menstrual products; requiring the provision of menstrual products in the bathrooms of certain public schools; requiring the board of trustees of each school district and the governing bodies of certain charter schools to develop a plan to address access to menstrual products; requiring the board of trustees of each school district and the governing bodies of certain charter schools to submit a report to the Legislature; ~~directing the Legislative Commission to appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high schools and high schools;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing bodies of certain charter schools in this State to prepare an annual report of accountability. (NRS 385A.070) **Section 1** of this bill requires the report to include information on access to menstrual products in each middle school, junior high school and high school in the school district and certain charter schools. **Section 3** of this bill requires the board of trustees of each school district and the governing bodies of certain charter schools to ensure that menstrual products are provided at no cost to pupils in the bathrooms of each middle school, junior high school and high school in the school district or charter school operating as such a school. **Section 3** also requires the board of trustees of each school district and the governing bodies of certain charter schools to develop a plan to address access to menstrual products. **Section 3** sets forth various requirements of the plan. Finally, **section 3** requires the board of trustees or governing body to submit a report on the plan to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in each odd-numbered year.

Section 3.3 of this bill requires 25 percent of certain middle schools, junior high schools and high schools in each school district and 25 percent of certain charter schools with the same sponsor that operate as a middle school, junior high school or high school to provide menstrual products at no cost to pupils in a certain number of restrooms.

~~[Section 3.7 of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the effects of section 3.3 and access to menstrual products in middle schools, junior high schools and high schools in this State.]~~

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

Section 1. Chapter 385A of NRS is hereby amended by adding thereto a new section to read as follows:

The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each middle school, junior high school and high school in the school district and for each charter school that operates as a middle school, junior high school or high school, an evaluation of access to menstrual products.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, ***and section 1 of this act*** for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, ***and section 1 of this act*** and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, ***and section 1 of this act*** if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher

Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, *and section 1 of this act* as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that operates as a middle school, junior high school or high school shall ensure that menstrual products are provided at no cost to pupils in the bathrooms of each middle school, junior high school and high school in the school district or charter school.

2. The board of trustees of each school district and the governing body of each charter school that operates as middle school, junior high school or high school shall develop a plan to address the lack of access to menstrual products due to affordability and to provide equal access to menstrual products. The board of trustees or governing body shall review the plan each year. The plan must, without limitation:

(a) Evaluate the access to and quality of menstrual products in the middle schools, junior high schools and high schools in the school district or charter school;

(b) Include a method to evaluate the effectiveness of the plan;

(c) Be evidence-based;

(d) Be solution-oriented;

(e) Outline how the school district or charter school will ensure access to menstrual products regardless of affordability and destigmatize the need for menstrual products; and

(f) Outline any curriculum a school in the school district or a charter school may provide regarding access to menstrual products.

3. The board of trustees of a school district or governing body of a charter school that operates as a middle school, junior high school or high school may apply for any available grants and accept any gifts, grants or donations to implement the provisions of this section.

4. On or before February 1 of each odd-numbered year, the board of trustees of each school district and the governing body of each charter school that operates as a middle school, junior high school or high school shall submit a report on the plan developed pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

5. As used in this section, “menstrual products” includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.

Sec. 3.3. On or before January 1, 2022, at least the 25 percent of the middle schools, junior high schools and high schools in each school district and the 25 percent of the charter schools with the same sponsor that operate as a middle school, junior high school or high school that, in the immediately preceding 3 consecutive years, had the highest percentage of pupils who receive free and reduced-price lunches of the schools in the school district or the charter schools with the same sponsor shall provide:

1. Menstrual products at no cost to pupils in women’s restrooms for the remainder of the 2021-2022 school year and the 2022-2023 school year; and

2. At least one dispenser stocked with menstrual products at no cost to pupils in at least two women’s restrooms in the school, if the school has two or more women’s restrooms.

Sec. 3.7. ~~1. The Legislative Commission shall appoint a committee to conduct an interim study concerning access to menstrual products in middle schools, junior high schools and high schools in this State and the effect of the provisions of section 3.3 of this act on such access.~~

~~2. The interim committee must be composed of the following members:~~

~~(a) One member of the Legislature appointed by the Majority Leader of the Senate;~~

~~(b) One member of the Legislature appointed by the Speaker of the Assembly;~~

~~(c) One member with knowledge relating to access to menstrual products in middle schools, junior high schools and high schools appointed by the Legislative Commission;~~

~~(d) One member appointed by the Department of Education; and~~

~~(e) One member appointed by the State Public Charter School Authority.~~

~~3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.~~

~~4. In conducting the study, the interim committee may consult with and solicit input from persons and organizations with expertise in matters relevant to access to menstrual products in middle schools, junior high schools and high schools.~~

~~5. The Legislative Commission shall submit a report of the results of the study, including, without limitation, any recommendations for legislation to:~~

~~(a) The Legislative Committee on Education; and~~

~~(b) The Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.~~

~~6. As used in this section, “menstrual products” includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle. (Deleted by amendment.)~~

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 850 to Assembly Bill No. 224.

Remarks by Assemblywoman Bilbray-Axelrod.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 486.

The following Senate amendment was read:

Amendment No. 835.

AN ACT relating to property; defining certain terms; temporarily authorizing tenants subject to designated eviction proceedings to assert certain affirmative defenses relating to rental assistance and establishing procedures relating thereto; temporarily establishing procedures relating to claims for wrongful eviction; temporarily requiring a court to stay designated eviction proceedings in order to facilitate alternative dispute resolution; temporarily requiring notices for ~~for certain proceedings for~~ **designated** eviction proceedings to contain certain information; establishing temporary procedures relating to the provision of rental assistance to certain landlords of single family residences with at least one tenant who has defaulted in the payment of rent; requiring the disbursement of certain federal money in certain circumstances relating to rental assistance; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions which govern landlords and tenants of dwelling units and manufactured homes. (Chapters 118A and 118B of NRS) Existing law establishes provisions relating to summary proceedings for the eviction of such tenants. (NRS 40.215-40.425) **Section ~~1~~ 1.5** of this bill defines certain terms for purposes of this bill, including the term “designated eviction proceeding,” which refers to certain proceedings relating to the eviction of tenants who have defaulted in the payment of rent. **Section 1 of this bill provides that the provisions of this bill do not apply to proceedings for evictions relating to: (1) commercial provisions of this premises; or (2) the sale of a premises or a nuisance.**

Section 2 of this bill authorizes a tenant to claim as an affirmative defense to a designated eviction proceeding that: (1) the tenant has a pending application for rental assistance; or (2) the landlord of the tenant refused to participate in the application for rental assistance or accept rental assistance provided on behalf of the tenant.

Section 2 requires the court to stay the proceedings upon the assertion of such an affirmative defense unless the landlord receives an exemption. **Section 2** also authorizes the landlord to file a motion to rebut the affirmative defense.

~~[In assessing the affirmative defense,]~~ **If such a motion is filed by a landlord, section 2** authorizes ~~for the~~ court to: (1) refer the designated eviction proceedings to mediation; (2) hold a hearing; or (3) maintain the stay of the proceedings.

If the claim relates to a pending application for rental assistance, **section 2** requires the court to stay the proceedings until such time as a determination is made on the application for rental assistance. Moreover, if the court stays such proceedings, **section 2** requires the court to dismiss the proceedings for eviction upon the granting of the application for rental assistance and receipt of the rental assistance by the landlord.

If a tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant, **section 2**: (1) requires the court to deny the designated eviction proceeding; and (2) authorizes the court to award damages to the tenant. Additionally, in determining the award of such damages, **section 2** requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application for rental assistance or accept the rental assistance.

Section 3 of this bill provides that if a landlord accepted rental assistance on behalf of a tenant who has defaulted in the payment of rent and the landlord pursued, continued to pursue or evicted the tenant for any reason that existed or arose during the period of default for which the rental assistance was received by the landlord, the tenant or the governmental entity who administered the rental assistance may file a claim of wrongful eviction against the landlord. **Section 3** also authorizes a court to: (1) impose certain civil penalties on a landlord who is found to have wrongfully evicted a tenant; and (2) require the landlord to pay costs and attorney's fees of the plaintiff.

Section 3.5 of this bill establishes similar provisions which provide that if a governmental entity brings any other cause of action relating to a landlord who accepted rental assistance on behalf of a tenant who has defaulted in the payment of rent and the landlord pursued, continued to pursue or evicted a tenant for any reason that existed or arose during the period of default for which the rental assistance was received by the landlord, the governmental entity may be entitled to damages in an amount not to exceed the amount of rental assistance obtained by the landlord and is entitled to costs and attorney's fees.

Existing law authorizes a court to stay proceedings for eviction against a tenant of any dwelling unit, apartment, mobile home, recreational vehicle or part of a low-rent housing program operated by a public housing authority for a period of not more than 30 days to facilitate a program of alternative dispute resolution under certain circumstances. (NRS 40.2544) **Section 8.5** of this bill repeals those provisions and instead **section 4** of this bill establishes similar provisions with expanded applicability to designated eviction proceedings.

Existing law requires a landlord to provide notice of proceedings for evictions to tenants. (NRS 40.215-40.425) In addition to the existing

requirements, **section 5** of this bill requires the notice of a designated eviction proceeding to include information relating to rental assistance and the provisions of **sections 2, 3 and 4**.

Section 6 of this bill requires: (1) Home Means Nevada, Inc., or its successor organization, to create an electronic form which may be completed by a landlord who wishes to obtain rental assistance on behalf of a tenant who has defaulted in the payment of rent; and (2) the form to collect certain information relating to such landlords and tenants. Upon submission of the form by the landlord, **section 6** requires Home Means Nevada, Inc., or its successor organization, to determine whether the landlord is an eligible landlord, meaning that the landlord: (1) owns a single family residence; (2) is seeking rental assistance for least one dwelling unit in the single family residence; (3) is domiciled in this State or employs a property manager in this State; and (4) has an annual gross revenue from the rental of all premises in this State of less than \$4,000,000. If Home Means Nevada, Inc., or its successor organization, determines that the landlord is an eligible landlord, **section 6** requires Home Means Nevada, Inc., or its successor organization, to forward relevant information relating to the landlord and tenant to an appropriate housing or social service agency. **Section 6** then requires the housing or social service agency to attempt to contact the tenant to provide information relating to a program for rental assistance. If the tenant is unresponsive or fails to apply to the program for rental assistance, **section 6** requires the housing or social service agency to inform the eligible landlord of that fact and authorizes the eligible landlord to receive rental assistance, without the application of the tenant, if the eligible landlord agrees to certain conditions.

Section 7 of this bill requires the disbursement of certain federal money in the amount of \$5,000,000 for the purpose of providing rental assistance directly to landlords.

Section 9 of this bill expires the provisions of **sections 1-3.5, 5 and 6** on June 5, 2023. **Section 9** expires the provisions of **section 4** on the earlier of: (1) the date that the Nevada Supreme Court determines that there are insufficient funds for the programs of alternative dispute resolution; or (2) June 5, 2023.

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

Section 1. Sections 1.5 to 6, inclusive, of this act do not apply to any proceeding for eviction relating to:

1. A commercial premises; or
2. An unlawful detainer pursuant to subsection 4 of NRS 40.2514 or NRS 40.255.

~~Section 1.~~ **Sec. 1.5.** As used in sections ~~1.5~~ **1.5** to 6, inclusive, of this act, unless the context otherwise requires:

1. “Designated eviction proceeding” means:
 - (a) A proceeding for summary eviction pursuant to NRS 40.253;

(b) A proceeding for summary eviction pursuant to NRS 40.254 where the tenant has defaulted in the payment of rent; ~~except for those proceedings relating to an unlawful detainer pursuant to subsection 4 of NRS 40.2514;~~

(c) A proceeding for eviction for an unlawful detainer pursuant to NRS 40.2512; or

(d) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.

2. “Landlord” means a landlord governed by chapter 118A or 118B of NRS.

3. “Rent” means all periodic payments to be made by a tenant to a landlord for occupancy of a premises.

4. “Rental assistance” includes, without limitation, federal, state or local funds:

(a) Provided by a governmental entity; and

(b) Administered for the purpose of paying any amount of delinquent rent.

5. “Tenant” means a tenant governed by chapter 118A or 118B of NRS.

Sec. 2. Notwithstanding any other provision of law:

1. In any designated eviction proceeding, the tenant may, at any point in the proceeding, claim as an affirmative defense that:

(a) The tenant has a pending application for rental assistance; or

(b) The landlord has refused to:

(1) Participate in the application process for rental assistance; or

(2) Accept rental assistance on behalf of the tenant.

2. If an affirmative defense described in subsection 1 is asserted by the tenant:

(a) Except as otherwise provided in subsection 6, the court shall stay the designated eviction proceeding until the applicable time described in subsection 4; and

(b) The landlord may file a motion to rebut the affirmative defense asserted by the tenant.

3. ~~In assessing an affirmative defense~~ **If a landlord files the motion** described in subsection ~~4, 2,~~ **1, 2,** the court may:

(a) Refer the designated eviction proceeding to mediation;

(b) Schedule a hearing on the motion; ~~filed pursuant to paragraph (b) of subsection 2, if any;~~

(c) Maintain the stay until the applicable time described in subsection 4.

4. The stay of the designated eviction proceeding must be maintained by the court:

(a) Until the designated eviction proceeding is referred to mediation ~~if~~ **if applicable;**

(b) If the affirmative defense asserted was that described in paragraph (a) of subsection 1, until such time as a determination is made on the pending application for rental assistance, and if the application for rental assistance is granted, the court must dismiss the designated eviction proceeding at the time that the rental assistance is received by the landlord; or

(c) If the affirmative defense asserted was that described in paragraph (b) of subsection 1, until such time as the tenant proves the validity of the claim, in which case the court:

- (1) Must deny the eviction; and
- (2) May award damages to the tenant.

5. In determining the amount of damages to award to a tenant pursuant to subsection 4, the court shall consider the degree of harm caused to the tenant by the refusal of the landlord to:

- (a) Participate in the application process for rental assistance; or
- (b) Accept rental assistance on behalf of the tenant.

6. The court may grant a landlord an exemption from the requirement to stay a designated eviction proceeding pursuant to this section if:

(a) The landlord:

(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant pursuant to NRS 40.280; and

(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and

(b) The court finds:

- (1) That there is a pending designated eviction proceeding; and
- (2) Evidence that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant.

7. As used in this section, “pending application for rental assistance” means an application for rental assistance ~~filed~~ **submitted** in good faith by a tenant. The term ~~does not include~~ **includes, without limitation,** an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance. **The term does not include an application for rental assistance that was started by the tenant but is not being actively pursued by the tenant.**

Sec. 3. Notwithstanding any other provision of law:

1. If a tenant has defaulted in the payment of rent and the landlord pursues, continues to pursue or otherwise evicts the tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant, the tenant or the governmental entity administering the program for the rental assistance may file a claim of wrongful eviction against the landlord.

2. The claim of wrongful eviction must be filed with the court with jurisdiction over the underlying designated proceeding for eviction.

3. If the court finds that the landlord accepted rental assistance on behalf of the tenant and pursued, continued to pursue or otherwise evicted the tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant:

(a) The court may:

- (1) Impose a civil penalty:

(I) If the claim was filed by the governmental entity administering the program for rental assistance, in an amount equal to the amount of rental assistance obtained by the landlord; or

(II) If the claim was filed by the tenant, in an amount equal to 25 percent of the amount described in sub-subparagraph (I); and

(2) Order the landlord to pay costs and attorney's fees of the tenant or governmental entity, as applicable.

(b) The landlord may not file any claim against the tenant for any delinquent amount of rent paid with the rental assistance.

Sec. 3.5. Notwithstanding any other provision of law, and in addition to the remedy described in section 3 of this act, if a governmental entity administering a program for rental assistance brings a cause of action relating to a landlord who accepted rental assistance on behalf of a tenant and pursued, continued to pursue or otherwise evicted a tenant for any reason that existed or arose during the period of default for which the landlord received rental assistance on behalf of the tenant:

1. Any damages awarded to the governmental entity must not exceed an amount equal to the amount of rental assistance obtained by the landlord; and

2. The governmental entity is entitled to costs and attorney's fees.

Sec. 4. Any designated eviction proceeding must be stayed for not more than 30 days to facilitate a program of alternative dispute resolution established by rule by the Supreme Court or a district court or justice court.

Sec. 5. In addition to any requirement for a notice of any designated eviction proceeding, ~~for eviction pursuant to NRS 40.215 to 40.425, inclusive,~~ each notice must contain information relating to:

1. The availability of rental assistance; and

2. The procedures described in sections 2, 3 and 4 of this act.

Sec. 6. 1. Home Means Nevada, Inc., or its successor organization, shall create an electronic form which may be completed by a landlord who seeks to secure rental assistance for a tenant who has defaulted in the payment of rent.

2. The form described in subsection 1 must include, without limitation:

(a) Verification that the tenant:

(1) Has defaulted in the payment of rent; and

(2) Has not enrolled in a program for rental assistance or has not otherwise been responsive to any communication of the landlord relating to a program for rental assistance;

(b) A description of the premises affected by the defaulting tenant, including, without limitation, the total number of dwelling units on the premises;

(c) A description of the landlord, including, without limitation:

(1) The domicile of the landlord;

(2) Whether the landlord employs a property manager for a premises in this State; and

(3) Whether the annual gross revenue obtained from all premises rented by the landlord in this State totals \$4,000,000 or more; and

(d) The contact information of the landlord and tenant.

3. Upon the submission of the electronic form described in subsection 1, Home Means Nevada, Inc., or its successor organization, shall determine whether the landlord is an eligible landlord.

4. If Home Means Nevada, Inc., or its successor organization, determines that the landlord is an eligible landlord, Home Means Nevada, Inc., or its successor organization, shall forward any relevant information relating to the defaulting tenant and the landlord to an appropriate housing or social service agency.

5. Upon the receipt of the information forwarded by Home Means Nevada, Inc., or its successor organization, pursuant to subsection 4, the housing or social service agency shall attempt to contact the tenant who defaulted in the payment of rent in order to relay any relevant information relating to programs for rental assistance.

6. Any action described in subsection 3, 4 or 5 must be taken within 60 days after the receipt of the form described in subsection 1 by Home Means Nevada, Inc., or its successor organization.

7. Except as otherwise provided by federal law, if the defaulting tenant does not respond to the housing or social service agency or otherwise does not apply for rental assistance within the time prescribed by subsection 6, the housing or social service agency shall inform the eligible landlord of that fact and determine whether the eligible landlord will accept the rental assistance on behalf of the tenant who defaulted in the payment of rent. If the landlord accepts rental assistance on behalf of the tenant pursuant to this subsection, the eligible landlord must sign a document which states that the landlord:

(a) Agrees to accept 100 percent of the total delinquent amount of rent from the rental assistance; and

(b) Is prohibited from commencing an action for eviction against the tenant for at least 90 days after receipt of the rental assistance.

8. The State Treasurer, an administrator of a program for rental assistance and any other person involved in the distribution of rental assistance in this State shall promote or otherwise provide information to persons relating to the procedures established in this section.

9. As used in this section:

(a) “Dwelling unit” has the meaning ascribed to it in NRS 40.215.

(b) “Eligible landlord” means a landlord who:

(1) Owns a single family residence;

(2) Is seeking rental assistance for least one dwelling unit in the single family residence;

(3) Is domiciled in this State or employs a property manager in this State; and

(4) Has an annual gross revenue obtained from all premises rented in this State of less than \$4,000,000.

(c) “Single family residence” means a structure that comprises not more than four dwelling units.

Sec. 7. If the State of Nevada receives money from the Federal Government on or after the effective date of this act that the State of Nevada is authorized to use for the direct payment of rental assistance to landlords on behalf of tenants who have defaulted in the payment of rent in this State, the Chief of the Budget Division of the Office of Finance in the Office of the Governor created by NRS 223.400 shall disburse \$5,000,000 of that money for the direct payment of rental assistance to landlords.

Sec. 8. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 8.5. NRS 40.2544 is hereby repealed.

Sec. 9. 1. This act becomes effective upon passage and approval.

2. Sections 1 to 3.5, inclusive, 5 and 6 of this act expire by limitation on June 5, 2023.

3. Section 4 of this act expires by limitation on the earlier of:

(a) The date that the Supreme Court determines that the programs of alternative dispute resolution established by rule by the Supreme Court or a district court or justice court do not have sufficient funds to administer the programs; or

(b) June 5, 2023.

TEXT OF REPEALED SECTION

40.2544 Unlawful detainer: Stay of eviction proceeding to facilitate program of alternative dispute resolution. If the Supreme Court or a district court or justice court establishes by rule an expedited program of alternative dispute resolution concerning the eviction of a tenant of any dwelling unit, apartment, mobile home, recreational vehicle or part of a low-rent housing program operated by a public housing authority, any such eviction proceedings pursuant to this chapter may be stayed for not more than 30 days to facilitate the program of alternative dispute resolution.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 835 to Assembly Bill No. 486.

Remarks by Assemblywoman Bilbray-Axelrod.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 116.

The following Senate amendment was read:

Amendment No. 774.

ASSEMBLYMEN NGUYEN, YEAGER, FRIERSON, TORRES, MONROE-MORENO; ANDERSON, BENITEZ-THOMPSON, BILBRAY-AXELROD, BROWN-MAY, CARLTON, COHEN, CONSIDINE, DURAN, FLORES, GONZÁLEZ, GORELOW, JAUREGUI, KRASNER, MARTINEZ, MARZOLA, BRITTNEY MILLER, C.H.

MILLER, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, THOMAS AND WATTS

JOINT SPONSORS: SENATORS CANNIZZARO, SCHEIBLE; ~~AND~~ BROOKS, HAMMOND, D. HARRIS, OHRENSCHALL AND PICKARD

AN ACT relating to vehicles; establishing civil penalties for certain traffic and related violations; defining certain traffic and vehicle violations as misdemeanors; creating procedures for civil infractions for traffic and related violations to be adjudicated; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a violation of any provision of existing law relating to driver's licenses, any traffic law or ordinance, any provision of existing law governing motorcycles or any provision of existing law relating to off-highway vehicles is a misdemeanor, unless a different penalty is prescribed for the violation by a specific statute. (NRS 483.530, 483.620, 484A.900, 486.381, 490.520) **Sections 14, 22, 40, 71 and 72** of this bill provide that a violation of any provision of these existing laws is a civil infraction unless a criminal penalty is prescribed for the violation by a specific statute. **Sections 5, 15-21, 41-41.7, 44, 45, 47.3, 47.7, 49, 60.5, 67.2-67.8, 69 and 72** of this bill maintain the designation of certain traffic and related offenses as misdemeanors. **Sections 51 and 53-56** of this bill revise the penalties for speeding. **Sections 46, 47, 47.5, 48, 50, 57, 59, 60, 61, 64, 65 and 67** of this bill specifically designate certain traffic and related violations as civil infractions. **Sections 37, 69.5 and 71.5** of this bill prohibit a local authority from enacting any ordinance that provides a criminal penalty for certain traffic and related offenses for which the penalty prescribed by law is a civil penalty.

Sections 1.5, 4, 6-8, 10, 13, 37, 39, 42, 43, 58, 68, 70, 76, 77, ~~and~~ 78 and 79.2 of this bill make conforming changes by including references to the new civil infraction system where necessary. **Sections 2, 3, 55, 62, 63 and 66** of this bill make conforming changes by substituting the term "civil penalty" for "fine" and the term "civil infraction citation" for "citation." **Section 1** of this bill defines the term "civil infraction" for purposes of the provisions of law relating to certain traffic and related offenses.

Sections 9, 11 and 12 of this bill provide that, for the purposes of a person's driving record, the commission of a traffic or related violation that is punishable as a civil infraction pursuant to this bill is treated the same as a conviction for a traffic or related violation under existing law.

Sections 24-36.7 of this bill enact procedures for the imposition of a civil penalty against a person who violates a provision of law that is punishable as a civil infraction pursuant to this bill.

Section 24 of this bill requires each traffic enforcement agency in this State to provide civil infraction citations that a ~~peace officer~~ member of the traffic enforcement agency or, in certain circumstances, a prosecuting attorney, may issue to a person who has allegedly committed the civil infraction. **Section 26**

of this bill authorizes a peace officer who has reasonable cause to believe that a person has violated a provision of law punishable as a civil infraction pursuant to this bill to halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a civil infraction citation for the alleged violation, and **section 28** of this bill requires a peace officer who has stopped a driver for such an alleged violation to demand proof of the insurance required to be maintained by existing law. **Section 26** also provides that after a person is halted and detained for such purposes, the peace officer is authorized to: (1) detain the person if the person is suspected of criminal behavior or of violating conditions of parole or probation; (2) search the person to determine whether the person has a weapon and take any other lawful action; and (3) arrest the person if probable cause exists for the arrest. **Section 26** additionally provides that if the person is arrested for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and civil infraction may be included on the same criminal complaint. **Section 27** of this bill specifies the information that is required to be provided in the civil infraction citation issued to the person who allegedly committed the civil infraction. **Sections 25 and 29** of this bill provide that when the original or a copy of the civil infraction citation is manually or electronically filed with a court having jurisdiction over the alleged violation or with its traffic violations bureau, the citation is a complaint for the purposes of initiating a civil case.

Section 30 of this bill requires a person to respond to a civil infraction citation not later than 90 calendar days after it has been issued by not contesting the citation and paying all monetary penalties and assessments specified in the citation or requesting a hearing to contest whether the person committed the violation set forth in the citation. Under **section 30**, the court is required to send to the person, not less than 30 days before the deadline for the person to respond to the civil infraction citation, a reminder that the person must respond within 90 days after the date on which the civil infraction citation is issued. **Section 30** also provides that if a person does not respond to a civil infraction citation within 90 calendar days after it has been issued, the court is required to find that the person committed the civil infraction and assess a monetary penalty and administrative assessments against the person and require the person to pay certain expenses for witnesses that are authorized by **section 77.5** of this bill. **Section 31** of this bill establishes the procedures for a hearing at which a person may contest whether he or she committed the violation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. **Section 38.5** of this bill authorizes a person who was issued a civil infraction citation and certain peace officers to use a system established by a court or its traffic violations bureau to perform certain authorized actions such as making a plea, stating a defense or mitigating circumstances or submitting a written statement, as applicable, by mail, electronic mail, over the Internet

or by other electronic means in lieu of taking such actions or making a statement at the hearing.

Section 34 of this bill: (1) establishes a maximum civil penalty of \$500 for a violation of law punishable as a civil infraction pursuant to this bill and generally requires that any such civil penalty collected for a violation of a law of this State must be paid to the treasurer of the city in which the civil infraction occurred or, if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred; (2) requires the court to order the person who committed the civil infraction to pay an administrative assessment in the same amount that the person would have been required to pay if the violation were a criminal offense; (3) authorizes a court to waive or reduce civil penalties and administrative assessments imposed for a civil infraction or enter into a payment plan under certain circumstances; (4) authorizes a court to order a person to attend a course of traffic safety approved by the Department of Motor Vehicles; and (5) authorizes a court to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation under certain circumstances. **Section 35** of this bill authorizes the court to order a person who has committed a violation of law punishable as a civil infraction pursuant to this bill to perform community service under certain circumstances. **Section 36** of this bill authorizes a court and the appropriate city or county to take certain actions to collect a civil penalty or any administrative assessment or fee associated with the civil penalty.

Section 36.3 of this bill authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction and establishes the actions a prosecuting attorney is required to take when making such an election. **Section 36.7** of this bill provides that if a person commits certain traffic or related offenses while the person is under the influence of alcohol or a controlled substance, the person may instead be charged with a misdemeanor.

Section 38 of this bill prohibits a governmental entity or any agent thereof from using photographic, video or digital equipment for the purpose of gathering evidence for the issuance of a civil infraction citation for a violation of a traffic law unless such equipment is: (1) a portable event recording device worn or held by a peace officer; (2) installed in a vehicle or a facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity.

Sections 74 and 75 of this bill grant to justice and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions pursuant to this bill. **Sections 73 and 74.5** of this bill, respectively, authorize certain justice courts and municipal courts to appoint referees and hearing masters, as applicable, to take testimony and recommend orders and judgments to the justice of the peace or municipal court in cases involving a violation of law that is punishable as a civil infraction pursuant to this bill. **Section 80.5** of this bill requires justice courts and municipal courts, on or before January 1, 2023, to adopt rules governing the practice and procedure

for any action initiated relating to a provision of law that is punishable as a civil infraction pursuant to this bill.

Section 80 of this bill provides that the amendatory provisions of this bill generally apply to any offense committed on or after January 1, 2023, however, the provisions of **section 36.3** apply to any offense committed before, on or after January 1, 2023. **Section 80** also provides that if a person commits an offense before January 1, 2023, that is punishable as a civil infraction on or after January 1, 2023, the person who committed the offense cannot be arrested for the offense on or after January 1, 2023. **Section 80** further requires: (1) each court in this State to cancel each outstanding bench warrant issued by the court for a person who failed to appear in the court in response to a citation issued for an offense for which this bill establishes a civil penalty; and (2) the Central Repository for Nevada Records of Criminal History to remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a citation for an offense for which this bill establishes a civil penalty.

Section 79.7 of this bill makes an appropriation to the Department of Public Safety to make system upgrades and provide training to personnel to carry out the provisions of this bill.

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

Section 1. NRS 481.015 is hereby amended to read as follows:

481.015 1. Except as otherwise provided in this subsection, as used in this title, unless the context otherwise requires, “certificate of title” means the document issued by the Department that identifies the legal owner of a vehicle and contains the information required pursuant to subsection 2 of NRS 482.245. The definition set forth in this subsection does not apply to chapters 488 and 489 of NRS.

2. Except as otherwise provided in chapter 480 of NRS, NRS 484C.600 to 484C.640, inclusive, 486.363 to 486.375, inclusive, and chapter 488 of NRS, as used in this title, unless the context otherwise requires:

- (a) “Department” means the Department of Motor Vehicles.
- (b) “Director” means the Director of the Department.

3. As used in this title ~~the term “full”~~ :

(a) ***“Civil infraction” means a violation of any provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is not punishable as a misdemeanor, gross misdemeanor or felony.***

(b) ***“Full legal name”*** means a natural person’s first name, middle name and family name or last name, without the use of initials or a nickname. The term includes a full legal name that has been changed pursuant to the provisions of NRS 483.375 or 483.8605.

Sec. 1.5. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or
(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➡ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of *or found by a court to have committed* a moving traffic violation or *convicted of* a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed:

- (a) The training required pursuant to paragraph (a) of subsection 1; and
- (b) A hands-on course in defensive driving that has been approved by the Department pursuant to NRS 483.727.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

- (a) Except as otherwise provided in subsection 5, complete a course of motorcycle safety approved by the Department;
- (b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and
- (c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

5. If a course described in paragraph (a) of subsection 4 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 4.

Sec. 2. NRS 483.2523 is hereby amended to read as follows:

483.2523 1. A person to whom a driver's license is issued pursuant to NRS 483.2521 shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his or her immediate family.

2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver's license is issued.

(b) For a second or subsequent offense, must be ordered to:

- (1) Pay a ~~fine~~ **civil penalty** in an amount not to exceed \$250;
- (2) Comply with the provisions of this section for such additional time as determined by the court; or

(3) Both pay such a ~~fine~~ **civil penalty** and comply with the provisions of this section for such additional time as determined by the court.

3. A violation of this section:

- (a) Is not a moving traffic violation for the purposes of NRS 483.473; and
- (b) Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360.

Sec. 3. NRS 483.2525 is hereby amended to read as follows:

483.2525 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of NRS 483.2523. Except as otherwise provided in subsection 2, a **civil infraction** citation may be issued **pursuant to sections 24 to 36.7, inclusive, of this act** for a violation of NRS 483.2523 only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

2. A peace officer shall not issue a **civil infraction** citation **pursuant to sections 24 to 36.7, inclusive, of this act** to a person for operating a motor vehicle in violation of NRS 483.2523 if the person provides satisfactory evidence that the person has held the driver's license for the period required pursuant to NRS 483.2523.

Sec. 4. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

- (a) A test of the applicant's ability to understand official devices used to control traffic;
- (b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;
- (c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and
- (d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

➤ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician, optometrist, physician or advanced practice registered nurse in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a

vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

- (a) Past, present or prospective employer of the applicant; or
- (b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,
➔ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of , *or findings by a court of having committed*, moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Part 1327 of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

5. The Department shall waive the fee prescribed by NRS 483.410 not more than one time for administration of the examination required pursuant to this section for a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.

6. As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 5. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is ~~unlawful~~ **a misdemeanor** for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.400 is hereby amended to read as follows:

483.400 1. The Department shall maintain files of applications for licenses. Such files shall contain:

(a) All applications denied and on each thereof note the reasons for such denial.

(b) All applications granted.

(c) The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

2. The Department shall also file all crash reports and abstracts of court records of convictions *or findings of the commission of civil infractions pursuant to sections 24 to 36.7, inclusive, of this act* received by it under the laws of this State, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions *or findings* of such licensee and the traffic crashes in which the licensee was involved ~~shall be~~ *are* readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 7. NRS 483.430 is hereby amended to read as follows:

483.430 1. The privilege of driving a motor vehicle on the highways of this State given to a nonresident under NRS 483.010 to 483.630, inclusive, ~~shall be~~ *is* subject to suspension or revocation by the Department in like manner and for like cause as a driver's license issued under NRS 483.010 to 483.630, inclusive, may be suspended or revoked.

2. The Department is further authorized, upon receiving a record of the *entrance of an order pursuant to sections 24 to 36.7, inclusive, of this act finding that a nonresident driver of a motor vehicle committed a civil infraction in this State or the* conviction in this State of a nonresident driver of a motor vehicle of any *criminal* offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so *found or* convicted is a resident.

3. When a nonresident's driving privilege is suspended or revoked in this State, the Department shall forward a copy of the record of such action to the motor vehicle administrator in the state where such driver resides.

Sec. 8. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

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

(b) Is in arrears in the payment for the support of one or more children,
➡ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 176.064 ~~††~~ **or section 36 of this act.**

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from ~~the~~ **any of the following:**

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section. ~~†, from a†~~

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 176.064 **or section 36 of this act, as applicable,** has been discharged. ~~†or from a†~~

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 9. NRS 483.447 is hereby amended to read as follows:

483.447 A person who does not hold a valid license issued by this State or any other state and who operates a vehicle in this State shall be deemed to have future driving privileges that may be suspended if the person is *found to have committed a civil infraction in this State pursuant to sections 24 to 36.7, inclusive, of this act* or is convicted of any *criminal* traffic offense in this State.

Sec. 10. NRS 483.448 is hereby amended to read as follows:

483.448 1. Except as otherwise provided in this subsection, when a person deemed to have future driving privileges pursuant to NRS 483.447 has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the person presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a *court order entered pursuant to section 34 of this act or a plea agreement*, the Department shall cancel not more than 3 demerit points from the person's driving record. If such a person accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course but must have future driving privileges suspended. A person deemed to have future driving privileges may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from the driver's record of the person during the 12-month period immediately following the driver's successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person deemed to have future driving privileges whose successful completion of a course of traffic safety was required pursuant to a *court order entered pursuant to section 34 of this act or a plea agreement*.

2. Any reduction of demerit points pursuant to this section applies only to the demerit record of the person deemed to have future driving privileges and otherwise does not affect the person's driving record with the Department or insurance record.

3. Notwithstanding any provision of this title to the contrary, if a person deemed to have future driving privileges accumulates demerit points, the Department shall suspend those future driving privileges:

(a) For the first accumulation of 12 demerit points during a 12-month period, for 6 months. Such a person is eligible for a restricted license during this 6-month period.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, for 1 year. Such a person is eligible for a restricted license during this 1-year period.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, for 1 year. Such a person is not eligible for a restricted license during this 1-year period.

4. The Department shall suspend for 1 year the future driving privileges of a person *who has been* convicted of a sixth traffic offense within a 5-year period, *is found to have committed a sixth civil infraction pursuant to sections 24 to 36.7, inclusive, of this act within a 5-year period or has accumulated a combined total of six civil infractions and traffic offenses within a 5-year period*, if all six *civil infractions or traffic* offenses have been assigned a value of 4 or more demerit points. Such a person is not eligible for a restricted license during this 1-year period.

5. If the Department determines by its records that a person deemed to have future driving privileges is not eligible for a driver's license pursuant to this section, the Department shall notify the person by mail of that fact.

6. Except as otherwise provided in subsection 7, the Department shall suspend the future driving privileges of a person pursuant to this section 30 days after the date on which the Department mails the notice to the person required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the future driving privileges of the person requesting the hearing is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held, within 45 days after the request is received, in the county in which the person resides unless the person and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the person.

Sec. 11. NRS 483.450 is hereby amended to read as follows:

483.450 1. A record of *each* conviction *and each finding that a person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act* must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding ~~the~~ *each* conviction *and finding* in the driver's record.

2. The Department shall adopt regulations prescribing the information necessary to record ~~the~~ *each* conviction *and finding* in the driver's record.

3. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:

(a) If the court is other than a juvenile court, ~~for~~ *each* record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking ~~for~~ *and each record of the finding that any person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act*; or

(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,

↪ within 5 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted ***or found to have committed a civil infraction*** or the child found in violation of a traffic law or ordinance.

4. If a record forwarded to the Department pursuant to subsection 3 is a record of the conviction of, ***or a record of a finding of the commission of a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act against,*** a person who holds a commercial driver's license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction ***or finding*** to the Commercial Driver's License Information System.

5. For the purposes of NRS 483.010 to 483.630, inclusive ~~†~~:

~~—(a) “Conviction”†, “conviction” has the meaning prescribed by regulation pursuant to NRS 481.052.~~

~~†(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.†~~

6. ~~†The†~~ ***If a court mails records of conviction or of findings of the commission of a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act, the*** necessary expenses of mailing ***such*** records ~~†of conviction†~~ to the Department as required by this section must be paid by the court charged with the duty of forwarding those records. ~~†of conviction.†~~

7. As used in this section, “Commercial Driver's License Information System” has the meaning ascribed to it in NRS 483.904.

Sec. 12. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, “traffic violation” means conviction of a moving traffic violation in any municipal court, justice court or district court in this State ~~††~~ ***or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.*** The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include a conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic

violations committed on a single occasion is obtained, points must be assessed for one offense ~~or~~ **or civil infraction**, and if the point values differ, points must be assessed for the offense **or civil infraction** having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction **or finding** is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 13. NRS 483.475 is hereby amended to read as follows:

483.475 1. Except as otherwise provided in this subsection, when a person who holds a driver's license has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the driver presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a plea agreement ~~or~~ **or court order entered pursuant to section 34 of this act**, the Department shall cancel not more than 3 demerit points from the person's driving record. If the driver accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course, but must have his or her license suspended. A person may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from a driver's record during the 12-month period immediately following the driver's successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person whose successful completion of a course of traffic safety was required pursuant to a plea agreement ~~or~~ **or court order entered pursuant to section 34 of this act**.

2. Any reduction of demerit points applies only to the demerit record of the driver and does not affect the person's driving record with the Department or insurance record.

3. The Department shall use a cumulative period for the suspension of licenses pursuant to subsection 1. The periods of suspension are:

(a) For the first accumulation of 12 demerit points during a 12-month period, 6 months. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is not eligible for a restricted license during the suspension.

4. The Department shall suspend for 1 year the license of a driver who is convicted of a sixth traffic offense within 5 years, **is found to have committed a sixth civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act within 5 years or has accumulated a combined total of six civil**

infractions and offenses within 5 years, if all six *civil infractions or* offenses have been assigned a value of ~~four~~ 4 or more demerit points. A driver whose license is suspended pursuant to this subsection is not eligible for a restricted license during the suspension.

5. If the Department determines by its records that the license of a driver must be suspended pursuant to this section, it shall notify the driver by mail that his or her privilege to drive is subject to suspension.

6. Except as otherwise provided in subsection 7, the Department shall suspend the license 30 days after it mails the notice required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the license is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held within 45 days after the request is received in the county where the driver resides unless the driver and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the driver.

Sec. 14. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her; *or*

(g) ~~{To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive; or~~

~~—(h)—~~ To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission

of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 15. NRS 483.550 is hereby amended to read as follows:

483.550 1. It is unlawful for any person to drive a motor vehicle upon a public street or highway in this State without being the holder of a valid driver's license. *A person who violates this section is guilty of a misdemeanor.*

2. The court shall require any person convicted of violating ~~this section~~ **subsection 1** to obtain a valid driver's license or produce a notice of disqualification from the Department.

Sec. 16. NRS 483.570 is hereby amended to read as follows:

483.570 No person whose driving privilege as a nonresident has been cancelled, suspended or revoked, as provided in NRS 483.010 to 483.630, inclusive, shall drive any motor vehicle upon the highways of this State while such privilege is cancelled, suspended or revoked. *It is a misdemeanor for any person to violate this section.*

Sec. 17. NRS 483.575 is hereby amended to read as follows:

483.575 1. A person with epilepsy shall not operate a motor vehicle if that person has been informed by a physician or an advanced practice registered nurse pursuant to NRS 629.047 that his or her condition would severely impair his or her ability to safely operate a motor vehicle. *A violation of this subsection is a misdemeanor.*

2. If a physician or an advanced practice registered nurse is aware that a person has violated subsection 1 after the physician or advanced practice registered nurse has informed the person pursuant to NRS 629.047 that the person's condition would severely impair his or her ability to safely operate a motor vehicle, the physician or advanced practice registered nurse may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and

(b) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.

3. The submission by a physician or an advanced practice registered nurse of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a physician or an advanced practice registered nurse based on the fact that he or she did not submit such a report.

4. No cause of action may be brought against a physician or an advanced practice registered nurse based on the fact that he or she submitted a report pursuant to subsection 2 unless the physician or advanced practice registered nurse acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

Sec. 18. NRS 483.580 is hereby amended to read as follows:

483.580 A person shall not cause or knowingly permit his or her child or ward under the age of 18 years to drive a motor vehicle upon any highway when the minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive, or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or if the minor's license is revoked or suspended pursuant to title 5 of NRS or NRS 392.148. ***It is a misdemeanor for a person to violate this section.***

Sec. 19. NRS 483.590 is hereby amended to read as follows:

483.590 No person shall authorize or knowingly permit a motor vehicle owned by the person or under his or her control to be driven upon any highway by any person who is not authorized under NRS 483.010 to 483.630, inclusive, or in violation of any of the provisions of NRS 483.010 to 483.630, inclusive. ***It is a misdemeanor for a person to violate this section.***

Sec. 20. NRS 483.600 is hereby amended to read as follows:

483.600 No person shall employ as a driver of a motor vehicle any person not then licensed as provided in NRS 483.010 to 483.630, inclusive. ***It is a misdemeanor for a person to violate this section.***

Sec. 21. NRS 483.610 is hereby amended to read as follows:

483.610 1. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under NRS 483.010 to 483.630, inclusive, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence except a nonresident whose home state or country does not require that a driver be licensed.

2. No person shall rent a motor vehicle to another until the person has inspected the driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

3. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. Such record shall be open to inspection by any police officer or officer of the Department.

4. It is a misdemeanor for a person to violate any provision of this section.

Sec. 22. NRS 483.620 is hereby amended to read as follows:

483.620 It is a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*** for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, unless such violation is, by NRS 483.010 to 483.630, inclusive, or other law of this State, declared to be a ***misdemeanor, gross misdemeanor or felony.***

Sec. 23. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 36.7, inclusive, of this act.

Sec. 24. 1. *Every traffic enforcement agency in this State shall provide in appropriate form civil infraction citations containing notice of the civil infraction which must meet the requirements of sections 24 to 36.7, inclusive, of this act and be:*

- (a) Issued in books; or*
- (b) Available through an electronic device used to prepare such citations.*

2. *The chief administrative officer of each traffic enforcement agency is responsible for the issuance of such books and electronic devices and shall maintain a record of each book, each electronic device and each civil infraction citation issued to individual members of the traffic enforcement agency ~~and volunteers of the traffic enforcement agency appointed pursuant to NRS 484B.470.~~ The chief administrative officer shall require and retain a receipt for every book and electronic device that is issued.*

Sec. 25. *A civil infraction citation, when filed with a court of competent jurisdiction, shall be deemed to be a lawful complaint for the purpose of initiating a civil case pursuant to sections 24 to 36.7, inclusive, of this act, if the civil infraction citation includes information whose truthfulness is attested as required for a complaint in a civil case or is prepared electronically.*

Sec. 26. 1. *Except as otherwise provided by law, a peace officer in this State who has reasonable cause to believe that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction may halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a civil infraction citation for the alleged violation. A peace officer who has halted and detained a person pursuant to this section may also:*

- (a) Detain the person in accordance with NRS 171.123 if circumstances exist that warrant such a detention;*
- (b) Search the person to ascertain the presence of a weapon in accordance with NRS 171.1232 and take any other action authorized pursuant to that section or any other provision of law; and*
- (c) Arrest the person in accordance with NRS 171.1231 if probable cause for the arrest exists.*

2. *If a person is arrested pursuant to paragraph (c) of subsection 1 for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and the civil infraction may be included in the same criminal complaint.*

Sec. 27. 1. *When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with section 36.3 of this act, the peace officer or prosecuting attorney, as applicable, may prepare*

a civil infraction citation manually or electronically in the form of a complaint issuing in the name of “The State of Nevada,” containing, except as otherwise provided in paragraph (a) of subsection 2 of section 36.3 of this act:

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in sections 24 to 36.7, inclusive, of this act;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, ~~social security number,~~ residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the person’s vehicle, if any;

(e) The number of the person’s driver’s license, if any;

(f) The civil infraction for which the citation was issued;

(g) ~~The first initial, last name and~~ personnel number or other unique agency identification number of the peace officer issuing the citation and the address and phone number of the agency which employs the peace officer or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation ~~for~~ or the volunteer appointed pursuant to NRS 484B.470 who issued the citation and the address and phone number of the agency which employs the peace officer or volunteer, preprinted or printed legibly ~~for~~ on the citation;

(h) A statement of the options provided pursuant to sections 24 to 36.7, inclusive, of this act for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in sections 24 to 36.7, inclusive, of this act within 90 calendar days.

2. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

3. A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or section 36.3 of this act. The acceptance of a civil infraction citation

by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 28. 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the peace officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the peace officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 5 of NRS 490.520.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 29. 1. Every peace officer, upon issuing a civil infraction citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance, shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

2. A copy of a civil infraction citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance may be filed electronically with a court having jurisdiction over the alleged civil infraction or with its traffic violations bureau if the court or traffic violations bureau, respectively:

- (a) Authorizes such electronic filing;*
- (b) Has the ability to receive and store the citation electronically; and*
- (c) Has the ability to physically reproduce the citation upon request.*

3. Upon the filing of the original or a copy of the civil infraction citation with a court having jurisdiction over the alleged infraction or with its traffic violations bureau, the citation may be disposed of only by an official action of a judge of the court, an online program of dispute resolution established by the court, the prosecuting attorney or by the payment of a civil penalty to the court or its traffic violations bureau by the person to whom the civil infraction citation has been issued by the peace officer.

4. It is unlawful and official misconduct from any peace officer or other officer or public employee to dispose of a civil infraction citation or copies of it or of the record of the issuance of a civil infraction citation in a manner other than as required in this section.

5. *The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every civil infraction citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies and electronic records of every civil infraction citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.*

6. *The chief administrative officer of every traffic enforcement agency shall maintain or cause to be maintained a record of every civil infraction citation issued by any peace officer under his or her supervision. The record must be retained for at least 2 years after issuance of the citation.*

Sec. 30. 1. *Any person who receives a civil infraction citation pursuant to section 27 or 36.3 of this act shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.*

2. *If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.*

3. *If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.*

4. *Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who*

fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3, may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 31. 1. If, pursuant to subsection 3 of section 30 of this act, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses,

including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to section 34 of this act.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to section 34 of this act;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to section 34 of this act. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than \$500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to sections 24 to 36.7, inclusive, of this act must be paid to:

(a) The treasurer of the city in which the civil infraction occurred; or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred.

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty

or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

Sec. 35. 1. Except where the imposition of a specific civil penalty is mandatory, a court may order a person who is found to have committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act to perform community service that is supervised in accordance with subsection 2:

(a) In lieu of all or a part of any civil penalty or administrative assessment, or both, that may be imposed for the commission of the civil infraction; or

(b) As all or part of the punishment for the commission of the civil infraction.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the person who committed the civil infraction to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which

the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed and distribute the period over weekends or over other appropriate times that will allow the person to continue employment and to care for his or her family. The period of community service fixed by the court must not exceed 200 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the person for community service before the court may require the person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court the person's performance in carrying out the community service.

(e) A person performing community service in lieu of the payment of a civil penalty must receive credit toward the civil penalty at a rate per hour of community service performed that is equal to at least \$10 or the state minimum wage for an employee who is not provided health benefits by his or her employer, whichever is greater.

Sec. 36. 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract

with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may:

(a) Request that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program: or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 36.3. 1. *A prosecuting attorney may elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.*

2. The prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:

(a) Preparing a civil infraction citation in accordance with subsection 1 of section 27 of this act that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;

(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and

(c) Delivering a copy of the notice and citation to the defendant.

3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.

Sec. 36.7. *Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may instead be charged with a misdemeanor.*

Sec. 37. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access, to which persons have access as invitees or licensees or such other premises as provided by statute.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

- (a) Governing the registration of vehicles and the licensing of drivers;
- (b) Governing the duties and obligations of persons involved in traffic crashes, other than the duties to stop, render aid and provide necessary information;
- (c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; ~~for~~
- (d) ***Providing a criminal penalty for a violation of chapters 484A to 484E, inclusive, of NRS for which the penalty prescribed by those chapters is a civil penalty; or***
- (e) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of, ***or found to have committed a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act for***, a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 38. NRS 484A.600 is hereby amended to read as follows:

484A.600 A governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation ***or civil infraction citation pursuant to section 27 of this act*** for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is ***a portable camera or event recording device worn or held in the hand of by a peace officer, the equipment is otherwise*** installed temporarily or permanently within a vehicle or facility of a law enforcement agency ~~or the equipment is privately owned by a nongovernmental entity.~~

Sec. 38.5. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation may be issued pursuant to NRS 484A.630 ***or that is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act***, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection ~~5~~ **6**, the court or traffic violations bureau may allow ~~that~~ :

(a) A person who has been issued a traffic citation ***or a civil infraction citation*** that is filed with the court or traffic violations bureau to ***perform certain actions approved by the court or traffic violations bureau, including, without limitation, to*** make a plea and state his or her defense or , ***if authorized***, any mitigating circumstances , by mail, by electronic mail, over the Internet or by other electronic means.

(b) ***A peace officer who issued a civil infraction citation to a person or, if the provisions of section 36.3 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to***

section 31 of this act to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection ~~5.1~~ 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, ~~the court or traffic violations bureau may allow:~~

(a) ~~A person who has been issued a traffic citation that is filed with the court or traffic violations bureau may, if allowed by the court and~~ *described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court. ~~1. make a plea and state his or her defense or any mitigating circumstances by using the system.~~*

(b) *A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.*

3. Any ~~such~~ plea ~~and~~ or statement *submitted through the system by a person or peace officer pursuant to subsection 2* must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation ~~1. or civil infraction citation.~~

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation *or civil infraction citation* is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, *if authorized*, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives his or her right to a trial and the right to confront any witnesses.

~~4.1~~ 5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances *or performing any other approved action* is the person to whom the traffic citation *or civil infraction citation* was issued, be capable of requiring the person to submit any of the following information, *as applicable*, at the discretion of the court or traffic violations bureau:

- (1) The traffic citation number ~~1.1~~ *or civil infraction citation number*;
- (2) The name and address of the person;
- (3) The state registration number of the person's vehicle, if any;
- (4) The number of the driver's license of the person, if any;
- (5) The offense charged ~~1.1~~ *or the civil infraction for which the citation was issued; and*

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection ~~6.1~~ 7.

(b) *For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:*

- (1) *The civil infraction citation number;*
- (2) *The civil infraction for which the citation was issued; and*
- (3) *The first initial, last name and personnel number of the peace officer.*

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives his or her right to a trial and the right to confront any witnesses.

~~{(e)}~~ (d) If a plea and statement of the defense or mitigating circumstances *of a person or a written statement of a peace officer* is submitted by electronic mail, over the Internet or by other electronic means ~~{confirm}~~ :

(1) *Confirm* receipt of ~~{the}~~ :

(I) *The plea and statement to the person making the plea; and*

(II) *The written statement to the peace officer; or {make}*

(2) *Make* available to ~~{the}~~ :

(I) *The person making the plea a copy of the plea and statement {}* ;

and

(II) *The peace officer submitting the written statement a copy of the written statement.*

~~{5-}~~ 6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

- (a) Aggressive driving in violation of NRS 484B.650;
- (b) Reckless driving in violation of NRS 484B.653;
- (c) Vehicular manslaughter in violation of NRS 484B.657; or
- (d) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

~~{6-}~~ 7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 39. NRS 484A.650 is hereby amended to read as follows:

484A.650 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection ~~{4}~~ 5 of NRS 490.520. If the driver of the vehicle is not

the owner, a citation must also be issued to the owner, and in such a case the driver:

- (a) May sign the citation on behalf of the owner; and
- (b) Shall notify the owner of the citation within 3 days after it is issued.

➡ The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 39.5. NRS 484A.680 is hereby amended to read as follows:

484A.680 1. Every peace officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

2. A copy of a traffic citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town may be filed electronically with a court having jurisdiction over the alleged offense or with its traffic violations bureau if the court or traffic violations bureau, respectively:

- (a) Authorizes such electronic filing;
- (b) Has the ability to receive and store the citation electronically; and
- (c) Has the ability to physically reproduce the citation upon request.

3. Upon the filing of the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau, the traffic citation may be disposed of only by trial in that court or other official action by a judge of that court, including ~~forfeiture of the bail, or by the deposit of sufficient bail with, or~~ payment of a fine to ~~the~~ the traffic violations bureau by the person to whom the traffic citation has been issued by the peace officer.

4. It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a traffic citation or copies of it or of the record of the issuance of a traffic citation in a manner other than as required in this section.

5. The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every traffic citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies or electronic records of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

6. The chief administrative officer shall also maintain or cause to be maintained a record of every traffic citation issued by officers under his or her supervision. The record must be retained for at least 2 years after issuance of the citation.

7. As used in this section, “officer” includes a volunteer appointed to a traffic enforcement agency pursuant to NRS 484B.470.

Sec. 40. NRS 484A.900 is hereby amended to read as follows:

484A.900 1. It is unlawful and, unless otherwise declared in chapters 484A to 484E, inclusive, of NRS with respect to a particular offense, it is a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*** for any person to do any act forbidden or fail to perform any act required in chapters 484A to 484E, inclusive, of NRS.

2. The court may order any person who, ***within a 1-year period***, is twice convicted of violating , ***or found to have committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act for a violation of***, a provision of chapters 484A to 484E, inclusive, of NRS to pay tuition for and attend a school for driver training which is approved by the Department for retraining such drivers. The person so ordered may choose from those so approved the school which the person will attend. A person who willfully fails to comply with such an order is guilty of a misdemeanor.

Sec. 41. NRS 484B.100 is hereby amended to read as follows:

484B.100 It is ~~unlawful~~ ***a misdemeanor*** for any person willfully to fail or refuse to comply with any lawful order or direction of any police officer while the officer is performing the duties of the officer in the enforcement of chapters 484A to 484E, inclusive, of NRS.

Sec. 41.3. NRS 484B.117 is hereby amended to read as follows:

484B.117 1. Except as otherwise provided in subsection 2, the driver of a vehicle shall not drive upon or within any sidewalk area except at a permanent or temporary driveway or alley entrance. ***A person who violates this subsection is guilty of a misdemeanor.***

2. The provisions of subsection 1 do not apply to a vehicle that is powered solely by electricity and designed to travel on three wheels when such a vehicle is operated:

- (a) As an authorized emergency vehicle;
- (b) By an officer or other authorized employee of a law enforcement agency, as that term is defined in NRS 239C.065, in the course of his or her official duties; or
- (c) By a security guard, as that term is defined in NRS 648.016, in the course of his or her official duties.

Sec. 41.7. NRS 484B.127 is hereby amended to read as follows:

484B.127 1. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

2. The driver of any truck or combination of vehicles 80 inches or more in overall width, which is following a truck, or combination of vehicles 80 inches

or more in overall width, shall, whenever conditions permit, leave a space of 500 feet so that an overtaking vehicle may enter and occupy such space without danger, but this shall not prevent a truck or combination of vehicles from overtaking and passing any vehicle or combination of vehicles. This subsection does not apply to any vehicle or combination of vehicles while moving on a highway on which there are two or more lanes available for traffic moving in the same direction.

3. Motor vehicles being driven upon any highway outside of a business district in a caravan or motorcade, whether or not towing other vehicles, shall be operated to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle or combination of vehicles to enter and occupy such space without danger.

4. ***A person who violates this section is guilty of a misdemeanor.***

5. This section does not apply to a vehicle which is using driver-assistive platooning technology, as defined in NRS 482A.032.

Sec. 42. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is ~~convicted of~~ ***found to have committed*** a violation of a speed limit, or ***convicted of or found to have committed a violation*** of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

➡ shall, ***if the violation is a criminal offense***, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense ~~or~~ ***or shall, if the violation is a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary civil infraction.*** Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense ~~or~~ ***or civil infraction***, but provides an additional penalty for the primary offense ~~or~~ ***or civil infraction***, whose imposition is contingent upon the finding of the prescribed fact.

2. ~~The~~ ***If a violation described in subsection 1 is:***

(a) A criminal offense, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

(b) A civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.

3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating “DOUBLE PENALTIES IN WORK ZONES” to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability *or liability for a civil infraction* because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 43. NRS 484B.135 is hereby amended to read as follows:

484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is ~~convicted of~~ *found to have committed* a violation of a speed limit, or *convicted of or found to have committed a violation* of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may :

(a) *If the violation is a criminal offense*, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense.

(b) *If the violation is a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary infraction.*

➡ Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense ~~††~~ *or civil infraction* but provides an additional penalty for the primary offense ~~††~~ *or civil infraction*, whose imposition is discretionary with the court and contingent upon the finding of the prescribed fact.

2. ~~{The}~~ *If a violation described in subsection 1 is:*

(a) *A criminal offense*, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

(b) *A civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines *and civil penalties* may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines *and civil penalties* may apply in pedestrian safety zones; or

(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 44. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is ~~unlawful~~ **a misdemeanor** for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is ~~unlawful~~ **a misdemeanor** for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:

(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or

(b) The living quarters of a house coach or house trailer,

↪ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

4. As used in this section:

(a) “Alcoholic beverage” has the meaning ascribed to it in NRS 202.015.

(b) “Open container” means a container which has been opened or the seal of which has been broken.

(c) “Passenger area” means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 45. NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

(a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

(b) Is appropriate for the size and weight of the child; and

(c) Is installed within and attached safely and securely to the motor vehicle:

(1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

(2) In another manner that is approved by the National Highway Traffic Safety Administration.

2. ~~If a defendant pleads or is found guilty of violating~~ **A person who violates** the provisions of subsection 1 ~~is~~ **is guilty of a misdemeanor and** the court shall:

(a) For a first offense, order the ~~defendant~~ **person** to pay a fine of not less than \$100 or more than \$500 or order the ~~defendant~~ **person** to perform not less than 10 hours or more than 50 hours of community service;

(b) For a second offense, order the ~~defendant~~ **person** to pay a fine of not less than \$500 or more than \$1,000 or order the ~~defendant~~ **person** to perform not less than 50 hours or more than 100 hours of community service; and

(c) For a third or subsequent offense, suspend the driver's license of the ~~defendant~~ **person** for not less than 30 days or more than 180 days.

3. At the time of sentencing, the court shall provide the ~~defendant~~ **person who committed the offense** with a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4. If, within 60 days after sentencing, ~~the defendant~~ **the person** provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:

(a) If the ~~defendant~~ **person** was sentenced pursuant to paragraph (a) of subsection 2, waive the fine or community service previously imposed; or

(b) If the ~~defendant~~ **person** was sentenced pursuant to paragraph (b) of subsection 2, reduce by one-half the fine or community service previously imposed.

➤ A ~~defendant~~ **person** is only eligible for a reduction of a fine or community service pursuant to paragraph (b) if the ~~defendant~~ **person** has not had a fine or community service waived pursuant to paragraph (a).

4. A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department ~~of~~ **of Motor Vehicles**, establish a fee to be paid by ~~defendants~~ **persons** who are ordered to complete a program of training. The amount of the fee, if any:

(a) Must be reasonable; and

(b) May, if a ~~defendant~~ **person** desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.

➤ A program of training may not be operated for profit.

5. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484B.653.

7. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician or an advanced practice registered nurse determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician or advanced practice registered nurse to that effect.

8. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.

Sec. 46. NRS 484B.160 is hereby amended to read as follows:

484B.160 1. Except as otherwise provided in subsections 2 and 4, a driver shall not permit a person, with regard to a motor vehicle being operated on a paved highway, to ride upon or within any portion of the vehicle that is primarily designed or intended for carrying goods or other cargo or that is otherwise not designed or intended for the use of passengers, including, without limitation:

(a) Upon the bed of a flatbed truck; or

(b) Within the bed of a pickup truck.

2. A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:

(a) Eighteen years of age or older; or

(b) Under 18 years of age and the motor vehicle is:

(1) Being used in the course of farming or ranching; or

(2) Being driven in a parade authorized by a local authority.

3. A *civil infraction* citation must be issued *pursuant to section 27 of this act* to a driver who permits a person to ride upon or within a vehicle in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a ~~fine~~ *civil penalty* of at least \$35 but not more than \$100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.

5. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) May not be considered as:

(1) Negligence or causation in a civil action; or

(2) Negligent or reckless driving for the purposes of NRS 484B.653.

6. As used in this section:

(a) “Camper shell” has the meaning ascribed to it in NRS 361.017.

(b) “Slide-in camper” has the meaning ascribed to it in NRS 482.113.

Sec. 47. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the

device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

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

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act** and:

(a) For the first ~~offense~~ **violation** within the immediately preceding 7 years, shall pay a ~~fine~~ **civil penalty** of \$50.

(b) For the second ~~offense~~ **violation** within the immediately preceding 7 years, shall pay a ~~fine~~ **civil penalty** of \$100.

(c) For the third or subsequent ~~offense~~ **violation** within the immediately preceding 7 years, shall pay a ~~fine~~ **civil penalty** of \$250.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) “Handheld wireless communications device” means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) “Public utility” means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 47.3. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or official vehicle has passed, except when otherwise directed by a law enforcement officer.

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. ***A person who violates this section is guilty of a misdemeanor.***

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 47.5. NRS 484B.290 is hereby amended to read as follows:

484B.290 ~~1-1~~ A person who is blind and who is on foot and using a service animal or carrying a cane or walking stick white in color, or white tipped with red, has the right-of-way when entering or when on a highway, street or road of this State. Any driver of a vehicle who approaches or encounters such a person shall yield the right-of-way, come to a full stop, if necessary, and take precautions before proceeding to avoid a crash or injury to the person.

~~2. Any~~ A person who violates ~~subsection 1 shall be punished by imprisonment in the county jail for not more than 6 months or by a fine of not less than \$100 nor more than \$500, or by both fine and imprisonment.~~ ***this section is guilty of a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.***

Sec. 47.7. NRS 484B.317 is hereby amended to read as follows:

484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.

2. A person who violates ~~any provision of this section may~~ ***subsection 1:***

(a) Is guilty of a misdemeanor; and

(b) May be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 48. NRS 484B.323 is hereby amended to read as follows:

484B.323 1. A person shall not operate a vehicle in a lane designated for the use of high-occupancy vehicles except in conformity with the established conditions which are placed and maintained on signs and other official traffic-control devices pursuant to subsection 2 of NRS 484A.460 or established by regulation.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*** and shall be ~~finned~~ ***punished by a civil penalty of \$250*** for each offense.

3. As used in this section, "high-occupancy vehicle" means:

- (a) A vehicle that is transporting more than one person;
- (b) A motorcycle, regardless of the number of passengers;
- (c) A bus, regardless of the number of passengers; and
- (d) Any other vehicle designated by regulation.

Sec. 49. NRS 484B.330 is hereby amended to read as follows:

484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.

2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than \$1,000, the driver **is guilty of a misdemeanor and** shall be ~~punished by a fine of not less than \$1,000 or more than \$2,000, and~~ ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in subsection 1 of NRS 484B.130.

4. As used in this section, “authorized flagger serving in a traffic control capacity” means:

(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the Department of Transportation while the employee is carrying out the duties of his or her employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.

Sec. 50. NRS 484B.593 is hereby amended to read as follows:

484B.593 1. The Department of Transportation or a local authority, after considering the advice of the Nevada Bicycle and Pedestrian Advisory Board, may with respect to any controlled-access highway under its jurisdiction:

(a) Require a permit for the use of the highway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a power cycle; or

(b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic.

2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.**

Sec. 51. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) A rate of speed that results in the injury of another person or of any property.

(e) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. Except as otherwise provided by law, if a person is issued a traffic citation for a violation of any provision of subsection 1, the court may, in its discretion, reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation. There is a presumption in favor of reducing the violation if the person pays the entire amount of the fine and all fees due before the date on which the person is first required to make an appearance relating to the citation, whether by personal appearance or through his or her counsel, but such a presumption may be overcome if the driving record of the person demonstrates a pattern of moving traffic violations.

5. Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection 1 must not exceed \$20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable. The provisions of this subsection apply regardless of whether a person pays the entire amount of the fine and all fees due in accordance with subsection 4.

6. Except as otherwise provided in subsection 7, a person who commits a violation of any provision of this section that causes physical injury to a

person or damage to property shall be punished by a civil penalty of not more than \$1,000.

7. A person who commits a violation of any provision of this section and, at the time the violation was committed, was operating a vehicle at a rate of speed that was 30 miles per hour or more over that posted by a public authority is guilty of a misdemeanor.

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 484B.610 is hereby amended to read as follows:

484B.610 1. Except as otherwise provided in subsection 2 and pursuant to the power granted in NRS 269.185, the town board or board of county commissioners may, by ordinance, limit the speed of motor vehicles in any unincorporated town in the county as may be deemed proper.

2. The Department of Transportation may establish the speed limits for motor vehicles on highways within the boundaries of any unincorporated town which are constructed and maintained under the authority granted by chapter 408 of NRS.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. Except as otherwise provided in subsection 5, a person who violates any speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than \$500.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

Sec. 54. NRS 484B.613 is hereby amended to read as follows:

484B.613 1. The Department of Transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the Department of Transportation under the authority granted to it by chapter 408 of NRS.

2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed 80 miles per hour and may establish a lower speed limit:

(a) Where necessary to protect public health and safety.

(b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. Except as otherwise provided in subsection 5, a person who violates any speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than \$500.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

Sec. 55. NRS 484B.617 is hereby amended to read as follows:

484B.617 1. Except as otherwise provided in ~~subsection~~ **subsections 3 and 4**, a person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by a ~~fine~~ **civil penalty** of \$25 if:

(a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.

(b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(d) The posted speed limit is 75 miles per hour and the person is not exceeding a speed of 80 miles per hour.

(e) The posted speed limit is 80 miles per hour and the person is not exceeding a speed of 85 miles per hour.

2. A violation of the speed limit under any of the circumstances set forth in subsection 1 must not be recorded by the Department on a driver's record and shall not be deemed a moving traffic violation.

3. ***A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.***

4. The provisions of this section do not apply to a violation specified in subsection 1 that occurs in a county whose population is 100,000 or more if the portion of highway being traversed is in:

(a) An urban area; or

(b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

Sec. 56. NRS 484B.620 is hereby amended to read as follows:

484B.620 1. The Department of Transportation may prescribe speed zones, and install appropriate speed signs controlling vehicular traffic on the state highway system as established in chapter 408 of NRS through hazardous areas, after necessary studies have been made to determine the need therefor, and to eliminate speed zones and remove the signs therefrom whenever the need therefor ceases to exist.

2. After the establishment of a speed zone and the installation of appropriate signs to control speed, it is unlawful for any person to drive a motor vehicle upon the road and in the speed zone in excess of the speed therein authorized.

3. ***A person who violates subsection 2 shall be punished by a civil penalty of not more than \$500.***

Sec. 57. NRS 484B.630 is hereby amended to read as follows:

484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver of a slow-moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:

(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or

(b) In the absence of such a designated turnout, at the nearest place where:

(1) Sufficient area for a safe turnout exists; and

(2) The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.**

3. As used in this section, “slow-moving vehicle” means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the highway or portion of the highway upon which the vehicle is traveling.

Sec. 58. NRS 484B.650 is hereby amended to read as follows:

484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484B.300.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.

(4) Following another vehicle too closely in violation of NRS 484B.127.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is ~~prosecuted or convicted~~ **issued a civil infraction citation pursuant to section 27 of this act for committing, or is found to have committed,** any of the acts described in paragraphs (a) and (b) of subsection 1 ~~that are punishable as a civil infraction.~~

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:

- (a) For the first offense, shall be punished:
 - (1) By a fine of not less than \$250 but not more than \$1,000; or
 - (2) By both fine and imprisonment in the county jail for not more than 6 months.
- (b) For the second offense, shall be punished:
 - (1) By a fine of not less than \$1,000 but not more than \$1,500; or
 - (2) By both fine and imprisonment in the county jail for not more than 6 months.
- (c) For the third and each subsequent offense, shall be punished:
 - (1) By a fine of not less than \$1,500 but not more than \$2,000; or
 - (2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 59. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act** for any person to do any act

forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive.

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 60. NRS 484B.900 is hereby amended to read as follows:

484B.900 No automobile rental agency shall be liable for any traffic violation arising out of the use of a leased or rented motor vehicle during the period such motor vehicle is not in the possession of the agency. This section does not absolve any such agency from liability for any misdemeanor *or civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act* committed by an officer, employee or agent of the agency.

Sec. 60.5. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court receives from the Director of the Department of Public Safety or the manufacturer of the device or its agent a report that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

3. A person who violates any provision of subsection 2:

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) ~~Shall~~ **Is guilty of a misdemeanor and shall** be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

➡ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 61. NRS 484D.285 is hereby amended to read as follows:

484D.285 1. The driver of a vehicle which is equipped with a device for braking that uses the compression of the engine of the vehicle shall not use the device at any time unless:

(a) The device is equipped with an operational muffler; or

(b) The driver reasonably believes that an emergency requires the use of the device to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of damage to property.

2. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.**

Sec. 62. NRS 484D.405 is hereby amended to read as follows:

484D.405 1. It is unlawful for any person to operate or cause to be operated upon the public highways of the State of Nevada any out-of-state or foreign privately owned motor vehicle equipped with a red light or siren attached thereto as a part of the equipment of the vehicle.

2. This section is not intended to repeal, amend or in any manner change the existing law insofar as it applies to domestic and foreign motor vehicles except in the particular instance set out in subsection 1 and this section does not apply to motor vehicles registered in foreign states having reciprocal arrangements made with the Department in relation to the use of red lights and sirens upon out-of-state motor vehicles.

3. A violation of the provisions of this section is punishable by a ~~fine~~ **civil penalty** of not more than \$250.

Sec. 63. NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This

requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

→ who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A **civil infraction** citation must be issued **pursuant to section 27 of this act** to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

→ a **civil infraction** citation must be issued **pursuant to section 27 of this act** to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one **civil infraction** citation may be issued to the driver for both violations. A **civil infraction** citation may be issued pursuant to ~~this subsection~~ **section 27 of this act** only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a ~~fine~~ **civil penalty** of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. The provisions of subsections 2 and 3 do not apply:

(a) To a driver or passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

7. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

Sec. 64. NRS 484D.540 is hereby amended to read as follows:

484D.540 Violation of the provisions of NRS 484D.535 is a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.** Whenever any motor vehicle is found by any peace officer to be in violation of the provisions of NRS 484D.535, and a ~~notice to appear or~~ **civil infraction** citation is issued ~~to it~~ **pursuant to section 27 of this act, the citation** may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provisions of NRS 484D.535.

Sec. 65. NRS 484D.620 is hereby amended to read as follows:

484D.620 Any person operating or moving any vehicle or equipment over any highway who violates any length limitation in this chapter is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.**

Sec. 66. NRS 484D.680 is hereby amended to read as follows:

484D.680 1. Except as otherwise provided in subsection ~~5,~~ **4**, a person ~~convicted of~~ **found to have committed** a violation of any limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a ~~fine~~ **civil penalty** as specified in the following table:

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

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

3. The ~~finer~~ **civil penalties** provided in this section are mandatory, must be collected immediately upon ~~a determination of guilt~~ **entry of an order imposing the penalty** and must not be reduced under any circumstances by the court.

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

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

Sec. 67. NRS 484D.745 is hereby amended to read as follows:

484D.745 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484D.685 to 484D.740, inclusive, is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.**

2. Any person operating or moving any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon ~~conviction~~ **being found to have committed the violation**, as provided in NRS 484D.680.

Sec. 67.2. NRS 484E.020 is hereby amended to read as follows:

484E.020 1. The driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

~~1.~~ (a) Immediately stop his or her vehicle at the scene of the crash; and

~~2.~~ (b) If the driver's vehicle is creating a hazard or obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and, if applicable, safely fulfill the requirements of NRS 484E.030.

2. A person who violates this section is guilty of a misdemeanor.

Sec. 67.4. NRS 484E.030 is hereby amended to read as follows:

484E.030 1. The driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:

(a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such crash or to the driver or occupant of or person attending any vehicle or other property damaged in such crash;

(b) Give such information and upon request manually surrender such license to any police officer at the scene of the crash or who is investigating the crash; and

(c) Render to any person injured in such crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

2. If no police officer is present, the driver of any vehicle involved in such crash after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall forthwith report such crash to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.

3. *A person who violates this section is guilty of a misdemeanor.*

Sec. 67.6. NRS 484E.040 is hereby amended to read as follows:

484E.040 1. Except as otherwise provided in subsection 2, the driver of any vehicle which is involved in a crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

2. If the vehicle of a driver involved in a crash pursuant to subsection 1 is creating a hazard or obstructing traffic and can be moved safely, the driver shall, before meeting the requirements of subsection 1, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and minimizes interference with the free movement of traffic.

3. *A person who violates this section is guilty of a misdemeanor.*

Sec. 67.8. NRS 484E.050 is hereby amended to read as follows:

484E.050 1. The driver of a vehicle which is involved in a crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such crash to the nearest office of a police authority or of the Nevada Highway Patrol.

2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of a crash as required in subsection 1 and there was another occupant in the vehicle at the time of the crash capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

3. *A person who violates this section is guilty of a misdemeanor.*

Sec. 68. NRS 485.135 is hereby amended to read as follows:

485.135 The Department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this

chapter, which abstract must also fully designate the motor vehicles, if any, registered in the name of that person, and, if there is no record of any ~~conviction of~~ **violations by** that person of ~~violating~~ any law relating to the operation of a motor vehicle or of any injury or damage caused by that person, the Department shall so certify.

Sec. 69. NRS 486.171 is hereby amended to read as follows:

486.171 **1.** A person shall not authorize or knowingly permit a motorcycle, except a trimobile, owned by or under the control of the person to be driven upon any highway by any person who is not authorized pursuant to NRS 486.011 to 486.381, inclusive, to drive a motorcycle.

2. *A person who violates this section is guilty of a misdemeanor.*

Sec. 69.5. NRS 486.180 is hereby amended to read as follows:

486.180 **1.** The provisions of NRS 486.180 to 486.361, inclusive, are applicable and uniform throughout this State.

2. A local authority shall not enact an ordinance governing the operation and equipment of a motorcycle or moped which is in conflict with any of the provisions of NRS 486.180 to 486.361, inclusive.

3. *A local authority shall not enact an ordinance providing a criminal penalty for a violation of this chapter for which the penalty prescribed by this chapter is a civil penalty.*

Sec. 70. NRS 486.375 is hereby amended to read as follows:

486.375 **1.** A person who:

(a) Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;

(b) Is at least 21 years old;

(c) Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and

(e) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director, ➡ may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of **, or found to have committed,** traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

Sec. 71. NRS 486.381 is hereby amended to read as follows:

486.381 Any person violating any provisions of NRS 486.011 to 486.361, inclusive, is guilty of a ~~misdemeanor~~ **civil infraction unless a provision of**

those sections specifically provides that a particular violation is a misdemeanor, gross misdemeanor or felony.

Sec. 71.5. Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:

A local authority shall not enact an ordinance providing a criminal penalty for a violation of this chapter for which the penalty prescribed by this chapter is a civil penalty.

Sec. 72. NRS 490.520 is hereby amended to read as follows:

490.520 1. It is a gross misdemeanor for any person knowingly to falsify:

(a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or

(b) An application or document to obtain any license, permit, certificate of title or registration issued under the provisions of this chapter.

2. ***It is a misdemeanor for any person to violate any of the provisions of NRS 490.200 to 490.450, inclusive.***

3. Except as otherwise provided in subsections ~~3~~ 4 and ~~4~~ 5, it is a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*** for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a *misdemeanor*, gross misdemeanor or ~~a~~ felony.

~~3~~ 4. Except as otherwise provided in subsection ~~4~~ 5, a person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*** and shall be punished by a ~~fine~~ ***civil penalty*** not to exceed \$100.

~~4~~ 5. Any person who registers a large all-terrain vehicle pursuant to NRS 490.0825 and who:

(a) Operates or knowingly permits the operation of the vehicle without having insurance as required by NRS 490.0825;

(b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or

(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance,

↪ is guilty of a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act*** and shall be punished by a ~~fine~~ ***civil penalty*** not to exceed \$100.

Sec. 73. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; ~~for~~

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance ~~or~~; *or*

(e) In any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

2. The referee must meet the qualifications of a justice of the peace as set forth in NRS 4.010.

3. The referee:

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 74. NRS 4.370 is hereby amended to read as follows:

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

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

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

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

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may

exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

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

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

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

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

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

Sec. 74.5. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A municipal court may appoint a referee or hearing master to take testimony and recommend orders and a judgment in any action to determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.

2. The referee or hearing master:

- (a) Shall take testimony;*
- (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;*
- (c) May, subject to confirmation by the court, enter an order or judgment; and*
- (d) Has any other power or duty contained in the order of reference issued by the court.*

3. The findings of fact, conclusions of law and recommendations of the referee or hearing master must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the court shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

Sec. 75. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

- (a) For the violation of any ordinance of their respective cities.
- (b) To determine whether a person has committed a civil infraction punishable pursuant to sections 24 to 36.7, inclusive, of this act.*
- (c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

- (a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.
- (b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.
- (c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.
- (d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 76. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll, the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by the clerk, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. ~~The~~ ***Except as otherwise provided in section 36 of this act, the*** lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

➡ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

(c) Names of the judgment debtor and judgment creditor;

(d) Amount of the judgment or decree; and

(e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. In addition to recording the information described in subsection 2, a judgment creditor who records a judgment or decree for the purpose of creating a lien upon the real property of the judgment debtor pursuant to subsection 2 shall record at that time an affidavit of judgment stating:

(a) The name and address of the judgment debtor;

(b) If the judgment debtor is a natural person:

(1) The last four digits of the judgment debtor's driver's license number or identification card number and the state of issuance; or

(2) The last four digits of the judgment debtor's social security number;

(c) If the lien is against real property which the judgment debtor owns at the time the affidavit of judgment is recorded, the assessor's parcel number and the address of the real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and

(d) If a manufactured home or mobile home is included within the lien, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home.

➡ All information included in an affidavit of judgment recorded pursuant to this subsection must be based on the personal knowledge of the affiant, and not upon information and belief.

5. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 77. NRS 17.214 is hereby amended to read as follows:

17.214 1. ~~1A~~ ***Except as otherwise provided in section 36 of this act, a*** judgment creditor or a judgment creditor's successor in interest may renew a judgment which has not been paid by:

(a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must be titled as an "Affidavit of Renewal of Judgment" and must specify:

(1) The names of the parties and the name of the judgment creditor's successor in interest, if any, and the source and succession of his or her title;

(2) If the judgment is recorded, the name of the county and the document number or the number and the page of the book in which it is recorded;

(3) The date and the amount of the judgment and the number and page of the docket in which it is entered;

(4) Whether there is an outstanding writ of execution for enforcement of the judgment;

(5) The date and amount of any payment on the judgment;

(6) Whether there are any setoffs or counterclaims in favor of the judgment debtor and the amount or, if a setoff or counterclaim is unsettled or undetermined it will be allowed as payment or credit on the judgment;

(7) The exact amount due on the judgment;

(8) If the judgment was docketed by the clerk of the court upon a certified copy from any other court, and an abstract recorded with the county clerk, the name of each county in which the transcript has been docketed and the abstract recorded; and

(9) Any other fact or circumstance necessary to a complete disclosure of the exact condition of the judgment.

➔ All information in the affidavit must be based on the personal knowledge of the affiant, and not upon information and belief.

(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).

2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

Sec. 77.5. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, ~~for~~ civil suit, ***hearing to contest the determination that a person has committed a civil infraction*** or proceeding before a court of record, master, commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of \$25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which the witness resides at the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which the witness resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of

attendance in a court of the county in which the witness resides, each witness is entitled to be paid the per diem allowance provided for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 must be paid, in addition to that fee, the per diem allowance provided for state officers and employees generally.

3. If a witness is from without the county or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, the witness is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. The witness is also entitled to receive the same per diem allowance provided for state officers and employees generally.

4. Any person in attendance at a trial *or hearing to contest the determination that a person has committed a civil infraction* who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases, *including, without limitation, a hearing to contest the determination that a person has committed a civil infraction*, must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his or her own behalf. *Witness fees, per diem allowances, travel expenses and other reimbursement must not be taxed against a county or incorporated city after a hearing to contest the determination that a person has committed a civil infraction unless the court determines, after a hearing, that the civil infraction citation was issued maliciously and without probable cause.*

6. A person is not obligated to appear in a civil action, *hearing to contest the determination that a person has committed a civil infraction* or other proceeding unless the person has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board of county commissioners pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 78. NRS 62A.220 is hereby amended to read as follows:

62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;

2. A violation of NRS 484C.110 or 484C.120; ~~for~~

3. A violation declared to be a felony ~~§~~; *or*

4. *A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.*

Sec. 79. (Deleted by amendment.)

Sec. 79.2. NRS 171.123 is hereby amended to read as follows:

171.123 1. Any peace officer may detain any person whom the officer encounters under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a crime ~~§~~ or civil infraction.

2. Any peace officer may detain any person the officer encounters under circumstances which reasonably indicate that the person has violated or is violating the conditions of the person's parole or probation.

3. The officer may detain the person pursuant to this section only to ascertain the person's identity and the suspicious circumstances surrounding the person's presence abroad. Any person so detained shall identify himself or herself, but may not be compelled to answer any other inquiry of any peace officer.

4. A person must not be detained longer than is reasonably necessary to effect the purposes of this section, and in no event longer than 60 minutes. The detention must not extend beyond the place or the immediate vicinity of the place where the detention was first effected, unless the person is arrested.

5. As used in this section, "civil infraction" has the meaning ascribed to it in NRS 481.015.

Sec. 79.5. NRS 176.0647 is hereby amended to read as follows:

176.0647 Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 who commits a minor traffic offense as defined in NRS 176.0643 is deemed to be uncollectible if after ~~§~~ **10** years it remains impossible or impracticable to collect the delinquent amount.

Sec. 79.7. 1. There is hereby appropriated from the State Highway Fund to the Department of Public Safety the sum of \$310,000 to make system upgrades and provide training to personnel to carry 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 Highway Fund on or before September 15, 2023.

Sec. 80. 1. The Legislature hereby finds and declares that:

(a) In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

(b) The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82 (1979) and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564, 567-68 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

(c) The imposition of criminal penalties for certain minor traffic and related offenses is overly burdensome because it threatens persons with criminal penalties, including imprisonment in county jail, for failure to pay fines, assessments and fees imposed in connection with relatively minor offenses.

(d) For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by making certain minor traffic and related offenses no longer subject to criminal penalties and, instead, imposing civil penalties for those offenses.

2. Except as otherwise provided in this section, the provisions of this act apply to a violation of any provision of law that pursuant to a provision of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act if the violation occurs on or after January 1, 2023. However, the provisions of section 36.3 of this act, which authorize a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction, apply to any such violation that occurs before, on or after January 1, 2023.

3. If a person commits a violation of a provision of law before January 1, 2023, and the violation is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act if the violation occurs on or after January 1, 2023, the person cannot be arrested for the violation on or after January 1, 2023.

4. Each court in this State shall cancel each outstanding bench warrant issued for a person who failed to appear in court in response to a traffic citation issued before January 1, 2023, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.

5. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a traffic citation issued before January 1, 2023, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 80.5. Before January 1, 2023, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for any action initiated pursuant to sections 24 to 36.7, inclusive, of this act.

Sec. 81. 1. This section becomes effective upon passage and approval.

2. Section 79.7 of this act becomes effective on July 1, 2021.

3. Sections 1 to 79.5, inclusive, and sections 80 and 80.5 of this act become effective:

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

(b) On January 1, 2023, for all other purposes.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 774 to Assembly Bill No. 116.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 292 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 292.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 857.

AN ACT relating to public office; ~~requiring a ballot in the general election to have an option to vote a straight ticket for partisan races;~~ revising the qualification requirements for a minor political party; revising the deadline to challenge the qualification of a minor political party; revising provisions for filling a vacancy in the office of United States Senator, Representative in Congress or State Legislator; repealing various provisions relating to major political parties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a mechanical voting system to permit a voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. (NRS 293B.080) Section 1 of this bill requires a ballot used for the general election to permit a voter to vote for all the candidates of one political party on the ballot in partisan races by marking the name of the political party at the top of the ballot, which must be available for every major political party and minor political party. Section 1 also provides that if a voter selects the straight ticket option on the ballot and also votes for an individual candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option in a partisan race, the vote for the individual candidate must prevail over the straight ticket option if the votes conflict.~~

~~Section 4 of this bill requires a voter education program provided by a county to include information concerning straight ticket voting. Section 5 of this bill makes conforming changes relating to the requirements for straight ticket and split ticket voting on a mechanical voting device.~~

Existing law establishes certain requirements for a minor political party to qualify as a minor political party in this State, which include filing a petition with the Secretary of State not later than the third Friday in June preceding the general election which is signed by a number of registered voters equal to at least 1 percent of the number of voters who cast votes at the last preceding general election for the offices of Representative in Congress. (NRS 293.1715) **Section 2** of this bill revises this requirement to instead provide that to qualify as a minor political party, the minor political party must file a petition by June 1 preceding the general election or, if that date falls on a weekend, the first Monday in June and the number of registered voters required to sign the petition must be equally divided among the petition districts. **Section 3** of this bill makes conforming changes to move the deadline to file a challenge on the qualification of a minor political party to place the names of candidates on the ballot from the fourth Friday in June to the second Monday in June. (NRS 293.174)

Existing law requires the Governor to appoint a person to fill a vacancy in the office of United States Senator. (NRS 304.030) **Section 6** of this bill requires the Governor to appoint a person who is of the same political party as the former Senator.

Existing law requires the Governor to fill a vacancy in the office of Representative in Congress by calling for a special election. Such a special election may be consolidated with a statewide election or local election under certain circumstances. (NRS 304.230, 304.240) **Sections 8 and 9** of this bill require a candidate for a major political party to be nominated at a special primary election before the special general election and require the Governor to specify a date for a special primary election to be held not less than 60 days before the date of the special general election. **Sections 8 and 13.5** of this bill require the cost of a special primary election and special general election to be paid from the Reserve for Statutory Contingency Account unless such elections are consolidated with a statewide election or local election.

Section 8 removes a requirement for a special election to be conducted not more than 90 days after the issuance of a proclamation by the Governor if a vacancy is caused by a catastrophe. **Sections 7, 10 and 15** of this bill make conforming changes by: (1) removing definitions relating to a catastrophe; and (2) revising certain references relating to such provisions.

Under existing law, a vacancy in the office of Legislator is filled by appointment by the board of county commissioners of the county in which the legislative district of the former Legislator is located or, if the legislative district of the former Legislator comprises more than one county, the boards of county commissioners of each county within or partly within the legislative district of the former Legislator. (Nev. Art. 4, §12; NRS 218A.260, 218A.262)

Existing law requires the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. (NRS 218A.262) **Sections 11 and 12** of this bill: (1) require the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a list of qualified nominees to fill the vacancy; and (2) require, with certain exceptions, the board or boards of county commissioners to fill the vacancy by appointing a person from the list of qualified nominees. The board or boards of county commissioners may vote to reject all of the qualified nominees on the list and request the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a new list of qualified nominees to fill the vacancy. In such a circumstance, the board or boards of county commissioners must appoint a qualified nominee to fill the legislative vacancy from the second list of qualified nominees submitted by the applicable Majority or Minority Leader.

If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member, **sections 11 and 12** require the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. **Section 13** of this bill makes a conforming change to require a nominee or applicant to fill a vacancy to file a declaration of eligibility with the board or boards of county commissioners.

Existing law sets forth various requirements for the internal organization and procedures of major political parties, including requirements for the election of delegates to county and state conventions, the manner of organization of county conventions and provisions governing state and central committees. (NRS 293.130-293.163) **Section 15** of this bill removes these provisions.

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 a new section to read as follows:~~

~~1. Ballots for the general election must permit the voter to vote a straight ticket for all the candidates of one political party in partisan races on the ballot by marking the name of the political party at the top of the ballot.~~

~~2. If a voter marks the name of a political party at the top of the ballot and also marks the name of a candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option on the ballot in a partisan race, the vote for the candidate must prevail if the votes conflict.~~

~~3. For the purposes of subsection 1, the ballot must include a straight ticket option for every major political party and minor political party.~~
(Deleted by amendment.)

Sec. 2. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) ~~Not later than the third Friday in~~ **On June 1** preceding the general election ~~or if the date falls on a weekend, the first Monday in June,~~ must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress ~~which must be apportioned equally among the petition districts.~~

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

5. To determine the number of signatures required by paragraph (c) of subsection 2 to be gathered from each petition district, the Secretary of State shall calculate the number that equals 1 percent of the voters who voted in this State at the last preceding general election and apportion that number by the number of petition districts. Fractional numbers must be rounded up to the nearest whole number.

Sec. 3. NRS 293.174 is hereby amended to read as follows:

293.174 If the qualification of a minor political party to place the names of candidates on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~fourth Friday~~ **second Monday** in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~fourth Friday~~ **second Monday** in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition

was filed with the Secretary of State. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

Sec. 4. ~~NRS 293.2693 is hereby amended to read as follows:~~

~~293.2693 If a county or city uses paper ballots, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning **straight ticket voting pursuant to section 1 of this act, if applicable**, the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.~~ **(Deleted by amendment.)**

Sec. 5. ~~NRS 293B.080 is hereby amended to read as follows:~~

~~293B.080 A mechanical voting system must, except at primary elections, permit the voter to vote for all the candidates of one party **in accordance with section 1 of this act** or in part for the candidates of one party and in part for the candidates of one or more other parties.~~ **(Deleted by amendment.)**

Sec. 6. NRS 304.030 is hereby amended to read as follows:

304.030 In case of a vacancy in the office of United States Senator caused by death, resignation or otherwise, the Governor may appoint some qualified person to fill the vacancy, **who is a member of the same political party as the former Senator for at least 90 days immediately preceding the creation of the vacancy** and who shall hold office until the next general election and until his or her successor shall be elected and seated.

Sec. 7. NRS 304.040 is hereby amended to read as follows:

304.040 Except as otherwise provided in NRS ~~304.200 to 304.250, inclusive,~~ **304.230 and 304.240**, party candidates for Representative in Congress shall be nominated in the same manner as state officers are nominated.

Sec. 8. NRS 304.230 is hereby amended to read as follows:

304.230 1. In the event of a vacancy in the office of Representative in Congress, the Governor shall, within 7 days after the event giving rise to the vacancy, issue an election proclamation calling for ~~it~~ :

(a) **A special primary election to be held for selecting the nominee of each major political party for the office of Representative in Congress; and**

(b) **A special general election to fill the vacancy ~~it~~ in the office of Representative in Congress.**

2. The Governor shall specify the ~~date~~ **dates** of **the special primary election and the special general election** in the proclamation. ~~Except as otherwise provided in subsection 2, the~~ **The special primary election must be held not less than 60 days before the date of the special general election.**

3. **A special primary election and a special general election must be conducted:**

(a) As soon as practicable after the issuance of the proclamation ~~it~~ **but with sufficient time to comply with the provisions of chapter 293D of NRS and**

the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(b) On a Tuesday; and

(c) Not more than 180 days after the issuance of the proclamation. ~~If the vacancy is caused by a catastrophe, the election must be conducted not more than 90 days after the issuance of the proclamation.~~

~~—2—~~ 4. A special **primary election or special general election** required pursuant to subsection 1 may be consolidated with a statewide election or local election scheduled to be conducted within 90 days after the issuance of the proclamation. The special **primary election or special general election** may be consolidated with a local election occurring wholly or partially within the same territory in which the vacancy exists only if the voters eligible to vote in the local election comprise at least 50 percent of all voters eligible to vote on the vacancy. *If a special primary election or a special general election is not consolidated with a statewide election or local election, the cost of the special primary election or special general election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval of the State Board of Examiners.*

Sec. 9. NRS 304.240 is hereby amended to read as follows:

304.240 1. ~~If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.230, no primary election may be held.~~

~~—2—~~ Except as otherwise provided in this section, a candidate must be nominated in the manner provided in chapter 293 of NRS and *A person who wants to be a candidate at a special primary election called pursuant to NRS 304.230 must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time for the mailing of election ballots.*

~~—3—~~ *to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.*

2. A candidate of a major political party is nominated ~~by filing a declaration of candidacy with the appropriate filing officer and paying the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204.~~

~~—4—~~ *at the special primary election.*

3. A minor political party that wishes to place its candidates on the ballot *at the special general election* must file a list of its candidates with the Secretary of State not ~~more than 46 days before the special election and not less than 32 days before~~ *later than the day following the special primary election.*

~~—5—~~ 4. To have his or her name appear on the ballot ~~at the special general election~~, an independent candidate must file a petition of candidacy with the appropriate filing officer not ~~more than 46 days before the special~~

~~election and not less than 32 days before~~ *later than the day following* the special *primary* election.

~~6.] 5. Except as otherwise provided in this section and NRS [304.200 to 304.250, inclusive.] 304.230:~~

(a) The *special primary election and special general* election must be conducted pursuant to the provisions of chapter 293 of NRS.

(b) The general election laws of this State apply to the *special primary election and the special general* election.

Sec. 10. NRS 304.250 is hereby amended to read as follows:

304.250 The Secretary of State shall adopt such regulations as are necessary for conducting *special* elections pursuant to the provisions of NRS ~~[304.200 to 304.250, inclusive.] 304.230 and 304.240.~~

Sec. 11. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If, for any reason set forth in Section 12 of Article 4 of the Nevada Constitution or for any other reason, a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. ~~[[~~ *Except as otherwise provided in subsection 3, if* the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who *is nominated or* timely files an application to fill the vacancy , *as applicable*, pursuant to NRS 218A.262 , ~~and a declaration of eligibility pursuant to NRS 218A.264,]~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date *on which the person is nominated or the date* established pursuant to ~~subsection 1 of~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[[~~ , *as applicable*.

3. *If the board of county commissioners votes to reject all of the qualified nominees submitted to the board pursuant to NRS 218A.262, if applicable, the board must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county commissioners shall fill the vacancy by appointing a qualified nominee from the new list.*

4. *Except as otherwise provided in subsection 5, if* the former Legislator was elected or appointed from a district comprising more than one county, the boards of county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who *is nominated*

or timely files an application to fill the vacancy , ***as applicable***, pursuant to NRS 218A.262 , ~~and a declaration of eligibility pursuant to NRS 218A.264,~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date ***on which the person is nominated or the date*** established pursuant to ~~subsection 2 of~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~+~~ , ***as applicable***. To fill the vacancy:

(a) Each board of county commissioners shall first meet separately . ~~and~~ ***Each board of county commissioners shall vote to*** determine the single candidate it will nominate to fill the vacancy ~~+~~ ***or, if a list of qualified nominees was submitted pursuant to NRS 218A.262, to reject all of the qualified nominees.***

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. ***If a list of qualified nominees was not required to be submitted to the boards of county commissioners pursuant to NRS 218A.262 and*** no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

~~+~~ 5. ***If at the joint meeting held pursuant to paragraph (b) of subsection 4 the choice to reject all of the qualified nominees from the list submitted pursuant to NRS 218A.262 receives a plurality of the votes, the boards of county commissioners must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county commissioners shall repeat the process set forth in subsection 4 but must fill the vacancy by appointing a qualified nominee from the new list of qualified nominees.***

6. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

7. ***As used in this section, "qualified nominee" means a person:***

(a) Who meets the qualifications for the office as required by NRS 218A.200;

(b) Who is a member of the same political party as the former Legislator; and

(c) Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.

Sec. 12. NRS 218A.262 is hereby amended to read as follows:

218A.262 1. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district wholly within one county, *the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator must submit to the board of county commissioners a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member,* the board of county commissioners of the county in which the district is located shall establish:

(a) A process by which persons may file applications with the board to fill the vacancy; and

(b) A specific date for the close of filing of applications to fill the vacancy.

2. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district comprising more than one county ~~††~~, *the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator must submit to the board of county commissioners of each county within or partly within the district a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member:*

(a) The board of county commissioners of each county within or partly within the district shall establish a process by which persons may file applications with that board to fill the vacancy.

(b) The board of county commissioners of the county with the largest population in the district shall, after considering any recommendations made by the other boards within a reasonable time after the vacancy, establish a specific date that is the same for all of the boards for the close of filing of applications to fill the vacancy.

3. *If, pursuant to NRS 218A.260, the board or boards of county commissioners, as applicable, reject all of the qualified nominees on the list submitted by the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator, the same Majority or Minority Leader must submit a new*

list of one of more qualified nominees to fill the vacancy to the board or boards of county commissioners.

4. As used in this section, “qualified nominee” means a person:

(a) *Who meets the qualifications for the office as required by NRS 218A.200;*

(b) *Who is a member of the same political party as the former Legislator; and*

(c) *Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.*

Sec. 13. NRS 218A.264 is hereby amended to read as follows:

218A.264 1. If a person *is nominated pursuant to NRS 218A.260 or 218A.262, or a person* files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to NRS 218A.262, the person must execute and file with ~~this or her application~~ *the board of county commissioners*, a declaration of eligibility that must be in substantially the following form:

For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, ... (name of assembly or senatorial district), I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date *of nomination pursuant to NRS 218A.262 or the date* established pursuant to NRS 218A.262 for the close of filing of applications to fill the vacancy ~~to~~ *, as applicable*; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of eligibility which contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date of my appointment and that, during such period, I will have resided at the following residence or residences:

..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From..... To
Dates of Residency	Dates of Residency
..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State
From..... To	From..... To
Dates of Residency	Dates of Residency
(Attach additional sheet or sheets of residences as necessary)	

.....
(Name of applicant)

.....
(Signature of applicant)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. *Any person who does not submit a declaration of eligibility pursuant to this section is ineligible to fill the vacancy of the former Legislator.*

4. Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 13.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, **304.230**, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 293.130, 293.133, 293.134, 293.135, 293.137, 293.140, 293.143, 293.145, 293.150, 293.153, 293.155, 293.157, 293.160, 293.161, 293.163, 304.200, 304.210 and 304.220 are hereby repealed.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, 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 January 1, 2022, for all other purposes.

LEADLINES OF REPEALED SECTIONS

293.130 County conventions: Place; notice.

293.133 Number of delegates from voting precincts to county convention.

293.134 Use of room or space occupied by State or local government by state or county central committee.

293.135 Precinct meetings of registered voters before county convention: Time and place; notice.

293.137 Election of delegates to county convention; procedure if precinct fails to elect delegates; certificates given to elected delegates; state central committee to adopt written procedural rules.

293.140 County conventions: Manner of organization; authorized action of delegates.

293.143 County central committee: Number; change in membership.

293.145 Number of delegates to state convention.

293.150 State conventions: Place and actions; additional conventions.

293.153 Number of members of state central committee.

293.155 Rules of county and state conventions; delegate must be qualified elector; unit rule of voting prohibited.

293.157 State and county central committees: Terms of office; termination of membership; vacancies.

293.160 State and county central committees: Election of officers and executive committee; other powers.

293.161 Right of participation as delegate to county or state convention or member of county or state central committee.

293.163 Selection of delegates and alternates to national party convention and members of national committee by state convention in presidential election year.

304.200 Definitions.

304.210 “Catastrophe” defined.

304.220 “Disappearance” defined.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 438.

Bill read third time.

Roll call on Senate Bill No. 438:

YEAS—36.

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

Senate Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 440 provides an exemption from the sales and use tax on purchases of tangible personal property by members of the Nevada National Guard who are on active status and who are residents of the state, and certain relatives of such members, if the purchase occurs on the day on which Nevada Day is observed or the immediately following Saturday or Sunday.

I just want to take the opportunity to thank our Nevada National Guard and their family members.

Roll call on Senate Bill No. 440:

YEAS—42.

NAYS—None.

Senate Bill No. 440 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. 292 be taken from its position on General File and placed at the top of the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:14 p.m.

ASSEMBLY IN SESSION

At 3:16 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 292.

Bill read third time.

Roll call on Senate Bill No. 292:

YEAS—26.

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

Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 448 makes various changes related to energy regulations, policies, and programs. There are a number of changes, but I will just go through some of the highlights. It makes renewable energy storage facilities and hybrid renewable energy generation and storage facilities eligible for partial abatements of certain property and sales taxes. It requires transmission

providers to join a regional transmission organization before January 1, 2030, unless the Public Utilities Commission of Nevada allows a waiver or a delay. It requires an electric utility to file a plan by September 1, 2021, for investing up to \$100 million in transportation electrification programs between January 1, 2022, and December 31, 2024. It requires an electric utility to amend its IRP [integrated resource plan] by September 1, 2022, to include a plan for accelerating transportation electrification. It extends the Economic Development Electric Rate Rider Program through December 31, 2024, or whenever the set-aside capacity is fully allocated, whichever is earlier; modifies the allowable discounts; and requires the Commission to submit a report on the Program to the 2023 Session of the Legislature by December 31, 2022. It increases from 5 percent to 10 percent the expenditures that must be spent on energy efficiency measures for customers in low-income households, residential customers, and public schools in historically underserved communities as part of an electric utility's energy efficiency plan.

Roll call on Senate Bill No. 448:

YEAS—32.

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

Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 5.

Bill read third time.

Roll call on Senate Bill No. 5:

YEAS—40.

NAYS—Benitez-Thompson, Carlton—2.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Roll call on Senate Bill No. 40:

YEAS—26.

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

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 68.

Bill read third time.

Roll call on Senate Bill No. 68:

YEAS—26.

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

Senate Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 128.

Bill read third time.

Roll call on Senate Bill No. 128:

YEAS—42.

NAYS—None.

Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Roll call on Senate Bill No. 154:

YEAS—42.

NAYS—None.

Senate Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

Roll call on Senate Bill No. 185:

YEAS—42.

NAYS—None.

Senate Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Roll call on Senate Bill No. 274:

YEAS—39.

NAYS—Black, Matthews, McArthur—3.

Senate Bill No. 274 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 495 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblymen Matthews, Tolles, Roberts, Benitez-Thompson, Carlton, Hansen, and Mr. Speaker.

ASSEMBLYMAN MATTHEWS:

I rise in strong opposition to Assembly Bill 495. I think it is important for me to explain why to my colleagues in this room, to my constituents in District 37, and to all Nevadans.

The fact is, we simply do not need this tax increase or any tax increase—not on mining; not on gaming; not on construction; not on our financial institutions; not on our retailers, manufacturers, truckers, auto dealers, union workers, public sector workers, or private sector workers. Make no mistake: Enacting this tax increase will do serious damage to one of Nevada’s most important industries. It will kill jobs, it will hurt Silver State workers and families. It will do all that without accomplishing its supposedly intended goals.

We are told this tax hike is necessary to improve our education system. But the reality is that over the past 60 years, Nevada has tripled public education spending on a per pupil inflation-adjusted basis, and yet the fact that we are even having this debate today proves that system continues to fail our children. Simply spending more money without enacting any structural reforms or accountability measures has never solved our educational problems, and it will not do so this time either.

To my colleagues in the minority party, I say this. The idea that we might accept a compromise in which we would support a tax increase in exchange for concessions so modest as to be insulting is simply astonishing to me. Let us not forget: The majority party forced our state’s mining industry into its current position. We did not. If the majority wants to support a destructive tax increase when we are already receiving billions in new money from the federal government, when our economy is still recovering from the Governor’s shutdown, then let them own it and let them own it alone. Why would we choose to be complicit in that decision? Why would we choose to be complicit in an irresponsible tax hike that singles out a specific industry for punishment? If the majority wants to support that, let them do it.

MR. SPEAKER:

Mr. Matthews, I will simply caution you that we have rules that do not allow us to disparage motives, and you are starting to go down the road of questioning motives of members. I would just direct you to keep it consistent with our floor rules.

ASSEMBLYMAN MATTHEWS:

I know that policy making is about compromise, but compromise to help the majority party enact this unnecessary, single-industry, targeted tax hike is, in my opinion, the wrong way to go. To my friends in the minority, I want to remind you that we fought so hard last election cycle to convince voters that we had to take the supermajority away in this house so we could stop destructive tax hikes. We continue to claim the mantle of fiscal responsibility and said we would fight for that principle. The voters responded in 2020 and gave us that opportunity and authority. We should not sign off on this measure. We should reject it not only because doing so would mean remaining true to the principles we claim to hold, but also because saying no to this tax increase is the right thing to do for our state and its citizens. I urge my colleagues to put principle over politics and join me in opposing Assembly Bill 495.

ASSEMBLYWOMAN TOLLES:

I rise in enthusiastic support of Assembly Bill 495. In fact, I went on a little walk down memory lane and I grabbed this binder that I carried with me everywhere I went in 2011 as a mom advocating for education funding and reforms when my daughters were in second and fourth grade. I will never forget in October of 2010 going to an event that a neighbor invited me to where then-Assemblywoman Debbie Smith presented with then-Superintendent Heath Morrison. I held this piece of paper in my hand. It was the first time that I knew where the state of Nevada ranked nationally. We were 49th in per pupil spending, 50th in high school graduation rates, 49th in college enrollment, 50th in college students graduating in four years, 50th in jobs available for college graduates, 1st in high school dropouts, 1st in unemployment, and 1st in the decline of personal income.

Then in 2015, I watched as this body made significant investments in education. Then, as a freshman in 2017 and back in 2019, I saw those targeted dollars to evidence-based programs start to yield results. We still have a long way to go. We are still 27 percent behind the national average in per pupil spending.

I am so proud today of bipartisan efforts to come together and to partner with mining to be able to take this historic step to create dedicated and sustainable funding. Among other things, we will see an increase in base per pupil funding. Hallelujah. We will see enhancing Opportunity

Scholarships and providing much-needed flexibility to students to move up and move in. We are making a significant investment of \$200 million in traditional public schools and \$15 million in charter schools for much-needed literacy programs and to combat the learning loss over this last year. We are also seeing dedicated \$1.2 million in Silver State Opportunity Grants and all with the support of mining and the assurance that we will not see jobs lost and rural communities devastated.

I am so proud to vote for this today, and I would ask my colleagues to join me in bipartisan support and pass this measure.

ASSEMBLYMAN ROBERTS:

I rise in support of Assembly Bill 495. There are three mining resolutions and two ballot initiatives headed to the 2022 midterm ballot. Working with stakeholders, we helped negotiate a compromise in lieu of these initiatives. That is going to be a win for everyone involved and minimize the impact felt by Nevada workers in our rebounding economy. We have been assured by mining companies affected that not a single job will be lost while addressing education revenue for Opportunity Scholarships, charter schools, and public schools in the process. The pandemic has demonstrated just how valuable good teachers are to society and we need to have incentives and compensation to retain them. This bill and the funds that are in it will do that.

In addition, we developed compromises on other significant pieces of legislation for the betterment of our state. We all know that a sales tax is a regressive tax that disproportionately hits lower and middle income families and stifles social mobility. Societies are strongest when social and economic mobility is viable and common, and a sales tax hinders upward mobility. Social fabric is strengthened through formidable careers, competitive pay, satisfying work cultures, and fulfilling quality of life. That is what these industries supply and that is how we advance, uplift, and strengthen the social fabric of our diverse communities. We must hold on to, and import, conscientious entrepreneurship and compassionate capitalism that prioritizes the well-being of its employees in our diverse communities. That is exactly what has been done here, and I want to thank all the leaders for coming to the table and doing what is right for the people of Nevada. This legislation is a win for the future of Nevada's economy and children's education. I urge all my colleagues to vote yes.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise in strong support of Assembly Bill 495. Having served on the Taxation and Revenue Committees in this building for over a decade, I have come to hold some beliefs about tax, some principles about tax. There are three principles I always contemplate when we are looking at tax policy and whether or not it is good policy: Is it principled? Is it fair? Is it transparent? Even better, are the people who are going to be taxed understanding of that tax and do they share those principles enough that they come in support? We have that in Assembly Bill 495. In this building, it is a rare thing to get consensus. It is even more rare when we get it around a policy such as this. This is long overdue and I am enthusiastically in support of Assembly Bill 495.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 495. This is the second time in my career that major tax policy has happened. The last time was in 2003 and I was in the other chamber. I want to congratulate everyone who worked on this, because it took us three or four special sessions to get it done. I pretty much spent the summer up here in 2003 and even lost one year of pension credit because I could not work enough hours to get my credit that year. So I really want to congratulate everyone who came to the table, stayed at the table, and even when it was tough and would have been easy to push away, they stayed there and kept moving forward.

When we have these conversations about the structural change and where we are going, it is not just the idea of what is in AB 495. We are talking about moving the current net proceeds of mines. We heard from the public; they want their mining dollars to go to education. I am not a big proponent of earmarking dollars for a certain thing because you never know what is coming around the corner. But the public spoke and we are supposed to listen. They want the current dollars that are going in the General Fund to go to education, and they want any new dollars in the General Fund to go to education. That is what we are doing—listening to our constituents to make sure that we really fund education where we need to be.

I believe there is a time to govern and a time to lead, and that is this moment now. This is not the time to campaign for your next election.

ASSEMBLYWOMAN HANSEN:

I rise in opposition. I do appreciate the great efforts that have been made. I just want to get on the record, this is a very difficult vote. No one can question my commitment to children or to education. I have problems with the process that has gotten us here. I have a problem with the special session and I have a problem with the narrative and some of the things that were said about the industry, about those hard-working people in the industry. But I do appreciate the negotiations. I do appreciate that something had to be done. I just want to be on the record that I object to the process and therefore will be a no.

Roll call on Assembly Bill No. 495:

YEAS—28.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O’Neill, Titus, Wheeler—14.

Assembly Bill No. 495 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 96, 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

Senate Bill No. 24.

Bill read third time.

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

Amendment No. 852.

AN ACT relating to workforce development; revising requirements governing the approval of a program of workforce development by the Office of Economic Development; revising provisions governing the distribution and use of money provided by the Office to defray the cost of certain programs of workforce development; ~~revising provisions governing the Workforce Innovations for a New Nevada Account;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Office of Economic Development to develop and implement one or more programs to provide customized workforce development services to persons that create and expand businesses in Nevada and relocate businesses to Nevada. (NRS 231.055)

Existing law authorizes a person who wishes to provide a program of workforce recruitment, assessment and training to apply to the Office for

approval of the program. (NRS 231.1467) **Section 1** of this bill revises the information which must be included in an application for approval to provide a program of workforce recruitment, assessment and training. **Section 1** also: (1) requires a program of workforce recruitment, assessment and training approved by the Office to result in certain credentials or an identifiable occupational skill; (2) requires the Office to ensure that any business for which the program will be provided meets certain requirements; (3) revises the criteria which the Office must consider in giving priority to approved providers of programs of workforce recruitment, assessment and training for receipt of allocations, grants or loans of money from the Office to defray the cost of the program; and (4) revises provisions governing the use of money distributed to defray the cost of a program of workforce recruitment, assessment and training.

Existing law authorizes a person who operates a business, or who will operate a business, in this State to apply to the Office for approval of a program of workforce training. (NRS 231.147) **Section 3** of this bill specifies that such a program must be a program for the training of incumbent employees of the business that will result in certain credentials or identifiable occupational skills being obtained by the incumbent employees. **Section 3** also revises the information which must be included in an application for approval of such a program.

~~[Existing law creates the Workforce Innovations for a New Nevada Account and provides that money in the Account must be used to carry out certain programs of workforce development. The balance remaining in the Account that has not been committed for expenditure at the end of an odd numbered fiscal year reverts to the State General Fund. (NRS 231.151) Section 4 of this bill provides that any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.]~~

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

Section 1. NRS 231.1467 is hereby amended to read as follows:

231.1467 1. A person who wishes to provide a program of workforce recruitment, assessment and training may apply to the Office for approval of the program. The application must be submitted on a form prescribed by the Office.

2. Each application must include:

(a) The name, address , *electronic mail address* and telephone number of the applicant;

(b) The name of each business for which the applicant will provide the proposed program of workforce recruitment, assessment and training;

(c) A statement of the objectives of the proposed program of workforce recruitment, assessment and training;

(d) *A description of the primary economic sector to be served by the proposed program of workforce recruitment, assessment and training;*

(e) *Evidence of workforce shortages within the industry to be served by the proposed program of workforce recruitment, assessment and training;*

(f) *Evidence that there is an insufficient number of existing programs to develop the workforce needed for the industry to be served by the proposed program of workforce recruitment, assessment and training;*

(g) *A statement of the number and types of jobs with the business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, that are available or will be available upon completion of the proposed program;*

(h) *A statement demonstrating the past performance of the applicant in providing programs of workforce development, including, without limitation:*

(1) *The number and type of credentials and certifications issued by programs of workforce development provided by the applicant; and*

(2) *The number of businesses successfully served by the programs of workforce development provided by the applicant;*

(i) *A proposed plan for the provision of the proposed program of workforce recruitment, assessment and training on a statewide basis;*

(j) *A list of facilities that will be used by the proposed program of workforce recruitment, assessment and training;*

(k) *A projection of the number of primary jobs that will be served by the proposed program of workforce recruitment, assessment and training and the wages for those jobs;*

(l) *Evidence satisfactory to the Office that the proposed program of workforce recruitment, assessment and training is consistent with the unified*

state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112;

(m) *A workforce diversity action plan; ~~and~~*

~~—(e)—~~ (n) *The estimated cost of the proposed program of workforce recruitment, assessment and training ~~+~~;*

(o) *A statement by the business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, which commits the business to report to the Office required performance metrics to enable the Office to comply with NRS 231.1513;*

(p) *A report from each business for which the applicant will provide the proposed program of workforce recruitment, assessment and training, which sets forth the basis for any furloughs or layoffs conducted by the business in the 12 months immediately preceding the date of the application for the job categories related to the proposed program of workforce recruitment, assessment and training; and*

(q) *Any other information requested by the Executive Director.*

3. Any program of workforce recruitment, assessment and training approved by the Office pursuant to this section must:

- (a) Include a workforce diversity action plan approved by the Office; ~~and~~
- (b) To the extent practicable, be provided on a statewide basis to support the industrial and economic development of all geographic areas of this State ~~††~~; *and*

(c) Result in a postsecondary or industry-recognized credential, or an identifiable occupational skill that meets the applicable industry standard.

4. The Office shall:

(a) Maintain on the Internet website of the Office a list of the criteria for evaluating applications for approval of a program of workforce recruitment, assessment and training;

(b) *Ensure, through coordination with relevant state agencies and by reviewing any notices required pursuant to the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et. seq., and the regulations adopted pursuant thereto, that each business for which an applicant that submitted an application pursuant to this section will provide a program of workforce recruitment, assessment and training:*

(1) Is in compliance with the laws of this State pertaining to the conduct of businesses and employers;

(2) Is not excluded from receiving contracts from the Federal Government as a result of being debarred; and

(3) Has included in the report submitted pursuant to paragraph (p) of subsection 2 the basis for each furlough or layoff conducted in the 12 months immediately preceding the date of the application for the job categories related to the proposed program of workforce recruitment, assessment and training;

(c) Approve or disapprove each application for approval of a program of workforce recruitment, assessment and training within 60 days after receiving a complete application; and

~~†(c)†~~ *(d)* Provide notice of the approval or disapproval of each application to the applicant within 10 days after approving or disapproving the application.

5. An authorized provider that provides a program of workforce recruitment, assessment and training approved by the Office pursuant to this section or the governing body of a local government within the jurisdiction of which the authorized provider will provide the program may apply to the Office for an allocation, grant or loan of money to defray in whole or in part the cost of the program. The application must be submitted on a form prescribed by the Office.

6. The Office shall approve or deny each application for an allocation, grant or loan of money submitted pursuant to subsection 5 within 45 days after receipt of the application. When considering an application, the Office shall give priority to a program of workforce recruitment, assessment and training that will provide workforce development services to one or more businesses that:

(a) Provide high-skill and high-wage jobs to residents of this State ~~that~~, *as defined by the Board of Economic Development*;

(b) *Provide postsecondary or industry-recognized credentials or identifiable skills meeting the applicable industry standard, which are not otherwise offered or not otherwise offered at scale in this State*;

(c) *Impart a course of study for not more than 12 months that delivers skills that are needed in the workforce*;

(d) To the greatest extent practicable, use materials that are produced or bought in this State;

~~that~~ (e) Are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~that~~ (f) Are consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.

7. An authorized provider may use money distributed pursuant to this section:

(a) To provide ~~technical services to a business that participates in the program of workforce recruitment, assessment and training;~~ *curriculum development and instructional services*;

(b) *To pay for equipment or technology necessary to conduct the training*;

(c) *To pay training fees or tuition for the program of workforce recruitment, assessment and training, which are not otherwise covered by the program budget or other workforce development funding*;

(d) To ~~provide publicity for~~ *promote* the program of workforce recruitment, assessment and training and for job recruiting and assessments conducted through the program;

~~that~~ (e) ~~To provide instructional services~~;

~~that~~ (e) To provide analysis of on-site training;

~~that~~ (f) To pay any costs relating to the rental of instructional facilities, including, without limitation, utilities and costs relating to the storage and transportation of equipment and supplies;

~~that~~ (g) To pay administrative and personnel costs ~~that~~, *except that not more than 10 percent of the money distributed pursuant to this section is used for such purposes*; and

~~that~~ (h) To pay any other costs, *not including administrative and personnel costs*, necessary to effectively carry out the program of workforce recruitment, assessment and training.

8. *Equipment purchased with money distributed as a grant pursuant to this section is the property of the Office. At the end of the grant period, the Office may recapture the equipment for redistribution to other programs of workforce recruitment, assessment and training provided by an authorized provider.*

9. A ~~person who operates a business or will operate a~~ business in this State may apply to the Office to participate in ~~that~~ *an approved* program of workforce recruitment, assessment and training provided by an authorized

provider. The application must be submitted on a form prescribed by the Office and must include, without limitation:

- (a) The name, address and telephone number of the business;
- (b) Proof satisfactory to the Office that the business is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053;
- (c) A description of the number and types of jobs that the business expects will be created as a result of its participation in the program of workforce recruitment, assessment and training and the wages the business expects to pay to persons employed in those jobs;
- (d) The types of services which will be provided to the business through the program of workforce recruitment, assessment and training;
- (e) A workforce diversity action plan approved by the Office; and
- (f) Any other information required by the Office.

Sec. 2. NRS 231.1468 is hereby amended to read as follows:

231.1468 A workforce diversity action plan submitted to the Office for approval pursuant to paragraph (a) of subsection 3 of NRS 231.1467 or paragraph (e) of subsection ~~4~~ 9 of NRS 231.1467 must include, without limitation:

1. A statement expressing a commitment to workforce diversity, an explanation of the actions that will be taken and strategies that will be implemented to promote workforce diversity and the goals and performance measures which will be used to measure the success of the plan in achieving those goals; and

2. A statement expressing a commitment to comply with all applicable federal and state laws.

Sec. 3. NRS 231.147 is hereby amended to read as follows:

231.147 1. A person who operates a business or will operate a business in this State may apply to the Office for approval of a program of workforce training ~~+~~ ***for incumbent employees that will result in a postsecondary or industry-recognized credential, or an identifiable occupational skill that meets the applicable industry standard.*** The application must be submitted on a form prescribed by the Office.

2. Each application must include:

- (a) The name, address and telephone number of the business;
- (b) The number and types of jobs for the business that are available or will be available upon completion of the program of workforce training;
- (c) A statement of the objectives of the proposed program of workforce training;
- (d) ***An initial plan for wage increases for employees who successfully complete the program of workforce training;***
- (e) The estimated cost for each person enrolled in the program of workforce training; and
- ~~(e)~~ (f) A statement signed by the applicant certifying that, if the program of workforce training set forth in the application is approved and money is

granted by the Office to an authorized provider for the program of workforce training, each employee who completes the program of workforce training:

(1) Will be employed in a full-time and permanent position in the business; and

(2) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:

(I) This State; or

(II) The county in which the business is located,

↪ as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Upon request, the Office may assist an applicant in completing an application pursuant to the provisions of this section.

4. Except as otherwise provided in subsection 5, the Office shall approve or deny each application within 45 days after receipt of the application. When considering an application, the Office shall give priority to a business that:

(a) Provides high-skill and high-wage jobs to residents of this State;

(b) To the greatest extent practicable, uses materials for the business that are produced or bought in this State;

(c) Is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(d) Is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.

5. Before approving an application, the Office shall establish the amount of matching money that the applicant must provide for the program of workforce training. The amount established by the Office for that applicant must not be less than 25 percent of the amount the Office approves for the program of workforce training.

6. If the Office approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.

7. If the Office denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.

Sec. 4. ~~NRS 231.151 is hereby amended to read as follows:~~

~~231.151 1. The Workforce Innovations for a New Nevada Account is hereby created in the State General Fund. Any money the Office receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive:~~

~~(a) Must be deposited in the State General Fund for credit to the Account; and~~

~~(b) May only be used to carry out those provisions.~~

~~2. [Except as otherwise provided in subsection 3, the balance] Any money remaining in the Account [that has not been committed for expenditure on or before June 30 of an odd-numbered] **at the end of a fiscal year [reverts] does not revert** to the State General Fund [.] **and must be carried forward to the next fiscal year.**~~

~~3. [In calculating the uncommitted remaining balance in the Account at the end of an odd numbered fiscal year, any money in the Account that is attributable to a gift, grant, donation or contribution:~~

~~(a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and~~

~~(b) Must be excluded from the calculation of the uncommitted remaining balance in the Account at the end of each odd numbered fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.~~

~~4.] The Office shall administer the Account.~~

~~4. Any interest or income earned on the money in the Account must be credited to the Account.~~

~~5. Any claims against the Account must be paid as other claims against the State are paid.] (Deleted by amendment.)~~

Sec. 4.3. Section 103 of Assembly Bill No. 494 of this session is hereby amended to read as follows:

Sec. 103. 1. This section and sections 50, 51, 52, **54**, 85, 93 and 99 to 102, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 49, inclusive, 55 to 76, inclusive, 78 to 84, inclusive, 86, 87 and 94 to 98, inclusive, of this act become effective on July 1, 2021.

3. Section 53 of this act becomes effective on July 1, 2021, ~~if, and only if, Senate Bill No. 24 of this session is not enacted by the Legislature.~~

~~4. Section 54 of this act becomes effective upon passage and approval if and only if Senate Bill No. 24 of this session is enacted by the Legislature and becomes effective.~~

~~5.]~~ **4.** Section 77 of this act becomes effective on July 1, 2021, if and only if, both Assembly Bill Nos. 488 and 491 of this session are not enacted by the Legislature.

~~6.]~~ **5.** Section 88 of this act becomes effective on July 1, 2021, if, and only if, Assembly Bill No. 191 of this session is enacted by the Legislature and becomes effective.

~~7.]~~ **6.** Section 89 of this act becomes effective on July 1, 2021, if, and only if, Assembly Bill No. 256 of this session is enacted by the Legislature and becomes effective.

~~8.]~~ **7.** Section 90 of this act becomes effective on July 1, 2021, if, and only if, Senate Bill No. 154 of this session is enacted by the Legislature and becomes effective.

~~9.]~~ **8.** Section 91 of this act becomes effective on July 1, 2021, if, and only if, Senate Bill No. 420 of this session is enacted by the Legislature and becomes effective.

~~10.]~~ **9.** Section 92 of this act becomes effective on July 1, 2021, if, and only if, Assembly Bill No. 387 of this session is enacted by the Legislature and becomes effective.

Sec. 4.7. Section 54 of Assembly Bill No. 494 of this session is hereby repealed.

Sec. 5. 1. This section and ~~section~~ **sections 4, 4.3 and 4.7** of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2021.

TEXT OF REPEALED SECTION

Section 54 of Assembly Bill No. 494 of the current Legislative Session:

Sec. 54. 1. Any money remaining in the Workforce Innovations for a New Nevada Account created by NRS 231.151 at the end of Fiscal Year 2020-2021 and any remaining portion of any appropriations made to the Account for the 2019-2021 biennium does not revert to the State General Fund.

2. The balance in the Account and any portion of appropriations remaining at the end of Fiscal Year 2020-2021 must be carried forward to Fiscal Year 2021-2022.

3. Any balance in the Account and any portion of appropriations made to the Account remaining at the end of Fiscal Year 2021-2022 and Fiscal Year 2022-2023, respectively, must be carried forward.

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. 96.

Bill read third time.

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

Amendment No. 853.

AN ACT relating to disability services; requiring the Department of Health and Human Services to biennially establish reimbursement rates for the services of certain providers for persons with autism spectrum disorders that are comparable to reimbursement rates paid by Medicaid programs in other states; requiring the Department to establish certain limitations relating to the provision of such services to recipients of Medicaid; providing for the reporting to the Legislature or the Legislative Committee on Health Care of certain information concerning the provision of such services to recipients of Medicaid; requiring the Autism Treatment Assistance Program to publish certain information on the Internet website of the Program and take certain actions when there is a waiting list for services from the Program; requiring the Department to seek an increase in certain reimbursement rates for a registered behavior technician under the Medicaid program, the Autism Treatment Assistance Program and the Children's Health Insurance Program; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program and the Children's Health Insurance Program. (NRS 422.270) **Section 4.8** of this bill requires the Department to submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis for services provided by a registered behavior technician to ~~at least \$62~~ **at least \$52** per hour, or as close to that amount as the Secretary approves. If the request is approved, **section 4.8** requires the Autism Treatment Assistance Program, which is established within the Aging and Disability Services Division to serve as the primary autism program within the Department, and the Children's Health Insurance Program to pay a rate of reimbursement for such services that is equal to or greater than the rate of reimbursement provided under Medicaid. (See NRS 427A.875) **Sections 4.2** ~~and 4.5~~ **4.7** of this bill make appropriations to pay costs associated with increasing the reimbursement rates for Medicaid, ~~and~~ the Children's Health Insurance Program, ~~and~~ **the Autism Treatment Assistance Program. Section 2** of this bill requires the Department, beginning on July 1, 2023, to biennially establish reimbursement rates provided on a fee-for-service basis under Medicaid for behavior analysts, assistant behavior analysts and registered behavior technicians that are comparable to reimbursement rates paid by Medicaid programs in other states for such providers. Beginning on July 1, 2023, **section 2** also requires the Department to establish reasonable limits on the number of hours that such a provider is authorized to bill for services provided to a recipient of Medicaid in a 24-hour period. Additionally, beginning on July 1, 2023, **section 2** requires the Division of Health Care Financing and Policy to: (1) provide training to such providers concerning such limits; and (2) annually report to the Legislature, if the Legislature is in session, or the Legislative Committee on Health Care, if the Legislature is not in session, concerning the provision of services to recipients of Medicaid who have been diagnosed with an autism spectrum disorder. **Section 4** of this bill makes a conforming change to provide that the provisions of **section 2** are administered in the same manner as the provisions of existing law governing Medicaid.

Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department to provide and coordinate the provision of services to persons diagnosed or determined to have autism spectrum disorders through the age of 19 years. (NRS 427A.875) **Section 3** of this bill requires the Program to: (1) publish certain information on the Internet website of the Program to assist persons in obtaining services for autism spectrum disorders; and (2) when there is a waiting list for services from the Program, use a risk assessment tool to assess and identify persons on the waiting list with higher needs.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall:

(a) Biennially establish and include in the State Plan for Medicaid rates of reimbursement which are provided on a fee-for-service basis for services provided by behavior analysts, assistant behavior analysts and registered behavior technicians that are comparable to rates of reimbursement paid by Medicaid programs in other states for the services of those providers.

(b) Establish reasonable limits on the number of hours that a behavior analyst, assistant behavior analyst or registered behavior technician is authorized to bill for services provided to a recipient of Medicaid in a 24-hour period.

2. The Division shall provide training to behavior analysts, assistant behavior analysts and registered behavior technicians who provide services to recipients of Medicaid concerning the limits established pursuant to paragraph (b) of subsection 1.

3. On or before January 31 of each year, the Division shall:

(a) Compile a report concerning the provision of services to recipients of Medicaid who have been diagnosed with an autism spectrum disorder. The report must include:

(1) The number of recipients of Medicaid who were newly diagnosed with an autism spectrum disorder during the immediately preceding year and the number of those recipients for whom assistance with care management was provided;

(2) The number of recipients of Medicaid diagnosed with an autism spectrum disorder for whom assistance with care management was reimbursed through Medicaid during the immediately preceding year;

(3) The number of recipients of Medicaid for whom the first claim for reimbursement for the services of a registered behavior technician was submitted during the immediately preceding year;

(4) The number of assessments or evaluations by a behavior analyst that were reimbursed through Medicaid during the immediately preceding year;

(5) The total number of claims for applied behavior analysis services provided to recipients of Medicaid made during the immediately preceding year;

(6) For the immediately preceding year, the average times that elapsed between claims for each step of the process that a recipient of Medicaid must undergo to receive treatment from a registered behavior technician, beginning with initial diagnosis with an autism spectrum disorder and,

including, without limitation, comprehensive diagnosis with an autism spectrum disorder, evaluation and treatment by a behavior analyst and treatment by a registered behavior technician;

(7) The number of recipients of Medicaid receiving services through Medicaid managed care who were, at the end of the immediately preceding year, on a wait list for applied behavior analysis services;

(8) An assessment of the adequacy of the network of each health maintenance organization or managed care organization that provides services to recipients of Medicaid under the State Plan for Medicaid for applied behavior analysis services, as compared to the applicable standard for network adequacy set forth in the contract between the health maintenance organization or managed care organization and the Division;

(9) The number of behavior analysts and registered behavior technicians who are currently providing services to recipients of Medicaid who receive services through each health maintenance organization or managed care organization described in subparagraph (8); and

(10) The number of behavior analysts and registered behavior technicians who provide services to recipients of Medicaid who do not receive services through managed care.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the next regular session of the Legislature; and

(2) In even-numbered years, the Legislative Committee on Health Care.

4. As used in this section:

(a) “Applied behavior analysis services” means the services of a behavior analyst, assistant behavior analyst or registered behavior technician.

(b) “Assistant behavior analyst” has the meaning ascribed to it in NRS 437.005.

(c) “Behavior analyst” has the meaning ascribed to it in NRS 437.010.

(d) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.

Sec. 3. NRS 427A.875 is hereby amended to read as follows:

427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons diagnosed or determined, including, without limitation, through the use of a standardized assessment, to have autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

(g) Publish on an Internet website maintained by the Autism Treatment Assistance Program:

(1) Specific guidance for obtaining a diagnosis for an autism spectrum disorder and obtaining public services that are available for the treatment of autism spectrum disorders, including, without limitation, applied behavior analysis services; and

(2) A list of providers in this State who are qualified to diagnose autism spectrum disorders.

(h) When there is a waiting list for services from the Autism Treatment Assistance Program, use a risk assessment tool to assess and identify persons on the waiting list with higher needs for the purpose of ensuring the proper delivery of services to each person, regardless of the difficulty of serving that person.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation:

(1) Preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years; and

(2) Measures to ensure that, to the extent practicable, the person receives appropriate services from another entity after the person reaches 20 years of age.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Commission.

5. As used in this section, “autism spectrum disorder” means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.

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

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 2 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. 4.2. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services ~~the sum of \$2,701,391~~ to pay the increased reimbursement rates for registered behavior technicians provided under Medicaid and the Children's Health Insurance Program pursuant to section 4.8 of this act ~~+~~ **the following sums:**

For the Fiscal Year 2021-2022..... \$327,476

For the Fiscal Year 2022-2023..... \$1,626,586

2. **Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:**

For the Fiscal Year 2021-2022..... \$654,260

For the Fiscal Year 2022-2023..... \$2,878,393

3. Any ~~remaining~~ balance of the ~~appropriation made~~ **sums appropriated** by subsection 1 **remaining at the end of the respective fiscal years** must not be committed for expenditure after June 30 ~~1, 2023,~~ **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. 4.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services ~~the sum of \$109,838~~ to pay personnel, operating, computer programming and equipment costs to carry out the provisions of section 4.8 of this act as they apply to Medicaid and the Children's Health Insurance Program ~~+~~ **the following sums:**

For the Fiscal Year 2021-2022..... \$42,595

For the Fiscal Year 2022-2023..... \$52,243

2. **Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the**

Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2021-2022..... \$46,596

For the Fiscal Year 2022-2023..... \$52,243

3. Any ~~remaining~~ balance of the ~~appropriation made~~ sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30, ~~1, 2023,~~ 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 ~~11~~, respectively.

Sec. 4.7. 1. There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services to pay the increased reimbursement rates for registered behavior technicians provided under the Autism Treatment Assistance Program pursuant to section 4.8 of this act the following sums:

For the Fiscal Year 2021-2022..... \$306,501

For the Fiscal Year 2022-2023..... \$613,002

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. 4.8. 1. On or before October 1, 2021, the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement that is provided on a fee-for-service basis pursuant to the State Plan for Medicaid for services provided by a registered behavior technician to ~~\$621~~ at least \$52 for each hour that such services are provided, or as close to that amount as the Secretary approves. The request must be supported using methods for determining reimbursement rates accepted by the Secretary.

2. If the amendment to the State Plan for Medicaid requested pursuant to subsection 1 is approved:

(a) The increased rate of reimbursement established by the amendment must become effective on January 1, 2022, or when approved if after that date; and

(b) The Autism Treatment Assistance Program established by NRS 427A.875 and the Children’s Health Insurance Program must provide a rate of reimbursement for services provided by a registered behavior technician equal to or greater than the rate of reimbursement provided for such services pursuant to the State Plan for Medicaid beginning on January 1, 2022, or when approved if after that date.

3. As used in this section, “registered behavior technician” has the meaning ascribed to it in NRS 437.050.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. This section and section 5 of this act become effective upon passage and approval.

2. Sections ~~1.1 and 4.2, 4.4 and 4.5~~ 1.1 and 4.2, inclusive, of this act become effective on July 1, 2021.

3. Sections 2, 3 and 4 of this act become effective on July 1, 2023.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 24 and 96 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. 24.

Bill read third time.

Roll call on Senate Bill No. 24:

YEAS—38.

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

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 96.

Bill read third time.

Roll call on Senate Bill No. 96:

YEAS—42.

NAYS—None.

Senate Bill No. 96 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 Bill No. 380 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:50 p.m.

ASSEMBLY IN SESSION

At 4:40 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 380.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 855.

AN ACT relating to prescription drugs; ~~expanding~~ **revising** the information that is reported under the program for tracking and reporting of information concerning the pricing of prescription drugs; requiring wholesalers to make a report; requiring certain reporting entities to affirm the accuracy of the information in the reports; revising requirements concerning the report of the Department of Health and Human Services on the pricing of prescription drugs; revising the authorized uses of certain administrative penalties; excluding certain information from protection as a trade secret; ~~requiring an individual health insurer to publish notice if certain drugs are removed from its formulary;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to compile: (1) a list of prescription drugs that the Department determines to be essential for treating diabetes and asthma in this State; and (2) a list of such prescription drugs that have been subject to a significant price increase. (NRS 439B.630) **Sections 1.3-4, 9.3 and 9.5** of this bill define certain terms relating to prescription drugs. **Section 10** of this bill: (1) removes the requirement that the Department compile a list of essential asthma ~~and diabetes~~ drugs; and ~~instead~~ **(2)** requires the Department to compile a list of prescription drugs with a wholesale acquisition cost ~~that exceeds~~ **exceeding** \$40 for a course of therapy; ~~and (2) revises the manner in which a significant price increase is~~

determined,] that have undergone a price increase of 10 percent during the immediately preceding year or 20 percent during the immediately preceding 2 years. Section 19.5 of this bill makes a conforming change to reflect the changes made by section 10.

Existing law requires a **manufacturer of prescription drugs or a** pharmacy benefit manager to report certain information concerning ~~prescription] drugs~~ **on the list of essential asthma and diabetes** drugs to the Department. (NRS 439B.635, 439B.640, 439B.645) Sections 11-13 of this bill require those reports to also include information concerning drugs on the list of drugs with a wholesale acquisition cost that exceeds \$40 for a course of therapy and have undergone a price increase of 10 percent during the immediately preceding year or 20 percent during the immediately preceding 2 years. Section 13 of this bill additionally revises and expands the information that a pharmacy benefit manager is required to report ~~+] concerning drugs on that list and drugs on the list of essential diabetes drugs.~~ Section 6 of this bill requires a wholesaler of prescription drugs to report to the Department certain information concerning the drugs on ~~the list of drugs with a wholesale acquisition cost that exceeds \$40 for a course of therapy.] those lists.~~ Section 16 of this bill requires the Department to adopt regulations establishing the form and manner in which wholesalers are required to report that information. **Sections 6 and 11-13** of this bill require a report submitted by a manufacturer, pharmacy benefit manager or wholesaler to be accompanied by statement signed under penalty of perjury affirming the accuracy of the information in the report.

Existing law provides that pharmacy benefit managers are not required to report information relating to prescription drug coverage that is a part of a plan regulated under the federal Employee Retirement Income Security Act, but that such a plan may require a pharmacy benefit manager to report that information by contract. (NRS 439B.645) In *Rutledge v. Pharm. Care Mgmt. Ass'n*, the United States Supreme Court held that states are authorized to impose general requirements governing pharmacy benefit managers on pharmacy benefit managers that manage such coverage. (141 S. Ct. 474, 481 (2020)) **Section 13** removes the exemption for such coverage from requirements for the reporting of information by pharmacy benefit managers, thereby requiring a pharmacy benefit manager to report information relating to such coverage regardless of whether they are required to do so by contract.

Existing law requires the Department to analyze the information reported concerning the prices of prescription drugs and compile a report concerning the reasons for and effect of the pricing. (NRS 439B.650) **Section 14** of this bill: (1) revises the information that must be included in that report; and (2) requires the Department to present the findings in the report at a public hearing.

Existing law authorizes the Department to impose an administrative penalty against a manufacturer, pharmacy benefit manager or nonprofit organization that fails to report required information. (NRS 439B.695) **Section 18** of this bill: (1) authorizes the imposition of an administrative penalty against a

wholesaler that fails to report the information required by **section 6**; and (2) revises the manner in which the Department is authorized to use the money collected through those penalties.

Existing law excludes information reported by manufacturers, pharmaceutical sales representatives and pharmacy benefit managers from protection under trade secret law in this State. (NRS 600A.030) **Section 19** of this bill similarly excludes information reported by wholesalers from such protection.

~~Existing law requires an insurer that offers or issues a policy of individual health insurance to publish on an Internet website that is operated by the insurer and is accessible to the public or include in any enrollment materials distributed by the insurer a notice of all prescription drugs that: (1) are included on the most recent list of essential diabetes and asthma drugs compiled by the Department; and (2) have been removed or will be removed from the formulary during the current plan year or the next plan year. (NRS 689.405) Section 19.5 of this bill revises that reference to instead refer to the list of prescription drugs with a wholesale acquisition cost that exceeds \$40 for a course of therapy.~~

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

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 8, inclusive, of this act.

Sec. 1.3. *“National Drug Code” means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.*

Sec. 1.6. 1. *“Rebate” means a discount or concession that affects the price of a prescription drug which is provided by the manufacture of the drug to:*

- (a) A third party;*
- (b) A pharmacy benefit manager after the pharmacy benefit manager has processed a claim from a pharmacy, an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist; or*
- (c) A wholesaler.*

2. *The term does not include a bona fide service fee, as defined in 42 C.F.R. § 447.502.*

Sec. 2. *“Third party” means:*

- 1.** *An insurer, as that term is defined in NRS 679B.540;*
- 2.** *A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;*
- 3.** *The Public Employees’ Benefits Program established pursuant to subsection 1 of NRS 287.043;*
- 4.** *A governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency that provides health coverage to employees through a self-insurance reserve fund pursuant to NRS 287.010;*

5. *The Department, with regard to Medicaid and the Children's Health Insurance Program; and*

6. *Any other insurer or organization providing coverage of prescription drugs in accordance with state or federal law.*

Sec. 3. (Deleted by amendment.)

Sec. 3.3. *"Unit" has the meaning ascribed to it in 42 U.S.C. § 1395w-3a(b)(2)(B).*

Sec. 3.5. ~~*"WAC unit" means the lowest identifiable quantity of a prescription drug that is dispensed, excluding any diluent and without reference to volume measurements for liquids.*~~ (Deleted by amendment.)

Sec. 4. *"Wholesaler" has the meaning ascribed to it in NRS 639.016.*

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. *On or before April 1 of each year, a wholesaler that sells a prescription drug that appears on either or both of the most current list lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for use in this State shall prepare and submit to the Department, in the form prescribed by the Department:*

(a) *A report which includes the information prescribed by subsection 2; and*

(b) *A statement signed by the person responsible for compiling the report affirming, under penalty of perjury, the accuracy of the information in the report.*

2. *The report submitted pursuant to paragraph (a) of subsection 1 must include, for each drug described in subsection 1:*

(a) *The current wholesale acquisition cost of the drug and the minimum and maximum wholesale acquisition cost of the drug during the immediately preceding calendar year;*

(b) *The total volume in ~~WAC~~ units of the drug ~~sold~~ shipped by the wholesaler ~~for use in~~ into this State during the immediately preceding calendar year;*

(c) *The aggregate amount of rebates negotiated directly with the manufacturer of the drug for sales of units of the drug ~~for use in~~ shipped by the wholesaler into this State during the immediately preceding calendar year;*

(d) *The aggregate amount of rebates negotiated with pharmacies, pharmacy benefit managers and other entities for sales of units of the drug ~~for use in~~ shipped by the wholesaler into this State during the immediately preceding calendar year; and*

(e) *Any other information prescribed by regulation of the Department.*

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 439B.600 is hereby amended to read as follows:

439B.600 As used in NRS 439B.600 to 439B.695, inclusive, *and sections 1.3 to 8, inclusive, of this act*, unless the context otherwise requires, the words

and terms defined in NRS 439B.605 to 439B.620, inclusive, *and sections 1.3 to 4, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 9.3. NRS 439B.605 is hereby amended to read as follows:

439B.605 “Manufacturer” has the meaning ascribed to it in ~~NRS 639.009.~~ **42 U.S.C. § 1396r-8(k)(5).**

Sec. 9.5. NRS 439B.620 is hereby amended to read as follows:

439B.620 “Wholesale acquisition cost” means the manufacturer’s **published** list price for a prescription drug ~~to wholesalers or direct purchasers in the United States, not including any discounts, rebates or reductions in price, as reported in wholesale price guides or other publications of drug pricing data.~~ **with a unique National Drug Code for sale to a wholesaler or any other person or entity that purchases the prescription drug directly from the manufacturer, not including any rebates or other price concessions.**

Sec. 10. NRS 439B.630 is hereby amended to read as follows:

439B.630 **1.** On or before February 1 of each year, the Department shall compile:

~~1. (a) A list of prescription drugs that the Department determines to be essential for treating asthma and diabetes in this State and the wholesale acquisition cost of each such drug on the list. The list must include, without limitation, all forms of insulin and biguanides marketed for sale in this State. with a wholesale acquisition cost that exceeds \$40 for a course of therapy. As used in this subsection, “course of therapy” means:~~

~~— (a) Except as otherwise provided in paragraph (b), the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for 30 days.~~

~~— (b) If the normal course of treatment using a prescription drug is less than 30 days, the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for the duration of the recommended course of treatment.~~

~~2. (b) A list of prescription drugs described in subsection 1 paragraph (a) that have been subject to an increase in the wholesale acquisition cost of a percentage equal to or greater than:~~

~~{(a)} (1) The percentage increase in the Consumer Price Index, Medical Care Component ~~(Ten percent)~~ during the immediately preceding calendar year; or~~

~~{(b)} (2) Twice the percentage increase in the Consumer Price Index, Medical Care Component ~~(Twenty percent)~~ during the immediately preceding 2 calendar years.~~

(c) A list of prescription drugs with a wholesale acquisition cost exceeding \$40 for a course of therapy that have been subject to an increase in the wholesale acquisition cost of a percentage equal to or greater than:

(1) Ten percent during the immediately preceding calendar year; or

(2) Twenty percent during the immediately preceding 2 calendar years.

2. As used in this section, “course of therapy” means:

(a) Except as otherwise provided in paragraph (b), the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for 30 days.

(b) If the normal course of treatment using a prescription drug is less than 30 days, the recommended daily dosage of a prescription drug, as set forth on the label for the prescription drug approved by the United States Food and Drug Administration, for the duration of the recommended course of treatment.

Sec. 11. NRS 439B.635 is hereby amended to read as follows:

439B.635 1. On or before April 1 of each year, the manufacturer of a prescription drug that appears on either or both of the most current ~~list~~ lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 shall prepare and submit to the Department, in the form prescribed by the Department ~~to~~ :

(a) A report which *includes the information prescribed by subsection 2; and*

(b) *A statement signed by the person responsible for compiling the report under penalty of perjury affirming the accuracy of the information in the report.*

2. *The report submitted pursuant to paragraph (a) of subsection 1 must include* ~~to~~

~~to~~ , *for each drug described in subsection 1:*

(a) *The National Drug Code for the drug, reported in numeric form;*

(b) *The name, strength, dosage form and package size of the drug;*

(c) *The costs of producing the drug;*

~~to~~ (d) *The total administrative expenditures relating to the drug, including marketing and advertising costs;*

~~to~~ (e) *The profit that the manufacturer has earned from the drug and the percentage of the manufacturer’s total profit for the period during which the manufacturer has marketed the drug for sale that is attributable to the drug;*

~~to~~ (f) *The total amount of financial assistance that the manufacturer has provided through any patient prescription assistance program;*

~~to~~ (g) *The cost associated with coupons provided directly to consumers and for programs to assist consumers in paying copayments, and the cost to the manufacturer attributable to the redemption of those coupons and the use of those programs;*

~~to~~ (h) *The wholesale acquisition cost of the drug;*

~~to~~ (i) *A history of any increases in the wholesale acquisition cost of the drug over the 5 years immediately preceding the date on which the report is submitted, including the amount of each such increase expressed as a percentage of the total wholesale acquisition cost of the drug, the month and year in which each increase became effective and any explanation for the increase;*

~~{8-}~~ (j) The aggregate amount of all rebates that the manufacturer has provided to pharmacy benefit managers for sales of the drug within this State; ~~and~~

~~—9-~~ (k) *If the manufacturer acquired the intellectual property for the drug within the immediately preceding 5 years:*

(1) The name of the entity from which that intellectual property was acquired;

(2) The date of the acquisition and the purchase price;

(3) The wholesale acquisition cost at the time of the acquisition;

(4) The wholesale acquisition cost of the drug 1 year before the date of the acquisition; and

(5) The year that the drug was first made available for sale; and

(l) Any additional information prescribed by regulation of the Department for the purpose of analyzing the cost of prescription drugs that appear on either or both of the ~~list~~ lists compiled pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630, trends in those costs and rebates available for such drugs.

Sec. 12. NRS 439B.640 is hereby amended to read as follows:

439B.640 1. On or before April 1 of a year in which a drug is included on ~~the list~~ either or both of the lists compiled pursuant to paragraphs (b) or (c) of subsection ~~1~~ 2 of NRS 439B.630, the manufacturer of the drug shall submit to the Department ~~the~~ :

(a) A report describing the reasons for the increase in the wholesale acquisition cost of the drug described in ~~that subsection~~ paragraph (b) or (c), as applicable, of subsection 1 of NRS 439B.630; and

(b) A statement signed by the person responsible for compiling the report under penalty of perjury affirming the accuracy of the information in the report.

2. The report *submitted pursuant to paragraph (a) of subsection 1* must include, without limitation:

~~{1-}~~ (a) A list of each factor that has contributed to the increase;

~~{2-}~~ (b) The percentage of the total increase that is attributable to each factor;

~~{3-}~~ (c) An explanation of the role of each factor in the increase; and

~~{4-}~~ (d) Any other information prescribed by regulation by the Department.

Sec. 13. NRS 439B.645 is hereby amended to read as follows:

439B.645 1. ~~{Except as otherwise provided in subsection 2, on}~~ *On* or before April 1 of each year, a pharmacy benefit manager shall submit to the Department ~~the~~ :

(a) A report which includes ~~the~~ the information prescribed by subsection 2; and

(b) A statement signed under penalty of perjury affirming the accuracy of the information in the report.

2. *The report submitted pursuant to paragraph (a) of subsection 1 must include:*

(a) *The current wholesale acquisition cost of each drug included on either or both of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and the minimum and maximum wholesale acquisition cost of each such drug during the immediately preceding year;*

(b) *The total number of ~~WAC~~ units of each drug included on either or both of the ~~list~~ most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for which the pharmacy benefit manager negotiated directly with the manufacturer for purchases of the drug for use in in this State during the immediately preceding calendar year;*

(c) *The number of ~~WAC~~ units of each drug included on either or both of the ~~list~~ most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for which the pharmacy benefit manager negotiated directly with the manufacturer during the immediately preceding calendar year for purchases of the drug for use in this State by:*

- (1) Recipients of Medicare;*
- (2) Recipients of Medicaid;*
- (3) Persons covered by third parties that are governmental entities which are not described in subparagraph (1) or (2);*
- (4) Persons covered by commercial insurers; and*
- (5) Persons covered by third parties other than those described in subparagraphs (1) to (4), inclusive;*

(d) *The ~~total~~ aggregate amount of ~~all~~ the rebates ~~to, discounts and other price concessions~~ that the pharmacy benefit manager negotiated with manufacturers during the immediately preceding calendar year for purchases of prescription drugs included on the ~~list~~ most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 ~~for use in this State, in total for the list compiled by the Department pursuant to subsection 1 of that section~~ each of those lists and for each drug ~~;~~*

~~—(b)— included on ~~the~~ such a list ; ~~compiled pursuant to subsection 1 of that section~~;~~

(e) *The ~~total~~ aggregate amount of ~~all~~ the rebates described in paragraph ~~(a)~~ (d) that were retained by the pharmacy benefit manager ~~;~~ and ~~—(e)— , in total for each ~~list~~ of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and for each drug included on ~~the~~ such a list ; ~~compiled pursuant to subsection 1 of that section~~;~~*

(f) *The ~~total~~ aggregate amount of ~~all~~ the rebates described in paragraph ~~(a)~~ (d) that were negotiated for purchases of ~~such~~ prescription drugs for use by ~~;~~*

- ~~—(1) Recipients of Medicare;~~
- ~~—(2) Recipients of Medicaid;~~

~~— (3) Persons covered by third parties that are governmental entities which are not described in subparagraph (1) or (2);~~

~~— (4) Persons covered by third parties that are not governmental entities; and~~

~~— (5) Persons covered by a plan described in subsection 2 to the extent required by a contract entered into pursuant to subsection 3.~~

~~— 2. Except as otherwise provided in subsection 3, the requirements of this section do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.~~

~~— 3. A plan described in subsection 2 may, by contract, require a pharmacy benefit manager that manages the coverage of prescription drugs under the plan to comply with the requirements of this section.} persons in each category listed in paragraph (c), in total for each ~~list~~ of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and for each drug included on ~~the~~ such a list; ~~compiled pursuant to subsection 1 of that section.~~~~

~~(g) The amount of discounts, dispensing fees or other fees that the pharmacy benefit manager negotiated with pharmacies, prescription drug networks or pharmacy services administrative organizations during the immediately preceding calendar year for purchases of prescription drugs included on ~~each list~~ the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 for use in this State, in total for each list and for each drug included on ~~the~~ such a list; ~~compiled pursuant to subsection 1 of that section.~~~~

~~(h) The amount of discounts, dispensing fees or other fees described in paragraph (g) which were negotiated for purchases of prescription drugs for use by persons in each category prescribed by paragraph (c), in total for each ~~list~~ of the most current lists compiled by the Department pursuant to paragraphs (a) and (c) of subsection 1 of NRS 439B.630 and for each drug included on ~~the~~ such a list; ~~compiled pursuant to subsection 1 of that section.~~ and~~

~~(i) Any other information prescribed by regulation of the Department.~~

Sec. 14. NRS 439B.650 is hereby amended to read as follows:

439B.650 On or before June 1 of each year, the Department shall ~~analyze~~ :

1. *Analyze* the information submitted pursuant to NRS 439B.635, 439B.640 and 439B.645 **and section 6 of this act** and compile a report on the price of ~~the~~ prescription drugs . ~~that appear on the most current lists compiled by the Department pursuant to NRS 439B.630.~~ **The report:**

(a) Must include, without limitation, a separate analysis of the information reported by manufacturers, pharmacy benefit managers and wholesalers, the reasons for any increases in ~~those~~ the prices of prescription drugs in this State and the effect of those prices on overall spending on

prescription drugs, *insurance premiums and cost-sharing* in this State ~~[-The report may]; and~~

(b) *May* include, without limitation, opportunities for persons and entities in this State to lower the cost of *prescription* drugs ~~[-for the treatment of asthma and diabetes]~~ while maintaining access to such drugs.

2. Present the findings in the report at a public hearing.

Sec. 15. NRS 439B.670 is hereby amended to read as follows:

439B.670 1. Except as otherwise provided in subsection 2, ~~and subsection 3 of NRS 439B.660,~~ the Department shall:

(a) Place or cause to be placed on the Internet website maintained by the Department:

(1) The information provided by each pharmacy pursuant to NRS 439B.655;

(2) The information compiled by a nonprofit organization pursuant to NRS 439B.665 if such a report is submitted pursuant to paragraph (b) of subsection 1 of that section;

(3) The lists of prescription drugs compiled by the Department pursuant to NRS 439B.630;

(4) The wholesale acquisition cost of each prescription drug, *as* reported pursuant to NRS 439B.635 ~~[-]~~ *and 439B.645 and section 6 of this act;* and

(5) The reports compiled by the Department pursuant to NRS 439B.650 and 439B.660.

(b) Ensure that the information placed on the Internet website maintained by the Department pursuant to paragraph (a) is organized so that each individual pharmacy, manufacturer and nonprofit organization has its own separate entry on that website; and

(c) Ensure that the usual and customary price that each pharmacy charges for each prescription drug that is on the list prepared pursuant to NRS 439B.625 and that is stocked by the pharmacy:

(1) Is presented on the Internet website maintained by the Department in a manner which complies with the requirements of NRS 439B.675; and

(2) Is updated not less frequently than once each calendar quarter.

➡ Nothing in this subsection prohibits the Department from determining the usual and customary price that a pharmacy charges for a prescription drug by extracting or otherwise obtaining such information from claims reported by pharmacies to the Medicaid program.

2. If a pharmacy is part of a larger company or corporation or a chain of pharmacies or retail stores, the Department may present the pricing information pertaining to such a pharmacy in such a manner that the pricing information is combined with the pricing information relative to other pharmacies that are part of the same company, corporation or chain, to the extent that the pricing information does not differ among those pharmacies.

3. The Department may establish additional or alternative procedures by which a consumer who is unable to access the Internet or is otherwise unable

to receive the information described in subsection 1 in the manner in which it is presented by the Department may obtain that information:

- (a) In the form of paper records;
- (b) Through the use of a telephonic system; or
- (c) Using other methods or technologies designed specifically to assist consumers who are hearing impaired or visually impaired.

4. As used in this section, “usual and customary price” means the usual and customary charges that a pharmacy charges to the general public for a drug, as described in 42 C.F.R. § 447.512.

Sec. 16. NRS 439B.685 is hereby amended to read as follows:

439B.685 The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 439B.600 to 439B.695, inclusive ~~††~~ , **and sections 1.3 to 8, inclusive, of this act.** Such regulations must provide for, without limitation:

1. Notice to consumers stating that:

(a) Although the Department will strive to ensure that consumers receive accurate information regarding pharmacies, prescription drugs and nonprofit organizations including, without limitation, the information made available on the Department’s Internet website pursuant to NRS 439B.670, the Department is unable to guarantee the accuracy of such information;

(b) If a consumer follows an Internet link from the Internet website maintained by the Department to an Internet website not maintained by the Department, the Department is unable to guarantee the accuracy of any information made available on that Internet website; and

(c) The Department advises consumers to contact a pharmacy, manufacturer or nonprofit organization directly to verify the accuracy of any information regarding the pharmacy, a prescription drug manufactured by the manufacturer or the nonprofit organization, as applicable, which is made available to consumers pursuant to NRS 439B.600 to 439B.695, inclusive ~~††~~ , **and sections 1.3 to 8, inclusive, of this act;**

2. Procedures adopted to direct consumers who have questions regarding the program described in NRS 439B.600 to 439B.695, inclusive, **and sections 1.3 to 8, inclusive, of this act** to contact the Office for Consumer Health Assistance of the Department;

3. Provisions in accordance with which the Department will allow an Internet link to the information made available on the Department’s Internet website pursuant to NRS 439B.670 to be placed on other Internet websites managed or maintained by other persons and entities, including, without limitation, Internet websites managed or maintained by:

(a) Other governmental entities, including, without limitation, the State Board of Pharmacy and the Office of the Governor; and

(b) Nonprofit organizations and advocacy groups;

4. Procedures pursuant to which consumers, pharmacies, manufacturers and nonprofit organizations may report to the Department that information

made available to consumers pursuant to NRS 439B.600 to 439B.695, inclusive, **and sections 1.3 to 8, inclusive, of this act** is inaccurate;

5. The form and manner in which pharmacies are to provide to the Department the information described in NRS 439B.655; ~~and~~

6. The form and manner in which manufacturers are to provide to the Department the information described in NRS 439B.635, 439B.640 and 439B.660;

7. The form and manner in which pharmacy benefit managers are to provide to the Department the information described in NRS 439B.645;

8. The form and manner in which pharmaceutical sales representatives are to provide to the Department the information described in NRS 439B.660;

9. The form and manner in which nonprofit organizations are to provide to the Department the information described in NRS 439B.665, if required; ~~and~~

10. ***The form and manner in which wholesalers are to provide the Department with the information described in section 6 of this act; and***

11. Standards and criteria pursuant to which the Department may remove from its Internet website information regarding a pharmacy or an Internet link to the Internet website maintained by a pharmacy, or both, if the Department determines that the pharmacy has:

(a) Ceased to be licensed and in good standing pursuant to chapter 639 of NRS; or

(b) Engaged in a pattern of providing to consumers information that is false or would be misleading to reasonably informed persons.

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 439B.695 is hereby amended to read as follows:

439B.695 1. If a pharmacy that is licensed under the provisions of chapter 639 of NRS and is located within the State of Nevada fails to provide to the Department the information required to be provided pursuant to NRS 439B.655 or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the pharmacy an administrative penalty of not more than \$500 for each day of such failure.

2. If a manufacturer fails to provide to the Department the information required by NRS 439B.635, 439B.640 or 439B.660, a pharmacy benefit manager fails to provide to the Department the information required by NRS 439B.645, **a wholesaler fails to provide to the Department the information required by section 6 of this act or** a nonprofit organization fails to post or provide to the Department, as applicable, the information required by NRS 439B.665 or a manufacturer, pharmacy benefit manager, **wholesaler** or nonprofit organization fails to post or provide, as applicable, such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the manufacturer, pharmacy benefit manager, **wholesaler** or

nonprofit organization, as applicable, an administrative penalty of not more than \$5,000 for each day of such failure.

3. If a pharmaceutical sales representative fails to comply with the requirements of NRS 439B.660, the Department may impose against the pharmaceutical sales representative an administrative penalty of not more than \$500 for each day of such failure.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department ~~for~~ :

(a) For purposes relating to improvement of transparency concerning the costs of prescription drugs, including, without limitation, the administration of NRS 439B.600 to 439B.695, inclusive, and sections 1.3 to 8, inclusive, of this act; and

(b) To establish and carry out programs to provide education concerning ~~asthma and diabetes and prevent those~~ chronic diseases.

Sec. 19. NRS 600A.030 is hereby amended to read as follows:

600A.030 As used in this chapter, unless the context otherwise requires:

1. “Improper means” includes, without limitation:

- (a) Theft;
- (b) Bribery;
- (c) Misrepresentation;
- (d) Willful breach or willful inducement of a breach of a duty to maintain secrecy;

(e) Willful breach or willful inducement of a breach of a duty imposed by common law, statute, contract, license, protective order or other court or administrative order; and

(f) Espionage through electronic or other means.

2. “Misappropriation” means:

(a) Acquisition of the trade secret of another by a person by improper means;

(b) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(c) Disclosure or use of a trade secret of another without express or implied consent by a person who:

(1) Used improper means to acquire knowledge of the trade secret;

(2) At the time of disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was:

(I) Derived from or through a person who had used improper means to acquire it;

(II) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(III) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(3) Before a material change of his or her position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

3. “Owner” means the person who holds legal or equitable title to a trade secret.

4. “Person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

5. “Trade secret”:

(a) Means information, including, without limitation, a formula, pattern, compilation, program, device, method, technique, product, system, process, design, prototype, procedure, computer programming instruction or code that:

(1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public or any other persons who can obtain commercial or economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(b) Does not include any information that a manufacturer is required to report pursuant to NRS 439B.635 or 439B.640, information that a pharmaceutical sales representative is required to report pursuant to NRS 439B.660 , ~~for~~ information that a pharmacy benefit manager is required to report pursuant to NRS 439B.645 ~~or~~ **or information that a wholesaler is required to report pursuant to section 6 of this act**, to the extent that such information is required to be disclosed by those sections.

Sec. 19.5. NRS 689A.405 is hereby amended to read as follows:

689A.405 1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:

(a) Be in a language that is easily understood and in a format that is easy to understand;

(b) Include an explanation of what a formulary is; and

(c) If a formulary is used, include:

(1) An explanation of:

(I) How often the contents of the formulary are reviewed; and

(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and

(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.

2. If an insurer offers or issues a policy of health insurance which provides coverage for prescription drugs and a formulary is used, the insurer shall:

(a) Provide to any insured or participating provider of health care, upon request:

(1) Information regarding whether a specific drug is included in the formulary.

(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.

(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.

(c) During each period for open enrollment, publish on an Internet website that is operated by the insurer and accessible to the public or include in any enrollment materials distributed by the insurer a notice of all prescription drugs that:

(1) Are included on the most recent list of drugs that are essential for treating asthma and diabetes in this State compiled by the Department of Health and Human Services pursuant to paragraph (a) of subsection 1 of NRS 439B.630; and

(2) Have been removed or will be removed from the formulary during the current plan year or the next plan year.

(d) Update the notice required by paragraph (c) throughout the period for open enrollment.

Sec. 20. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 380 be taken from its position on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 380.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Unfortunately, I have to rise in opposition to Senate Bill 380. I appreciate my colleague from Assembly District 14 for adding that amendment that the industry asked for. She absolutely did as she agreed to do. However, for the past several sessions, this body has passed a number of

transparency measures on the drug manufacturers. Many of us have been here for that. It started out with asthma drugs and diabetes drugs. The proponents of these various measures have continued to tell us that the driving force for passage of those measures and also for passage of this particular bill is that it will lower the cost of drugs. Yet, proponents continue to argue that none of the asthma drugs or insulin have seen a decrease in cost.

We need to find patient-focused solutions. Over the interim, various stakeholders worked together to find patient-focused solutions. However, as this is worded, I do not believe this will have the impact that we want to see. I am hopeful that in the future we will continue to work on finding some solutions that may change.

Roll call on Senate Bill No. 380:

YEAS—26.

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

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:49 p.m.

ASSEMBLY IN SESSION

At 10:10 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Revenue, to which was referred Senate Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 108, 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. 233, 267, 356, 366, 397, 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. 287, 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. 163, 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 Senate Bill No. 290, 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 31, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 65, 156, 165, 225, 230, 270, 315, 319, 358, 371, 376, 427, 443.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 126, 189, 196, 220, 247, 256, 262, 357, 383, 411, 416, 432, 445, 489.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 495.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 266, Amendment No. 617, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 321, Amendment No. 839; Assembly Bill No. 363, Amendment No. 847; Assembly Bill No. 393, Amendments Nos. 775, 851, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 341, Amendments Nos. 834, 863, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 440.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 463.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 790 to Senate Bill No. 219; Assembly Amendments Nos. 610, 746, 801 to Senate Bill No. 254; Assembly Amendment No. 817 to Senate Bill No. 386; Assembly Amendment No. 833 to Senate Bill No. 420; Assembly Amendment No. 832 to Senate Bill No. 428.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Scheible, Harris and Settlemeyer as a Conference Committee concerning Senate Bill No. 369.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 463.

Bill read first time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 461 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. 461.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 865.

AN ACT relating to state financial administration; requiring a transfer to the State General Fund and authorizing disbursements of certain federal money in certain circumstances; 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. As soon as practicable after receipt of the money from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, the Chief of the Budget Division of the Office of Finance in the Office of the Governor created by NRS 223.400, in consultation with the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau, shall:

(a) Determine the reduction in the general revenue of the State of Nevada as a result of the COVID-19 pandemic pursuant to the formula set forth in the Interim Final Rule of the Department of the Treasury, 31 C.F.R. Part 35, RIN 1505-AC77; and

(b) Transfer to the State General Fund an amount of the money from the Coronavirus State and Local Fiscal Recovery Funds received by the State of Nevada that is equal to the amount of money that is determined to be a reduction in the general revenue of the State of Nevada pursuant to paragraph (a).

2. After the transfer to the State General Fund is made pursuant to subsection 1, the Chief of the Budget Division shall disburse the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada in accordance with the provisions of chapter 353 of NRS in the following order of priority, after any other disbursements of such federal money required by the 81st Session of the Nevada Legislature and as that money is available:

(a) Disbursement of \$335,000,000 to repay advances received by the Unemployment Compensation Fund under Title XII of the Social Security Act, 42 U.S.C. §§ 1321 et seq.

(b) Disbursement of \$20,900,000 for the public health emergency of the COVID-19 pandemic, including, without limitation, mental health treatment, substance use disorder treatment and other behavioral health services, construction costs and other capital improvements in public facilities to meet COVID-19-related operational needs and expenses relating to establishing and enhancing public health data systems.

(c) Disbursement of \$7,600,000 to address increased levels of food insecurity resulting from the negative economic impact of the COVID-19 pandemic on low-income families.

(d) **Disbursement of \$6,000,000 to the Collaboration Center Foundation to augment services and programs implemented to address the negative or disparate impacts of the COVID-19 pandemic on persons with disabilities.**

(e) Disbursement of \$5,000,000 to the State Treasurer to be administered as grants to persons with disabilities who are under 18 years of age through the Nevada ABLE Savings Program established pursuant to NRS 427A.889 to assist persons with disabilities who have been negatively or disparately impacted by the COVID-19 pandemic with expenses related to education, housing, transportation, employment training and support, assistive technology, personal support services, health care costs, financial management and other qualified disability expenses.

(f) Disbursement of \$4,000,000 to the University of Nevada, Reno, to establish a statewide program modeled after the Dean's Future Scholars Program at the University of Nevada, Reno, to assist pupils who are in grade 6 or higher, are prospective first-generation college students and have been negatively or disparately impacted by the COVID-19 pandemic. The disbursement made pursuant to this paragraph must be used to provide support and services related to mentorship, tutoring and access to food, technology and activities and programs designed to address, support or reduce learning loss caused or exacerbated by the COVID-19 pandemic.

(g) Disbursements for any other purpose authorized for the use of the money received from the Coronavirus State and Local Fiscal Recovery Funds, within the following categories:

- (1) Increasing access to health care and community-based services;
- (2) Strengthening public education;
- (3) Supporting disadvantaged communities;
- (4) Strengthening Nevada's workforce, supporting small businesses and revitalizing the State's economy;
- (5) Investing in infrastructure; and
- (6) Modernizing and enhancing state government services.

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. 461 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. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—36.

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

EXCUSED—Wheeler.

Senate Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

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

Amendment No. 859.

SENATOR SPEARMAN

JOINT SPONSORS: ASSEMBLYMEN FRIERSON AND MONROE-MORENO

SUMMARY—Provides for the issuance of special license plates to support the Divine Nine, ~~organizations,~~ (BDR 43-1018)

AN ACT relating to special license plates; providing for the issuance of special license plates to support the Divine Nine, ~~organizations,~~ imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Motor Vehicles to design, prepare and issue special license plates that indicate support for the Divine Nine, ~~organizations,~~ which are the following historically Black collegiate fraternities and sororities: (1) Alpha Kappa Alpha Sorority, Inc.; (2) Alpha Phi Alpha Fraternity, Inc.; (3) Delta Sigma Theta Sorority, Inc.; (4) Iota Phi Theta Fraternity, Inc.; (5) Kappa Alpha Psi Fraternity, Inc.; (6) Omega Psi Phi Fraternity, Inc.; (7) Phi Beta Sigma Fraternity, Inc.; (8) Sigma Gamma Rho Sorority, Inc.; and (9) Zeta Phi Beta Sorority, Inc. ~~Section 1 requires an individual license plate to be designed, prepared and issued for each Divine Nine organization.~~ **Section 1** requires the fees collected for the special license plates that are in addition to all other applicable registration and license fees and governmental services taxes to be deposited with the State Treasurer, who must, on a quarterly basis, distribute: (1) ~~five~~ **10** percent of the fees to the United Negro College Fund; and (2) the remaining ~~95~~ **90** percent of the fees equally among ~~the~~ certain chapters ~~of the applicable~~ or organizations associated with the Divine Nine ~~organization that are in this State or to the charitable organization associated with the applicable Divine Nine organization, as specified in section 1.~~ for the promotion of community awareness and action through educational, economic and cultural service activities within this State. **Section 1** authorizes a person who wishes to obtain the special license plates to request that the plates be combined with personalized prestige plates if the person pays the fees for the personalized prestige plates in addition to the fees for the special license plates.

Under existing law, certain special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 6-8** of this bill exempt the special license plates that indicate support for ~~for~~ the Divine Nine ~~organization~~ from each of the preceding requirements. **Sections 2-5 and 9-12** of this bill make conforming changes by indicating the placement of **section 1** within the Nevada Revised Statutes and by adding **section 1** to certain lists of special license plates.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. The Department, in cooperation with each of the applicable Divine Nine organizations, Las Vegas Chapter of the National Pan-Hellenic Council, shall design, prepare and issue a license plate that indicates support for the applicable Divine Nine organization, using any colors that the Department deems appropriate. An individual license plate must be designed, prepared and issued for each of the Divine Nine organizations.~~

~~2. The organizations for which license plates must be designed, prepared and issued pursuant to subsection 1 are:~~

- ~~(a) Alpha Kappa Alpha Sorority, Inc.;~~
- ~~(b) Alpha Phi Alpha Fraternity, Inc.;~~
- ~~(c) Delta Sigma Theta Sorority, Inc.;~~
- ~~(d) Iota Phi Theta Fraternity, Inc.;~~
- ~~(e) Kappa Alpha Psi Fraternity, Inc.;~~
- ~~(f) Omega Psi Phi Fraternity, Inc.;~~
- ~~(g) Phi Beta Sigma Fraternity, Inc.;~~
- ~~(h) Sigma Gamma Rho Sorority, Inc.; and~~
- ~~(i) Zeta Phi Beta Sorority, Inc.~~

~~3. The Department shall issue license plates that indicate support for the Divine Nine organization for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the Divine Nine organization if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the Divine Nine organization pursuant to subsections 3 and 4.~~

~~4.3.~~ 3. The fee for license plates that indicate support for ~~the Divine Nine organization~~ is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of \$10.

~~5.4.~~ 4. In addition to all other applicable registration and license fees, governmental services taxes and the fee prescribed pursuant to subsection ~~4.3.~~ 3. a person who requests a set of license plates that indicate support for ~~the Divine Nine organization~~ must pay a fee of \$25 for the issuance of the plates and a fee of \$20 for each renewal of the plates, to be deposited in accordance with subsection ~~6.5.~~ 5.

~~6.5.~~ 5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection ~~5.4.~~ 4. with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute:

(a) ~~Five~~ Ten percent of the fees deposited pursuant to this subsection to the United Negro College Fund, Inc., or its successor organization, for college scholarships for Nevada residents attending a college in this State; and

(b) The remaining ~~95~~ 90 percent of the fees deposited pursuant to this subsection to ~~one of~~ the following organizations ~~as selected by the person who paid the fees pursuant to subsection 5.~~ in the following manner for the promotion of community awareness and action through educational, economic and cultural service activities within this State:

(1) ~~For Alpha Kappa Alpha Sorority, Inc.:~~

~~(I) Eighty five percent distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~(II) Ten percent distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc. ; , solely for the marketing of the license plate.~~

(2) ~~For Alpha Phi Alpha Fraternity, Inc.:~~

~~(I) Eighty five percent equally distributed among the Alpha Phi Alpha Fraternity chapters in this State for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~(II) Ten percent equally distributed among the Alpha Phi Alpha Fraternity chapters in this State ; , solely for the marketing of the license plate.~~

(3) ~~For Delta Sigma Theta Sorority, Inc.:~~

~~(I) Eighty five percent distributed to the Delta Research and Educational Foundation, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~===== (H) Ten percent distributed to the Delta Research and Educational Foundation, Inc. ; for solely for the marketing of the license plate.~~

~~(4) For Iota Phi Theta Fraternity, Inc.:~~

~~===== (I) Eighty-five percent distributed to the National Iota Foundation, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~===== (H) Ten percent distributed to the National Iota Foundation, Inc. ; for solely for the marketing of the license plate.~~

~~(5) For Kappa Alpha Psi Fraternity, Inc.:~~

~~===== (I) Eighty-five percent distributed to the Western Province of Kappa Alpha Psi Fraternity, Inc., for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~===== (H) Ten percent distributed to the Western Province of Kappa Alpha Psi Fraternity, Inc. ; for solely for the marketing of the license plate.~~

~~(6) For Omega Psi Phi Fraternity, Inc.:~~

~~===== (I) Eighty-five percent distributed among the Omega Psi Phi Fraternity chapters in this State for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~===== (H) Ten percent equally distributed among the Omega Psi Phi Fraternity chapters in this State ; for solely for the marketing of the license plate.~~

~~(7) For Phi Beta Sigma Fraternity, Inc.:~~

~~===== (I) Eighty-five percent distributed to the Western Region of Phi Beta Sigma Fraternity, Inc., for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~===== (H) Ten percent distributed to the Western Region of Phi Beta Sigma Fraternity, Inc. ; for solely for the marketing of the license plate.~~

~~(8) For Sigma Gamma Rho Sorority, Inc.:~~

~~===== (I) Eighty-five percent distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc., to promote community awareness and action through educational, economic and cultural service activities within this State.~~

~~===== (H) Ten percent distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc. for solely for the marketing of the license plate. ; and~~

~~(9) For Zeta Phi Beta Sorority, Inc.:~~

~~===== (I) Eighty-five percent equally distributed among the Zeta Phi Beta Sorority chapters in this State for the promotion of community awareness and action through educational, economic and cultural service activities within this State.~~

~~===== (H) Ten percent equally distributed among the Zeta Phi Beta Sorority chapters in this State ; for solely for the marketing of the license plate.~~

~~17-1~~ 6. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~18-1~~ 7. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

~~19-1~~ 8. As used in this section, “Divine ~~Nine organization~~” Nine means ~~one of the following nine member organizations listed in subsection 2.~~ that compose the National Pan-Hellenic Council:

(a) Alpha Kappa Alpha Sorority, Inc.;

(b) Alpha Phi Alpha Fraternity, Inc.;

(c) Delta Sigma Theta Sorority, Inc.;

(d) Iota Phi Theta Fraternity, Inc.;

(e) Kappa Alpha Psi Fraternity, Inc.;

(f) Omega Psi Phi Fraternity, Inc.;

(g) Phi Beta Sigma Fraternity, Inc.;

(h) Sigma Gamma Rho Sorority, Inc.; and

(i) Zeta Phi Beta Sorority, Inc.

Sec. 2. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, **and section 1 of this act** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term “trailer” does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act**; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act.** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. Any license plates issued for a trailer before January 1, 1982, are not subject to reissue pursuant to subsection 2 of NRS 482.265.

6. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act.**

Sec. 6. 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 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 nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) 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 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 ~~or~~ **or section 1 of this act.**

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. 7. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is 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 ~~†~~ **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number

of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 8. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 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 ~~††~~ **or section 1 of this act.**

Sec. 9. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, **and section 1 of this act** and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483 and mopeds registered pursuant to NRS 482.2155, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, “fees” does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) “Additional fees” has the meaning ascribed to it in NRS 482.38273.

(b) “Charitable organization” means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act**. The term includes:

(1) The successor, if any, of a charitable organization; and

(2) A charitable organization to which additional fees for special license plates are distributed pursuant to subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279.

Sec. 10. NRS 482.38276 is hereby amended to read as follows:

482.38276 “Special license plate” means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37904, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

3. Except for a license plate that is issued pursuant to NRS 482.3746, 482.3757, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791 or 482.3794 ~~†~~ **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

Sec. 11. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, **and section 1 of this act**, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the

vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

Sec. 12. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, **and section 1 of this act**, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 290.

Bill read third time.

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

Amendment No. 854.

AN ACT relating to insurance; requiring certain insurers to allow a person who has been diagnosed with stage 3 or 4 cancer and is covered by the insurer to apply for an exemption from required step therapy for certain drugs; requiring such insurers to grant such an exemption in certain circumstances; **making appropriations**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires local governments that provide health coverage for employees through a self-insurance reserve fund, private sector employers who provide health benefits for their employees, insurers who issue individual or group health policies, medical services corporations and health maintenance organizations to cover certain prescription drugs for the treatment of cancer. (NRS 287.010, 608.1555, 689A.0404, 689B.0365, 695B.1908, 695C.1733)

Sections 1, 3, 4, ~~6-8, 11, 12 and 13~~ 6-9 and 11-14.5 of this bill require all health insurers, including public and private sector employers that provide health benefits for their employees ~~[but excluding]~~ **and** Medicaid, to allow a covered person who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of such a covered person to apply for an exemption from step therapy that would otherwise be required for a prescription drug to treat

the cancer or any symptom thereof of the covered person. **Sections 1, 3, 4, ~~6-8, 11, 12 and 13~~ 6-9 and 11-14.5** require an insurer to: (1) grant such an exemption in certain circumstances; and (2) post a form for applying for such an exemption in an easily accessible location on the Internet website of the insurer. **Sections 2, ~~and~~ 5, 15.3 and 15.6** of this bill make conforming changes to indicate the placement of **sections 1, ~~and~~ 4 and 14.5** in the Nevada Revised Statutes. ~~[Sections 9 and 11.5 of this bill exempt from the provisions of sections 8 and 11, respectively, a health maintenance organization or other managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program.]~~ **Section 10** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 8**. The Commissioner is also authorized to take such action against other health insurers who fail to comply with the requirements of **sections 1, 3, 4, 6, 7 and 11** of this bill. (NRS 680A.200) **Sections 16.3 and 16.8 of this bill make appropriations to pay the increased costs for prescription drugs to the Public Employees' Benefits Program and Medicaid associated with complying with the provisions of this bill.**

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.

8. An insurer shall post in an easily accessible location on an Internet website maintained by the insurer a form for requesting an exemption pursuant to this section.

9. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

10. As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~†~~, **and section 1 of this act.**

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending

practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. *If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of group health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.*

8. *An insurer shall post in an easily accessible location on an Internet website maintained by the insurer a form for requesting an exemption pursuant to this section.*

9. *A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.*

10. As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the carrier the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a carrier that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a carrier that receives an application for an exemption pursuant to subsection 1 must

make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. *A carrier shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.*

6. *A carrier must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:*

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. *If a carrier approves an application for an exemption from a step therapy protocol pursuant to this section, the carrier must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health benefit plan. The carrier may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the carrier must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The carrier may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The carrier shall provide a report of the review to the insured.*

8. *A carrier shall post in an easily accessible location on an Internet website maintained by the carrier a form for requesting an exemption pursuant to this section.*

9. *A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.*

10. *As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, **and section 4 of this act** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A society that offers or issues a benefit contract which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) *Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the society the clinical rationale for the exemption and any relevant medical information.*

(b) *Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.*

(c) *Require the review of each application by at least one physician, registered nurse or pharmacist.*

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) *May include, without limitation:*

(1) *The medical history or other health records of the insured demonstrating that the insured has:*

(I) *Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or*

(II) *Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and*

(2) *Any other relevant clinical information.*

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. *Except as otherwise provided in subsection 4, a society that receives an application for an exemption pursuant to subsection 1 shall:*

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. *If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a society that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.*

5. *A society shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.*

6. *A society must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:*

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. *If a society approves an application for an exemption from a step therapy protocol pursuant to this section, the society must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable benefit contract. The society may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the society must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The society may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The society shall provide a report of the review to the insured.*

8. *A society shall post in an easily accessible location on an Internet website maintained by the society a form for requesting an exemption pursuant to this section.*

9. *A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the benefit contract that conflicts with this section is void.*

10. *As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A hospital or medical services corporation that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) *Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the a hospital or medial services corporation the clinical rationale for the exemption and any relevant medical information.*

(b) *Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.*

(c) *Require the review of each application by at least one physician, registered nurse or pharmacist.*

2. *The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*

(a) *May include, without limitation:*

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A hospital or medical services corporation shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. A hospital or medical services corporation must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a hospital or medical services corporation approves an application for an exemption from a step therapy protocol pursuant to this section, the hospital or medical services corporation must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The hospital or medical services corporation may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the hospital or medical services corporation must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The hospital or medical services corporation may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The hospital or medical services corporation shall provide a report of the review to the insured.

8. A hospital or medical services corporation shall post in an easily accessible location on an Internet website maintained by the hospital or medical services corporation a form for requesting an exemption pursuant to this section.

9. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

10. As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an enrollee who has been diagnosed with stage 3 or 4 cancer or the

attending practitioner of the enrollee to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the enrollee or attending practitioner, or a designated advocate for the enrollee or attending practitioner, to present to the health maintenance organization the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the enrollee demonstrating that the enrollee has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the enrollee, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the enrollee.

5. A health maintenance organization shall disclose to the enrollee or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. *A health maintenance organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:*

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the enrollee when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the enrollee and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the enrollee and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the enrollee or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the enrollee; or

(2) Has prevented or is likely to prevent the enrollee from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the enrollee is stable while being treated with the prescription drug for which the exemption is requested and the enrollee has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. *If a health maintenance organization approves an application for an exemption from a step therapy protocol pursuant to this section, the health maintenance organization must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health care plan. The health maintenance organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the health maintenance organization must continue to cover the drug for as long as it is necessary to treat the enrollee for the cancer or symptom. The health maintenance organization may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the enrollee for the cancer or symptom. The health maintenance organization shall provide a report of the review to the enrollee.*

8. *A health maintenance organization shall post in an easily accessible location on an Internet website maintained by the health maintenance organization a form for requesting an exemption pursuant to this section.*

9. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.

10. As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an enrollee.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

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

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

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

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 ~~and section 8 of this act~~ do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 and section 8 of this act apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

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

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other

information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, **and section 8 of this act** or 695C.207;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the

affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the managed care organization the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a managed care organization that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a managed care organization that receives an application for an exemption pursuant to subsection 1 must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A managed care organization shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the qualifications of each person who will review the application.

6. A managed care organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a managed care organization approves an application for an exemption from a step therapy protocol pursuant to this section, the managed care organization must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health care plan. The managed care organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending

practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the managed care organization must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The managed care organization may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The managed care organization shall provide a report of the review to the insured.

8. *A managed care organization shall post in an easily accessible location on an Internet website maintained by the managed care organization a form for requesting an exemption pursuant to this section.*

9. *A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2022, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.*

10. *As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 11.5. ~~NRS 695G.090 is hereby amended to read as follows:~~

~~695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.~~

~~2. In addition to the provisions of this chapter, each managed care organization shall comply with:~~

~~(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and~~

~~(b) Any other applicable provision of this title.~~

~~3. The provisions of NRS 695G.164, 695G.1645, 695G.167, 695G.200 to 695G.230, inclusive, and 695G.430 and section 11 of this act do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract. (Deleted by amendment.)~~

Sec. 12. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, **and section 3 of this act**, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

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

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of

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

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

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

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

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

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

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

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

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

Sec. 13. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, **and section 11 of this act**, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 14. (Deleted by amendment.)

Sec. 14.5. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department or a pharmacy benefit manager or health maintenance organization with which the Department contracts pursuant to NRS 422.4053 to manage prescription drug benefits shall allow a recipient of Medicaid who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the recipient to apply for an exemption from step therapy that would otherwise be required pursuant to NRS 422.403 to instead use a prescription drug prescribed by the attending practitioner to treat the cancer or any symptom thereof of the recipient of Medicaid. The application process must:

(a) Allow the recipient or attending practitioner, or a designated advocate for the recipient or attending practitioner, to present to the Department, pharmacy benefit manager or health maintenance organization, as applicable, the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documents that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician, registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the recipient demonstrating that the recipient has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, the Department, pharmacy benefit manager or health maintenance organization, as applicable, that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, step therapy may seriously jeopardize the life or health of the recipient, the Department, pharmacy benefit manager or health maintenance organization that receives an application for an exemption pursuant to subsection 1, as applicable, must make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the recipient.

5. The Department, pharmacy benefit manager or health maintenance organization, as applicable, shall disclose to a recipient or attending practitioner who submits an application for an exemption from step therapy

pursuant to subsection 1 the qualifications of each person who will review the application.

6. The Department, pharmacy benefit manager or health maintenance organization, as applicable, must grant an exemption from step therapy in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the recipient when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the recipient and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the recipient and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the recipient or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the recipient; or

(2) Has prevented or is likely to prevent the recipient from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505; or

(d) The condition of the recipient is stable while being treated with the prescription drug for which the exemption is requested and the recipient has previously received approval for coverage of that drug.

7. If the Department, pharmacy benefit manager or health maintenance organization, as applicable, approves an application for an exemption from step therapy pursuant to this section, the State must pay the nonfederal share of the cost of the prescription drug to which the exemption applies. The Department, pharmacy benefit manager or health maintenance organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the State must continue to pay the nonfederal share of the cost of the drug for as long as it is necessary to treat the recipient for the cancer or symptom. The Department, pharmacy benefit manager or health maintenance organization, as applicable, may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the recipient for the cancer or symptom. The Department, pharmacy benefit manager or health maintenance organization, as applicable, shall provide a report of the review to the recipient.

8. The Department and any pharmacy benefit manager or health maintenance organization with which the Department contracts pursuant to

NRS 422.4053 to manage prescription drug benefits shall post in an easily accessible location on an Internet website maintained by the Department, pharmacy benefit manager or health maintenance organization, as applicable, a form for requesting an exemption pursuant to this section.

9. As used in this section, “attending practitioner” means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of a recipient.

Sec. 15. (Deleted by amendment.)

Sec. 15.3. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, **and section 14.5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 422.4015 to 422.4024, inclusive, have the meanings ascribed to them in those sections.

Sec. 15.6. NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.27172 to 422.27178, inclusive, and 422.401 to 422.406, inclusive, **and section 14.5 of this act** and to administer the provisions of those sections:

(a) Adopt regulations; and

(b) Enter into contracts for any services.

2. Any regulations adopted by the Department pursuant to NRS 422.27172 to 422.27178, inclusive, and 422.401 to 422.406, inclusive, **and section 14.5 of this act** must be adopted in accordance with the provisions of chapter 241 of NRS.

Sec. 16. (Deleted by amendment.)

Sec. 16.3. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services to pay the increased costs for prescription drugs associated with complying with the provisions of this act the following sums:

For the Fiscal Year 2021-2022..... \$765,814

For the Fiscal Year 2022-2023..... \$753,976

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. 16.8. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Public Employees’ Benefits Program the sum of \$713,000 to pay the increased

costs for prescription drugs associated with complying with the provisions of this act. Money appropriated pursuant to this section is available for Fiscal Year 2022-2023 and may be allocated by the Interim Finance Committee to the Public Employees' Benefits Program upon the presentation to the Interim Finance Committee of an itemization of costs.

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. 17. 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. 18. **1. This act becomes section and section 16.3 of this act become effective on July 1, 2021.**

2. Sections 1 to 16, inclusive, and 17 of this act become effective on January 1, 2022.

3. Section 16.8 of this act becomes effective on July 1, 2022.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 163 and 290 be taken from their positions on General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 163.

Bill read third time.

Roll call on Senate Bill No. 163:

YEAS—34.

NAYS—Black, Dickman, Ellison, Krasner, Matthews, McArthur, O'Neill, Wheeler—8.

Senate Bill No. 163 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 290.

Bill read third time.

Roll call on Senate Bill No. 290:

YEAS—42.

NAYS—None.

Senate Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 368, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 615 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

Assembly Conference Committee

SENATOR DINA NEAL

SENATOR DALLAS HARRIS

SENATOR IRA HANSEN

Senate Conference Committee

ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON

ASSEMBLYWOMAN MAGGIE CARLTON

ASSEMBLYMAN ANDY MATTHEWS

Conference Amendment No. 2.

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

Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. (Chapter 271A of NRS) **Existing law defines the term "project" to mean an art project, a tourism and entertainment project, a sports stadium and certain recreational projects. (NRS 271A.050) Section 3.5 of this bill removes a sports stadium from the definition of a project, thereby prohibiting a municipality from pledging revenue in a district to finance a sports stadium within a TID. Section 4 of this bill eliminates the authority of the governing body of a city in a county whose population is less than 700,000 (currently all cities other than Boulder City, the City of Henderson, the City of Las Vegas, the City of Mesquite and the City of North Las Vegas) or of a county whose population is less than 700,000 (currently all counties other than Clark County) to create a TID on or after July 1, 2021. Section 4 therefore retains the authority of a governing body of a city in a county whose population is 700,000 or more (currently Boulder City, the City of Henderson, the City of Las Vegas, the City of Mesquite and the City of North Las Vegas) or of a county whose**

population is 700,000 or more (currently Clark County) to create a TID on or after July 1, 2021.

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

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

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

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

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

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time

acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

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

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

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

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval of each service provider that owns the overhead service facilities to be converted.

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

~~within or without the municipality, or both within and without the municipality:~~

~~—(a) An art project; and~~

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

~~5.1~~ In addition to the power specified in this section, if a qualified project is located within the jurisdiction of the municipality, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality, an electrical project for the qualified project, a fire protection project for the qualified project or a rail project for the qualified project.

~~6.1~~ 5. As used in this section, “qualified project” has the meaning ascribed to it in NRS 360.888 or 360.940.

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

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

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

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

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

~~4. Any money pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650.1~~

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

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

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

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

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

Sec. 3.5. NRS 271A.050 is hereby amended to read as follows:

271A.050 “Project” means:

1. With respect to a county whose population is 700,000 or more:

(a) An art project, as defined in NRS 271.037; or

(b) A tourism and entertainment project, as defined in NRS 271.234. ~~for~~

~~—(c) A sports stadium which can be used for the home games of a Major League Baseball or National Football League team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a Major League Baseball or National Football League stadium, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment.~~

2. With respect to a city in a county whose population is 700,000 or more:

(a) A project described in paragraph (a) ~~for~~ or (b) ~~for (c)~~ of subsection 1;

or

(b) A recreational project, as defined in NRS 268.710.

3. With respect to a municipality other than a municipality described in subsection 1 or 2, any project that the municipality is authorized to acquire, improve, equip, operate and maintain pursuant to subsections 1, 2, 3 and 5 to 10, inclusive, of NRS 244A.057 or NRS 268.730 or 271.265, as applicable.

4. Any real or personal property suitable for retail, tourism or entertainment purposes.

5. Any real or personal property necessary, useful or desirable in connection with any of the projects set forth in this section.

6. Any combination of the projects set forth in this section.

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

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

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance

describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

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

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

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

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

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

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

3. A district created pursuant to this section by:

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

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

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

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

(a) On or before October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established

pursuant to chapter 279 of NRS, the governing body and agency may provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

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

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

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

6. A governing body of a municipality in a county whose population is less than 700,000 may not create a tourism improvement district on or after July 1, 2021.

7. As used in this section:

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

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

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

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

1. If the ordinance:

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

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

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

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

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

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

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

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

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

4. If the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

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

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

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

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

(a) As a result of the project:

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

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

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

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

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

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

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

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

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

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

Sec. 6. NRS 271A.105 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

➤ The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of *proprietary* information about an individual business, in which case ~~{the report must provide}~~ the information *may be provided* in the aggregate ~~{(b) Require each}~~ *for two or more districts in the municipality in a manner that does not result in the disclosure of proprietary information about an individual business. To the extent possible, the report must provide the information separately for each district which includes more than one business.*

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

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

(b) *The number of businesses in the district;*

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

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

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

~~{3}~~ 5. The Department of Taxation is not required to prepare and submit a report pursuant to ~~{paragraph (a) of}~~ subsection 2 if the report cannot be

prepared in a manner which would not disclose or result in the disclosure of *proprietary* information about an individual business.

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

Sec. 7. NRS 360.255 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(e) Disclosure in confidence to the Governor or his or her agent in the exercise of the Governor’s general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding relating to a taxpayer or licensee, or to any agency

of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

377.057 1. The State Controller, acting upon the relevant information furnished by the Department, shall distribute monthly from the fees, taxes, interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month, excluding any ~~amounts~~ **amount** required to be remitted pursuant to NRS ~~360.850 and~~ 360.855 and except as otherwise provided in subsection 2, to:

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

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

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

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

collected for that month in the counties whose distribution will be determined pursuant to this paragraph.

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

3. A county which, pursuant to subsection 2, is required to have its portion of the proceeds from the supplemental city-county relief tax distributed pursuant to paragraph (b) of subsection 1 may file a request with the Nevada Tax Commission for a waiver of the requirements of subsection 2. The request must be filed on or before February 20 next preceding the fiscal year for which the county will first receive its portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (b) of subsection 1 and must be accompanied by evidence which supports the granting of the waiver. The Commission shall grant or deny a request for a waiver on or before March 10 next following the timely filing of the request. If the Commission determines that the increase in the amount of supplemental city-county relief tax collected in the county was primarily caused by:

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

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

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

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

Douglas	\$580,993
Esmeralda	53,093
Lander	155,106
Lincoln	72,973
Lyon	356,858
Mineral	118,299
Nye	296,609
Pershing	96,731

Storey	69,914
White Pine	158,863

6. As used in this section, unless the context otherwise requires:
- (a) “Enterprise district” has the meaning ascribed to it in NRS 360.620.
 - (b) “Local government” has the meaning ascribed to it in NRS 360.640.
 - (c) “Special district” has the meaning ascribed to it in NRS 360.650.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. This act becomes effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

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

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

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

271.680 Limitations on issuance of bonds.

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

Assemblywoman Benitez-Thompson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 368.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 266.

The following Senate amendment was read:

Amendment No. 617.

SUMMARY—Revises provisions ~~governing~~ **relating to** class size. (BDR 34-704)

AN ACT relating to education; requiring only certain personnel be counted in determining the ratio of pupils per licensed teacher; establishing provisions relating to job vacancies in a school district; requiring the board of trustees of a school district to post certain information on its Internet website; revising provisions relating to the statewide performance evaluation system for teachers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the ratio of pupils per licensed teacher in certain classes not exceed certain ratios. (NRS 388.700) Under existing law, the State Board of Education is required to develop nonbinding recommendations for the ratio of pupils per licensed teacher for kindergarten and grades 1 to 12, inclusive. (NRS 388.890) **Sections 1 and 2** of this bill prohibit administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching during a class period from being counted in determining the ratio of pupils per licensed teacher. **Section 3** of this bill requires the board of trustees of a school district, to the extent that money is available, to determine the number of job vacancies in the school district based on the number of teachers that would be required to achieve the ratio of pupils per licensed teacher recommended by the State Board. **Section 3** also requires the board of trustees of a school district to post on its Internet website the number of positions in the school district that are held by full-time substitutes and teachers who are licensed or working towards obtaining a license through an

alternative route to licensure. **Section 3** also requires the board of trustees of a school district to report certain information regarding teachers participating in an alternative route to licensure to the Legislative Committee on Education.

Existing law requires the State Board to adopt regulations establishing a statewide performance evaluation system. Under existing law, the statewide performance evaluation system must consider whether the classes for which an employee is responsible exceed the recommended ratio of pupils per licensed teacher. (NRS 391.465) **Section 4** of this bill requires a person who, under the statewide performance evaluation system, evaluates a teacher who is responsible for a class that exceeds the recommended ratio of pupils per licensed teacher to award the teacher additional weight on ~~applicable~~ **certain specified** criteria.

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

Section 1. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each school quarter of a school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➡ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, ~~and~~ counselors, librarians, administrators, deans , ~~and~~ specialists , ~~+~~ **any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.**

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of a quarter during the school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any quarter of a school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➡ must request a variance for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable, from the State Board by providing a written statement that includes the reasons for the request, the justification for exceeding the applicable prescribed ratio of pupils per class and a plan of actions that the school district will take to reduce the ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. The State Board shall, on a quarterly basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding quarter and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.

6. The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:

(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

7. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed ~~full-time~~ **full-time**;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) ***The number of substitute teachers filling vacancies or long-term positions;***

(d) The number of pupils enrolled; and

~~+(d)~~ (e) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

↪ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

8. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 2. NRS 388.890 is hereby amended to read as follows:

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher and specialized instructional support personnel in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher or specialized instructional support personnel, as applicable, in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel for each kind of public school described in NRS 388.020;

(c) Be based on evidence-based national standards ~~†, and†~~ ***set forth by the licensing body for teachers and the licensing body for each type of specialized instructional support personnel;***

(d) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners ~~††~~ ;

(e) ***Require that administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom may not be counted in determining the ratio of pupils per licensed teacher; and***

(f) ***Count only teachers who are actively teaching pupils during a class period and teach a subject, and are the teacher of record assigned to the classroom of pupils, for which the ratio of pupils per licensed teacher is being determined.***

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

5. The board of trustees of ~~†each†~~ ***a school district with one or more schools that exceed the recommended ratio of pupils to specialized instructional support personnel*** shall develop a 15-year strategic plan to

achieve the ratio of pupils to specialized instructional support personnel in the district.

6. *On or before February 1 of each odd-numbered year, the board of trustees of each school district shall submit a report on the progress of the school district in obtaining the ratio of pupils per licensed teacher and specialized instructional support personnel recommended pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.*

7. As used in this section:

(a) “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).
(b) “Specialized instructional support personnel” includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

- (1) A school counselor;
- (2) A school psychologist;
- (3) A school social worker;
- (4) A school nurse;
- (5) A speech-language pathologist;
- (6) A school library media specialist; and
- (7) Any other qualified professional.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent that money is available, the board of trustees of a school district shall determine the number of job vacancies based on the number of licensed teachers needed to achieve the recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890. A position held by a full-time substitute teacher shall be considered vacant for the purposes of this section.*

2. *The board of trustees of each school district shall post on the Internet website maintained by the school district the number of positions within the school district that are held by full-time substitute teachers and teachers licensed or working towards obtaining a license through an alternative route to licensure.*

3. *On or before February 1 of each even-numbered year, the board of trustees of each school district shall report to the Legislative Committee on Education the:*

(a) *Number of teachers employed by the school district who are working towards obtaining a license by participating in a program for an alternative route to licensure;*

(b) *The name of each program for an alternative route to licensure in which teachers employed by the school district are participating;*

(c) The number of teachers employed by the school district who are participating in each program for an alternative route to licensure identified pursuant to paragraph (b);

(d) The demographic information of teachers employed by the school district who are participating in each program for an alternative route to licensure;

(e) The rate of completion of teachers employed by the school district in each program for an alternative route to licensure identified pursuant to paragraph (b); and

(f) The rate of retention by the school district of teachers who participate in each program for an alternative route to licensure.

Sec. 4. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs

practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

(f) Require a person who evaluates a teacher who is responsible for a number of pupils that exceeds the applicable recommended ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890, who is a postprobationary employee as defined in NRS 391.650 and whose performance on that evaluation is designated as effective or highly effective to, under the statewide performance evaluation system, award the teacher an additional weight for criteria relating to ~~learning and engagement by~~ :

(1) The manner in which the teacher structures a classroom environment;

(2) The manner in which the teacher provides an opportunity for extended discourse;

(3) The manner in which the teacher employs the cognitive abilities and skills of all pupils ;

(4) The manner in which the teacher engages with the families of pupils; and

(5) The perception of pupils of the performance of the teacher, ➡ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded to a teacher pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 4.5. The provisions of paragraph (f) of subsection 2 of NRS 391.465, as amended by section 4 of this act, must be applied to any evaluation of the performance of an applicable teacher during the 2021-2022 school year and each subsequent school year.

Sec. 5. 1. This section and section 4.5 of this act ~~becomes~~ become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2021.

3. Section 4 of this act becomes effective:

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

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

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 617 to Assembly Bill No. 266.

Remarks by Assemblywoman Bilbray-Axelrod.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 321.

The following Senate amendment was read:

Amendment No. 839.

AN ACT relating to elections; establishing procedures for the use of mail ballots in every election; establishing various requirements relating to mail ballots; revising the requirements for signature verification of mail ballots; revising the deadline to submit a request for the establishment of a polling place within an Indian reservation or Indian colony for an election; revising the personal data that may be requested if a voter's signature is challenged at the polls; requiring the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to obtain certain information relating to the statewide voter registration list; authorizing a county clerk, city clerk or registrar of voters and deputies thereof charged with powers and duties relating to elections to request certain personal information be maintained in a confidential manner; **revising provisions relating to the withdrawal of a petition for initiative or referendum**; repealing provisions related to absent ballots, mailing ballots and affected elections; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered voter to request an absent ballot to vote at an election and sets forth various requirements and procedures to be used for voting and processing absent ballots. (NRS 293.3088-293.340, 293C.304-293C.340) Existing law also provides that a county or city clerk may designate certain election precincts as mailing precincts or absent ballot mailing precincts and all registered voters who live in such an election precinct are mailed a mailing ballot and may vote by mailing ballot. (NRS 293.343-293.355, 293C.342-293C.352) Existing law further provides that for elections

that are affected by certain emergencies or disasters, the county and city clerks are required to mail each registered voter a mail ballot and sets forth requirements and procedures to be used for mail ballots. (NRS 293.8801-293.8887) **Section 91** of this bill repeals the existing provisions for absent ballots, mailing ballots and mail ballots. **Sections 2, 3-17 and 51-63** of this bill: (1) require the county and city clerks to send each active registered voter and each person who registers to vote or updates his or her voter registration information not later than 14 days before an election a mail ballot for all elections; and (2) reenact, with certain changes, various requirements relating to the preparation and distribution of mail ballots and procedures for voting, returning, verifying and counting mail ballots. **Sections 18-24, 30-33, 35-45, 47-49, 66-69, 72, 73, 76-79 and ~~81-86~~ 81-84, 85 and 86** of this bill make conforming changes to revise references to absent ballots, mailing ballots and mail ballots for affected elections.

Sections 3 and 51 of this bill provide that a voter may elect not to receive a mail ballot by submitting a written notice to the county or city clerk which must be received by the county or city clerk, as applicable, not later than 60 days before the day of the election.

Sections 2.2 and 2.4 of this bill require the county clerk to establish a minimum number of polling places for primary elections and general elections in the county for early voting by personal appearance and polling places for voting on the day of the election based on the population of the county.

Existing law provides that an absent ballot or mail ballot that is mailed to the county or city clerk must be postmarked on or before the day of the election and received by 5 p.m. on the seventh day following the election. (NRS 293.317, 293.8861, 293C.319) **Sections 8 and 56** of this bill revise this deadline to instead require a mail ballot that is mailed to the county or city clerk to be received by 5 p.m. on the fourth day following an election. **Sections 8 and 56** also require the county and city clerk to establish ballot drop boxes at every polling location in the county or city, as applicable. **Section 45** of this bill makes it a category E felony for a person other than a county clerk or city clerk to establish a ballot drop box.

Existing law establishes a process for county and city clerks to verify signatures on absent ballots, mailing ballots and mail ballots. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) **Sections 11 and 59** of this bill authorize the county and city clerks to review the signature of a voter manually or by electronic means and establish requirements for an electronic device to verify the signature of a voter.

Sections 16 and 64 of this bill require each county clerk and city clerk and all members of their staff whose duties include administering an election to complete a class on forensic signature verification that is approved by the Secretary of State at least once each year. **Sections 17 and 65** of this bill provide that if a county or city clerk uses an electronic device to verify signatures on mail ballots, the clerk must: (1) conduct a test of the accuracy of every electronic device before the election; (2) perform daily audits of the

electronic device during the processing of ballots for the election; and (3) prepare an audit report. **Sections 34 and 80** of this bill require the audit reports to be deposited in the vaults of the county or city with other election materials.

Existing law allows a voter who has failed to affix his or her signature on an absent, mailing or mail ballot or for whom there is a reasonable question of fact as to whether the signature used for the absent, mailing or mail ballot matches the signature of the voter to provide a signature or confirmation not later than 5 p.m. on the seventh day following an election or the ninth day following an affected election. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) **Sections 11 and 59** revise this deadline to require a voter to provide a signature or confirmation by the sixth day following an election. **Sections 11 and 59** also establish methods by which the county or city clerk may verify the identity of a voter for whom there is a reasonable question of fact as to whether the signature used on his or her mailing ballot matches the voter's signature.

Existing law requires certain persons who register to vote to show certain proof of identity and residency the first time voting in an election for federal office in this State. A person who registers to vote at the Department of Motor Vehicles using the process commonly known as the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency. (NRS 293.2725, 293.5742) **Section 25** of this bill makes a technical change to clarify that a person who registers to vote at the Department of Motor Vehicles using the Automatic Voter Registration System is not required to show proof of identity or residency the first time voting in an election for federal office in this State if the person presented to the Department of Motor Vehicles certain proof of identity and residency.

Existing law authorizes an Indian tribe to submit a request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony, which must be submitted by the first Friday in January for a primary election and the first Friday in July for a general election. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) **Sections 26, 28, 70 and 74** of this bill revise the deadline for the request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for early voting and the day of a primary election or general election to March 1 for a primary election and August 1 for a general election. **Sections 26 and 70** also authorize an Indian tribe to submit a request for the establishment of a ballot drop box within the boundaries of an Indian reservation or Indian colony by the same deadlines.

Existing law provides that if the signature of a voter who appears to vote in person at the polls does not match the voter's signature on file, the voter must be identified by answering questions covering the personal data reported on an application to register to vote or providing other personal data. (NRS 293.285, 293.3585, 293C.275, 293C.3585) **Sections 27, 29, 71 and 75** of this bill

provide that the questions covering the personal data of a voter may include the voter's date of birth.

Existing law authorizes a person to register to vote through the Thursday preceding the day of the election by submitting an application to register to vote by computer using the system established by the Secretary of State before the person appears at a polling place to vote in person using a provisional ballot. (NRS 293.560, 293.5837, 293C.527) **Sections 42.5, 43 and 80.5** of this bill extend this deadline to allow a person to register to vote using this method through the day of the election.

Existing law requires the Secretary of State to establish and maintain the statewide voter registration list. (NRS 293.675) **Section 44** of this bill requires the Secretary of State to enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the statewide voter registration list with the records from the State Registrar of Vital Statistics concerning the death of residents of the State to maintain the statewide voter registration list.

Existing law authorizes certain persons to obtain a court order to require a county assessor, county recorder, county clerk, city clerk or Secretary of State to maintain the personal information of the person contained in their records in a confidential manner. (NRS 247.530, 247.540, 250.130, 250.140, 293.908) **Sections 46, 87 and 88** of this bill authorize a county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division to request a court order to require a county assessor, county recorder, county clerk, city clerk or the Secretary of State maintain the personal information of the person contained in their records in a confidential manner.

Existing law authorizes, under certain circumstances, a petition for initiative or referendum to be withdrawn. Once a petition for initiative or referendum is withdrawn, no further action may be taken on that petition. (NRS 295.026) Section 84.5 of this bill provides that a notice of withdrawal of: (1) a petition for initiative that proposes a statute or an amendment to a statute must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the initiative will appear on the ballot; (2) a petition for initiative that proposes an amendment to the Constitution must be submitted to the Secretary of State not later than 90 days before the first election at which the question of approval or disapproval of the initiative will appear on the ballot; or (3) a petition for referendum must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the referendum will appear on the ballot.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) **Section 89** of this bill authorizes a county clerk, city clerk, registrar of voters charged with powers and duties related to elections and any deputy in the elections division

of the county or city to also request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card.

Section 89.5 of this bill makes an appropriation to the Office of the Secretary of State for the costs of ballot stock, postage and postcard notifications to carry out the provisions of this bill.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *“Mail ballot” means a mail ballot distributed to an active registered voter pursuant to the provisions of sections 3 to 15, inclusive, of this act and sections 51 to 65, inclusive, of this act.*

Sec. 2.2. *For a primary election or general election, the county clerk must establish:*

1. In a county whose population is 700,000 or more, at least 25 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.

2. In a county whose population is 100,000 or more but less than 700,000, at least 15 polling places for early voting by personal appearance, which may be any combination of temporary or permanent polling places for early voting.

3. In a county whose population is less than 100,000, at least 1 permanent polling place for early voting by personal appearance.

Sec. 2.4. 1. *For a primary election or general election, the county clerk must establish:*

(a) In a county whose population is 700,000 or more, at least 100 polling places where a person can vote in person on the day of the election.

(b) In a county whose population is 100,000 or more but less than 700,000, at least 25 polling places where a person can vote in person on the day of the election.

(c) In a county whose population is less than 100,000, at least 1 permanent polling place where a person can vote in person on the day of the election.

2. For the purposes of subsection 1, a polling place where a person can vote on the day of the election may include a vote center.

Sec. 3. 1. *Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.*

2. *The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.*

3. *The county clerk shall not distribute a mail ballot to any person who:*

(a) *Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or*

(b) *Elects not to receive a mail ballot pursuant to subsection 2.*

4. *The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.*

5. *Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:*

(a) *Each active registered voter who:*

(1) *Resides within the State, not later than 20 days before the election; and*

(2) *Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.*

(b) *Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.*

(c) *Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.*

6. *In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.*

7. *Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, section 3 of this act and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:*

(a) *A mail ballot;*

(b) *A return envelope;*

(c) *An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and*

(d) *Instructions.*

2. *In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.*

3. *The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.*

4. *Before sending a mail ballot to an active registered voter, the county clerk shall record:*

- (a) The date the mail ballot is issued;*
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;*
- (c) The number of the mail ballot; and*
- (d) Any remarks the county clerk finds appropriate.*

Sec. 5. 1. *Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the county clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.*

2. *The provisions of subsection 1 do not apply to a person who:*

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

- (1) A copy of a current and valid photo identification; or*
- (2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;*

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

- (1) A copy of a current and valid photo identification;*
- (2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or*

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The county clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 6. 1. Except as otherwise provided in section 7 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

(b) Deposit the mail ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; and

(d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to section 3 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 7. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 3 to 15, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail

ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.

Sec. 8. 1. *Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:*

(a) Before the time set for closing of the polls, delivered by hand to the county clerk, or any ballot drop box established in the county pursuant to this section; or

(b) Mailed to the county clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

3. Each county clerk must establish a ballot drop box at every polling place in the county, including, without limitation, a polling place for early voting. A county clerk may establish a ballot drop box at any other location in the county where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the county clerk or a polling place in the county; and

(b) Made available for use during the hours when the office of the county clerk, or the polling place, is open for business or voting, as applicable.

Sec. 9. 1. *Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county, pursuant to section 8 of this act.*

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 10. 1. The county clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of sections 3 to 15, inclusive, of this act.

Sec. 11. 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the county clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the mail ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the county clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the county clerk shall use the following procedure:

(a) The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.

(b) If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter

and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot, or for whom there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and

(c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. *If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:*

- (a) Answering questions from the county clerk covering the personal data which is reported on the application to register to vote;*
- (b) Providing the county clerk, orally or in writing, with other personal data which verifies the identity of the voter; or*
- (c) Providing the county clerk with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.*

9. *The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:*

- (a) Mail;*
- (b) Telephone, if a telephone number for the voter is available in the records of the clerk; and*
- (c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.*

Sec. 12. 1. *The county clerk shall appoint a mail ballot central counting board for the election.*

2. *The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the county for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as such an election board officer.*

3. *The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.*

4. *The mail ballot central counting board is under the direction of the clerk.*

Sec. 13. 1. *The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.*

2. *If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.*

Sec. 14. *Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:*

1. *The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;*

2. *An election board officer shall indicate in the roster “Received” by the name of the voter;*

3. *If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;*

4. *An election board officer shall indicate “Voted” by the name of the voter; and*

5. *When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.*

Sec. 15. 1. *The voting results of the mail ballot vote in each precinct must be certified and submitted to the county clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter’s ballot.*

2. *The clerk shall develop a procedure to ensure that each mail ballot is kept secret.*

3. *No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.*

Sec. 16. *At least once each year, each county clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.*

Sec. 17. *If a county clerk uses an electronic device in an election to verify signatures on mail ballots:*

1. *The county clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 11 of this act.*

2. *The county clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified each day. The county clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The county clerk must prepare a report of each daily audit.*

Sec. 18. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS ~~293.013~~ **293.016** to 293.121, inclusive, *and section 2 of this act*, have the meanings ascribed to them in those sections.

Sec. 19. NRS 293.093 is hereby amended to read as follows:

293.093 “Regular votes” means the votes cast by registered voters, except votes cast by:

1. ~~1. An absent~~ **A mail** ballot;
 2. A provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive;
- or
3. A provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 20. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in March of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to ~~293.213~~ **293.210**, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, “electronic file” includes, without limitation, an electronic data file of a geographic information system.

Sec. 21. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to ~~293.243~~ **293.227**, inclusive, and ~~293.384~~ **section 12 of this act**. The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the ~~absent~~ **mail** ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the ~~absent~~ **mail** ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➔ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 22. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, ~~absent~~ **mail** ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional

amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 23. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots, including, without limitation, for ~~absent~~ **mail** ballots, ~~and ballots voted in a mailing precinct,~~ the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 24. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) ~~Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;~~

~~—(b)—~~ Is entitled to vote ~~an absent ballot~~ **otherwise than in person** pursuant to federal law ~~—NRS 293.316—~~ or chapter 293D of NRS;

~~—(c)—~~ **(b)** Is disabled;

~~[(d)]~~ (c) Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;

~~[(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;~~

~~— [(f) Requests an absent ballot in person at the office of the county clerk;]~~ or

~~[(g)]~~ (d) Is sent a mail ballot pursuant to the provisions of ~~[NRS 293.8847]~~ **section 4 of this act** and includes a copy of the information required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~[NRS 293.8851]~~ **section 5 of this act.**

Sec. 25. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081, 293.3083 and 293.5772 to 293.5887, inclusive, and in federal law, a person who registers to vote by mail or computer, ~~for registers to vote pursuant to NRS 293.5742,~~ or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card.

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

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

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security

number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5742, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 26. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment ~~of a polling place~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary election or general election ~~or~~ of:

(a) *A polling place;*

(b) *A ballot drop box; or*

(c) *Both a polling place and a ballot drop box.*

2. A request for the establishment of a polling place, *a ballot drop box or both a polling place and a ballot drop box* within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, ~~the first Friday in January~~ **March 1** of the year in which the primary election is to be held.

(2) If the request is for a general election, ~~the first Friday in July~~ **August 1** of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place ~~or~~ **or ballot drop box**. Any proposed location must satisfy the criteria the county clerk uses for

the establishment of any other polling place ~~††~~ **or ballot drop box, as applicable.**

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place **or ballot box, as applicable** within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the county clerk establishes one or more polling places **or ballot drop boxes** within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election or general election, the county clerk must continue to establish one or more polling places **or ballot drop boxes** within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary election or general election unless otherwise requested by the Indian tribe.

Sec. 27. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive:

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293.277; and

(4) Verify that the registered voter has not already voted in that county in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.

Sec. 28. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, ~~the first Friday in January~~ **March 1** of the year in which the general election is to be held.

(2) If the request is for a general election, ~~the first Friday in July~~ **August 1** of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the county clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 29. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting or a signature card.
- (c) Verify the signature of the voter in the manner set forth in NRS 293.277.
- (d) Verify that the voter has not already voted in that county in the current election.

2. If the signature of the voter does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. The roster for early voting or a signature card, as applicable, must contain:

- (a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number, if that information is available; and
- (c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

9. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 30. NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, ~~293.325, 293B.330 and 293B.335.~~ The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

Sec. 31. NRS 293.363 is hereby amended to read as follows:

293.363 ~~Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive:~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 32. NRS 293.365 is hereby amended to read as follows:

293.365 Except as otherwise provided ~~for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,~~ **in section 13 of this act**, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 33. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the 10th day following the election. ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.~~

2. In making its canvass, the board shall:

- (a) Note separately any clerical errors discovered; and
- (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

- (a) A copy of the certified abstract; and
 - (b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,
- ↪ and transmit them to the Secretary of State on or before the 10th day following the election. ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.~~

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 34. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, **reports prepared pursuant to section 17 of this act** and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All

materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 35. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the 10th day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, ~~for, if applicable, on or before the 13th day after an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive,~~ the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 36. NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, ~~293.325,~~ 293B.330 and 293B.335 must:

(a) Be constructed of metal or any other rigid material; and
(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 37. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and

(b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ **received a mail** ballot for the election and has not returned the **mail** ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is 47,500 or more, on at least 3 successive days.

(b) In a county whose population is less than 47,500, at least twice in successive issues of the newspaper.

Sec. 38. NRS 293.4688 is hereby amended to read as follows:

293.4688 1. The Secretary of State shall ensure that:

(a) All public information that is included on the Internet website required pursuant to NRS 293.4687 is accessible on a mobile device; and

(b) A person may use a mobile device to submit any information or form related to elections that a person may otherwise submit electronically to the Secretary of State, including, without limitation, an application to preregister or register to vote ~~to, a request for an absent ballot,~~ and a request for a military-overseas ballot.

2. As used in this section:

(a) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

(b) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

Sec. 39. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296 ~~to, 293.313, 293.316,~~ and ~~293.3165,~~ **section 3 of this act.**

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

- (a) Related to elections; and
- (b) Made available by the county clerk to the public in printed form.

Sec. 40. NRS 293.5002 is hereby amended to read as follows:

293.5002 1. The Secretary of State shall establish procedures to allow a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, to:

- (a) Preregister or register to vote; and
- (b) Vote by ~~absent~~ **mail** ballot,
➔ without revealing the confidential address of the person.

2. In addition to establishing appropriate procedures or developing forms pursuant to subsection 1, the Secretary of State shall develop a form to allow a person for whom a fictitious address has been issued to preregister or register to vote or to change the address of the person's current preregistration or registration, as applicable. The form must include:

- (a) A section that contains the confidential address of the person; and
- (b) A section that contains the fictitious address of the person.

3. Upon receiving a completed form from a person for whom a fictitious address has been issued, the Secretary of State shall:

- (a) On the portion of the form that contains the fictitious address of the person, indicate the county and precinct in which the person will vote and forward this portion of the form to the appropriate county clerk; and
- (b) File the portion of the form that contains the confidential address.

4. ~~Notwithstanding any other provision of law, any request received by the Secretary of State pursuant to subsection 3 shall be deemed a request for a permanent absent ballot.~~

~~5.~~ Notwithstanding any other provision of law:

(a) The Secretary of State and each county clerk shall keep the portion of the form developed pursuant to subsection 2 that he or she retains separate from other applications for preregistration or registration.

(b) The county clerk shall not make the name, confidential address or fictitious address of the person who has been issued a fictitious address available for:

- (1) Inspection or copying; or
- (2) Inclusion in any list that is made available for public inspection,

➔ unless directed to do so by lawful order of a court of competent jurisdiction.

Sec. 41. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector:

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces;
or

(2) Is separated from employment outside the territorial limits of the United States or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) Who presents evidence of the discharge from the Armed Forces or separation from employment described in paragraph (b) to the county clerk; and

(d) Is not registered to vote at the close of registration for that election, ➔ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless the elector is otherwise entitled to vote ~~in absentia~~ **a mail** ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 42. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the roster.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and ~~an absent~~ **a mail** ballot ~~for a ballot voted by a voter who resides in a mailing precinct~~ is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 42.5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the ~~Thursday preceding~~ **day of** the primary or general election. ~~Unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.~~

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➔ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 43. NRS 293.5837 is hereby amended to read as follows:

293.5837 1. ~~{Through the Thursday preceding the day of the election,~~
~~and~~ **An** elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 before the elector appears at a polling place described in subsection 2 to vote in person.

2. If an elector submits an application to register to vote pursuant to this section ~~{~~ ***less than 14 days before the election,*** the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 ~~{, 293.8834}~~ or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;
- (c) A bank or credit union statement;
- (d) A paycheck;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

- (1) May vote in the election only at that polling place;
 - (2) Must vote as soon as practicable and before leaving that polling place;
- and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 44. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~17.1~~ 8, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~18.1~~ 9, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

7. ***The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database***

of the statewide voter registration list with information in the records of State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

8. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~18.~~ 9. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 45. NRS 293.730 is hereby amended to read as follows:

293.730 1. Except for an election board officer in the course of the election board officer's official duties, a person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Accept from any voter a ballot prepared by or on behalf of the voter, other than ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than one at which the person is entitled to vote.

(e) Show his or her ballot to another person, after voting, so as to reveal any of his or her votes on the ballot, other than on his or her ~~absent ballot, mailing ballot,~~ mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(f) Inside a polling place, ask another person for his or her name, address or political affiliation or for whom he or she intends to vote.

(g) Send, transmit, distribute or deliver a ballot to a voter, other than ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot when permitted pursuant to this title.

(h) Except when permitted by the voter, alter, change, deface, damage or destroy ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

2. A voter shall not:

(a) Accept a ballot from another person, other than an election board officer in the course of the election board officer's official duties or a person who sends, transmits, distributes or delivers ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot to the voter when permitted pursuant to this title.

(b) Deliver to an election board officer in the course of the election board officer's official duties any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one that he or she voted, other than any such mark that is permitted to be placed on ~~an absent ballot, mailing ballot,~~ a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

3. ***A person other than a county or city clerk shall not set up a ballot drop box that purports to be an official ballot drop box for mail ballots.***

4. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 46. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.*

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j), inclusive.

~~+(k)+~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j) inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 47. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, ~~but not limited to,~~ **without limitation**, overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,

➔ the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ **mail ballots**, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 48. NRS 293B.360 is hereby amended to read as follows:

293B.360 1. To facilitate the processing and computation of votes cast at any election conducted under a mechanical voting system, the county clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) ~~[-An absent]~~ **A mail** ~~[-mailing precinct]~~ ballot inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as the county clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the county clerk may determine the number of members to constitute any board. The county clerk shall make any appointments from among competent persons who are registered voters in this State. The members of each board must represent all political parties as equally as possible. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he or she is appointed.

3. If the county clerk creates a ballot duplicating board, the county clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the county clerk.

Sec. 49. NRS 293B.380 is hereby amended to read as follows:

293B.380 1. The ballot processing and packaging board must be composed of persons who are qualified in the use of the data processing equipment to be operated for the voting count.

2. The board shall:

(a) Allow members of the general public to observe the counting area where the computers are located during the period when ballots are being processed if those members do not interfere with the processing of the ballots.

(b) Receive ballots and maintain groupings of them by precinct.

(c) Before each counting of the ballots or computer run begins, validate the testing material with the counting program.

(d) Maintain a log showing the sequence in which the ballots of each precinct are processed, as a measure to ensure that the ballots of all precincts are processed.

(e) After each counting of the ballots, again verify the testing material with the counting program to substantiate that there has been no substitution or irregularity.

(f) Record an explanation of any irregularity that occurs in the processing.

(g) If the election is:

- (1) A primary election held in an even-numbered year; or
- (2) A general election,

↪ ensure that a list is compiled indicating the total votes, other than ~~absentee votes and votes in a mailing precinct,~~ **mail ballots**, which each candidate accumulated in each precinct.

(h) Collect all returns, programs, testing materials, ballots and other items used in the election at the computer center and package and deliver the items to the county clerk for sealing and storage.

Sec. 50. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 51 to 65, inclusive, of this act.

Sec. 51. 1. *Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.*

2. *The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.*

3. *The city clerk shall not distribute a mail ballot to any person who:*

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. *The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.*

5. *Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:*

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. *In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.*

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 52. 1. Except as otherwise provided in subsection 2, section 51 of this act and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

- (a) A mail ballot;
- (b) A return envelope;
- (c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

- (a) The date the mail ballot is issued;
- (b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;
- (c) The number of the mail ballot; and
- (d) Any remarks the city clerk finds appropriate.

Sec. 53. 1. Except as otherwise provided in subsection 2, if a person applied by mail or computer to register to vote, or preregistered to vote by mail or computer and is subsequently deemed to be registered to vote, and the person has not previously voted in any election for federal office in this State, the city clerk must inform the person that he or she must include a copy of the information required in paragraph (b) of subsection 1 of NRS 293.2725 in the return envelope with the mail ballot.

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

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with his or her application to preregister or register to vote:

- (1) A copy of a current and valid photo identification; or
- (2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Registers to vote by mail or computer and submits with his or her application to register to vote a driver's license number or at least the last

four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5732 to 293.5757, inclusive, and at that time presents to the Department of Motor Vehicles:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person pursuant to the provisions of the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person pursuant to the provisions of any other federal law.

3. If a person fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her mail ballot:

(a) The mail ballot must be treated as a provisional ballot; and

(b) The city clerk must:

(1) Contact the person;

(2) Allow the person to provide the identification required before 5 p.m. on the sixth day following the election; and

(3) If the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 is provided, ensure the mail ballot is delivered to the appropriate mail ballot central counting board.

Sec. 54. 1. Except as otherwise provided in section 55 of this act and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

(b) Deposit the mail ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; and

(d) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared

pursuant to section 51 of this act, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 55. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 51 to 65, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.

Sec. 56. 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the city clerk, or any ballot drop box established in the city, pursuant to this section; or

(b) Mailed to the city clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

3. Each city clerk must establish a ballot drop box at every polling place in the city, including, without limitation, a polling place for early voting. A city clerk may establish a drop box at any other location in the city where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the city clerk, or a polling place in the city; and

(b) Made available for use during the hours when the office of the city clerk, or the polling place, is open for business or voting, as applicable.

Sec. 57. 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the city clerk, or any ballot drop box established in the city pursuant to section 56 of this act.

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 58. 1. The city clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of sections 51 to 65, inclusive, of this act.

Sec. 59. 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the city clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the signature used for the

ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and electronically compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the city clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the city clerk shall use the following procedure:

(a) The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.

(b) If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable

question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election.

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot, or for whom there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, in order to:

- (a) Contact the voter;*
- (b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and*
- (c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.*

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

- (a) Answering questions from the city clerk covering the personal data which is reported on the application to register to vote;*
- (b) Providing the city clerk, orally or in writing, with other personal data which verifies the identity of the voter; or*
- (c) Providing the city clerk with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.*

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

- (a) Mail;*
- (b) Telephone, if a telephone number for the voter is available in the records of the clerk; and*
- (c) Electronic means, which may include, without limitation, electronic mail, if the voter has provided the clerk with sufficient information to contact the voter by such means.*

Sec. 60. 1. The city clerk shall appoint a mail ballot central counting board for the election.

2. The clerk shall appoint and notify voters to act as election board officers for the mail ballot central counting board in such numbers as the clerk determines to be required by the volume of mail ballots required to be sent to each active registered voter in the city for the election. The voters appointed as election board officers for the mail ballot central counting board must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second

degree of consanguinity or affinity may be appointed as such an election board officer.

3. The clerk's deputies who perform duties in connection with elections shall be deemed officers of the mail ballot central counting board.

4. The mail ballot central counting board is under the direction of the clerk.

Sec. 61. 1. The mail ballot central counting board may begin counting the received mail ballots 15 days before the day of the election. The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 62. Except as otherwise provided in NRS 293D.200, each mail ballot central counting board shall process the mail ballots in the following manner:

1. The name of the voter, as shown on the return envelope, must be checked as if the voter were voting in person;

2. An election board officer shall indicate in the roster "Received" by the name of the voter;

3. If the board determines the voter is entitled to cast a mail ballot and all other processing steps have been completed, the return envelope must be opened and the mail ballot counted;

4. An election board officer shall indicate "Voted" by the name of the voter; and

5. When all mail ballots delivered to the board have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected mail ballots must be returned to the clerk. On all envelopes containing rejected mail ballots, the cause of rejection must be noted and the envelope signed by an election board officer.

Sec. 63. 1. The voting results of the mail ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the votes of the precinct that were not cast by mail ballot. The returns of the mail ballot vote must be reported separately from the other votes that were not cast by mail ballot in the precinct unless reporting the returns separately would violate the secrecy of a voter's ballot.

2. The clerk shall develop a procedure to ensure that each mail ballot is kept secret.

3. No voting results of mail ballots may be released until all polling places are closed and all votes have been cast on the day of the election. Any person who disseminates to the public in any way information pertaining to the count of mail ballots before all polling places are closed and all votes have been cast on the day of the election is guilty of a misdemeanor.

Sec. 64. *At least once each year, each city clerk and all members of his or her staff whose duties include administering an election must complete a training class on forensic signature verification that is approved by the Secretary of State.*

Sec. 65. *If a city clerk uses an electronic device in an election to verify signatures on mail ballots:*

1. *The city clerk must conduct a test of the accuracy of the electronic devices before the election. The test must be conducted in a manner that ensures the electronic device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to section 59 of this act.*

2. *The city clerk must perform daily audits of each electronic device during the processing of mail ballots for the election. The daily audit must include a review of a sample of at least 1 percent of the signatures verified each day. The city clerk shall appoint election board officers who must not all be of the same political party to manually review the signatures. The city clerk must prepare a report of each daily audit.*

Sec. 66. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293.5817 ~~† and sections 51 to 65, inclusive, of this act,~~ the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. ~~† Except as otherwise provided in NRS 293C.112, the~~ *The* governing body of the city ~~shall~~ *may* provide for ~~†~~

~~—(a) Absent ballots to be voted in a city election pursuant to NRS 293C.304 to 293C.340, inclusive, except for the provisions of NRS 293C.327 and 293C.328 unless the governing body of the city provides for the applicability of those provisions pursuant to paragraph (b); and~~

~~—(b) The~~ *the* conduct of ~~†~~

~~—(1) Early~~ *early* voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive . ~~†~~

~~—(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327 and 293C.328; or~~

~~—(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).†~~

Sec. 67. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail *in accordance with the provisions of sections 51 to 65, inclusive, of this act,* if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, ~~293C.304 to 293C.340, inclusive,~~ and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

~~3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.~~

Sec. 68. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227 to ~~293C.245,~~ **293C.228**, inclusive, and ~~293C.382.~~ **section 60 of this act.** No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board ~~for~~ **and the absent mail** ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board ~~for~~ **and the absent mail** ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➡ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 69. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) ~~Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;~~

~~(b)~~ Is entitled to vote ~~in an absent ballot~~ **otherwise than in person** pursuant to federal law, ~~NRS 293C.317~~ or chapter 293D of NRS;

~~(c)~~ **(b)** Is disabled;

~~{(d)}~~ (c) Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;

~~{(e)}~~ Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;

~~{(f)}~~ Requests an absent ballot in person at the office of the city clerk; or

~~{(g)}~~ (d) Is sent a mail ballot pursuant to the provisions of ~~{NRS 293.8847}~~ **section 52 of this act** and includes a copy of the information required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 with his or her voted mail ballot, if required pursuant to ~~{NRS 293.8851}~~ **section 53 of this act**.

Sec. 70. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment ~~{of a polling place}~~ within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election ~~{}~~ **of:**

(a) *A polling place;*

(b) *A ballot drop box; or*

(c) *Both a polling place and a ballot drop box.*

2. A request for the establishment of a polling place, *a ballot drop box or both a polling place and a ballot drop box* within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~{the first Friday in January}~~ **March 1** of the year in which the primary city election is to be held.

(2) If the request is for a general city election, ~~{the first Friday in July}~~ **August 1** of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place ~~{}~~ **or ballot drop box**. Any proposed location for a polling place **or ballot drop box** must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~{}~~ **or ballot drop box, as applicable**.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place **or ballot drop box** within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the city clerk establishes one or more polling places *or ballot drop boxes* within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the city clerk must continue to establish one or more polling places *or ballot drop boxes* within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary city election or general city election unless otherwise requested by the Indian tribe.

Sec. 71. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272:

(a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster; and

(b) The election board officer shall:

(1) Announce the name of the registered voter;

(2) Instruct the registered voter to sign the roster or signature card;

(3) Verify the signature of the registered voter in the manner set forth in NRS 293C.270; and

(4) Verify that the registered voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.

Sec. 72. NRS 293C.302 is hereby amended to read as follows:

293C.302 1. If a court of competent jurisdiction orders a city to extend the deadline for voting beyond the statutory period in an election, the city clerk shall, as soon as practicable after receiving notice of the decision of the court:

(a) Cause notice of the extended period to be published in a newspaper of general circulation in the city or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city; and

(b) Transmit a notice of the extended deadline to each registered voter who ~~requested an absent voter's~~ **received a mail** ballot for the election and has not returned the **mail** ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a city whose population is 25,000 or more, on at least 3 successive days.

(b) In a city whose population is less than 25,000, at least twice in successive issues of the newspaper.

Sec. 73. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk in a city ~~providing for early voting pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 293C.110~~ shall establish at least one permanent polling place for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 74. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 4, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~the first Friday in January~~ **March 1** of the year in which the primary city election is to be held.

(2) If the request is for a general city election, ~~the first Friday in July~~ **August 1** of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the city clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian

reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 75. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

- (a) Determine that the person is a registered voter in the county.
- (b) Instruct the voter to sign the roster for early voting or a signature card.
- (c) Verify the signature of the voter in the manner set forth in NRS 293C.270.
- (d) Verify that the voter has not already voted in that city in the current election.

2. If the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

5. The roster for early voting or signature card, as applicable, must contain:

- (a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number, if that information is available; and
- (c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

9. *For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.*

Sec. 76. NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, ~~293C.325,~~ 293C.630 and 293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

Sec. 77. NRS 293C.362 is hereby amended to read as follows:

293C.362 ~~Except as otherwise provided for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;~~

1. When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

2. If the ballots are paper ballots, the counting board shall prepare in the following manner:

(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be

immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 78. NRS 293C.365 is hereby amended to read as follows:

293C.365 Except as otherwise provided ~~{for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.}~~ **in section 61 of this act**, a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 79. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the 10th day following the election. ~~{or, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive.}~~

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State on or before the 10th day following the election ; ~~for, if applicable, the 13th day following an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive;~~ and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 80. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *reports prepared pursuant to section 65 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city or, if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are

subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the city clerk are not subject to the inspection of any person, except in cases of a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

6. As used in this section, “vaults of the city clerk” means any place of secure storage designated by the city clerk.

Sec. 80.5. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the ~~Thursday preceding~~ **day of** the primary city election or general city election. ~~[-, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.]~~

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➔ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 81. NRS 293C.640 is hereby amended to read as follows:

293C.640 1. To facilitate the processing and computation of votes cast at an election conducted under a mechanical voting system, the city clerk shall create a computer program and processing accuracy board, and may create:

(a) A central ballot inspection board;

(b) ~~1. An absent~~ **A mail** ballot ~~mailing precinct~~ inspection board;

(c) A ballot duplicating board;

(d) A ballot processing and packaging board; and

(e) Such additional boards or appoint such officers as the city clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in subsection 3, the city clerk may determine the number of members to constitute any board. The city clerk shall make any appointments from among competent persons who are registered voters in this State. The same person may be appointed to more than one board but must meet the qualifications for each board to which he or she is appointed.

3. If the city clerk creates a ballot duplicating board, the city clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. All persons appointed pursuant to this section serve at the pleasure of the city clerk.

Sec. 82. NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, ~~293C.325,~~ 293C.630 and 293C.635 must:

(a) Be constructed of metal or any other rigid material; and

(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

Sec. 83. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through

means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282 ~~1, 293C.310, 293C.317 and 293C.318,~~ **and section 51 of this act.**

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

- (a) Related to elections; and
- (b) Made available by the city clerk to the public in printed form.

Sec. 84. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot, if the federal postcard application is received by the appropriate local elections official by the seventh day before the election. If the federal postcard application is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal

write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from ~~applying for an absent~~ **voting a mail** ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

Sec. 84.5. NRS 295.026 is hereby amended to read as follows:

295.026 1. A petition for initiative or referendum may be withdrawn if a person authorized pursuant to NRS 295.015 to withdraw the petition submits a notice of withdrawal to the Secretary of State on a form prescribed by the Secretary of State. **Any such notice of withdrawal of:**

(a) A petition for initiative that proposes a statute or an amendment to a statute must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the initiative will appear on the ballot;

(b) A petition for initiative that proposes an amendment to the Constitution must be submitted to the Secretary of State not later than 90 days before the first election at which the question of approval or disapproval of the initiative will appear on the ballot; or

(c) A petition for referendum must be submitted to the Secretary of State not later than 90 days before the election at which the question of approval or disapproval of the referendum will appear on the ballot.

2. Once a petition for initiative or referendum is withdrawn pursuant to subsection 1, no further action may be taken on that petition.

Sec. 85. NRS 298.250 is hereby amended to read as follows:

298.250 1. If a former resident of the State of Nevada otherwise qualified to vote in another state in any election for President and Vice President of the United States has commenced his or her residence in the other state after the 30th day next preceding that election and for this reason does not satisfy the requirements for registration in the other state, the former resident may vote for President and Vice President only in that election:

(a) In person in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote there; or

(b) By ~~absent~~ **mail** ballot in the county of the State of Nevada which was his or her former residence, if the former resident is otherwise qualified to vote

there and complies with the applicable requirements of ~~[NRS 293.3088 to 293.340, inclusive.]~~ **sections 3 to 15, inclusive, of this act.**

2. The Secretary of State may, in a manner consistent with the election laws of this State, adopt regulations to effectuate the purposes of this section.

Sec. 86. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the filing officer and the public officer who is the subject of the petition.

2. A person who signs a petition to recall may request the filing officer to strike the person's name from the petition on or before the date that is the later of:

(a) Ten days, Saturdays, Sundays and holidays excluded, after the verification of signatures is complete; or

(b) The date a complaint is filed pursuant to subsection 6.

3. If the filing officer receives a request pursuant to subsection 2, the filing officer must strike the name of the person from the petition. If the filing officer receives a sufficient number of requests to strike names from the petition such that the petition no longer contains enough valid signatures, the filing officer shall not issue a call for a special election, and a special election must not be held to recall the public officer who is the subject of the petition.

4. Except as otherwise provided in subsection 3, not sooner than 20 days and not later than 30 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 6, the filing officer shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

5. The call for a special election pursuant to subsection 4 or 7 must include, without limitation:

(a) The last day on which a person may register to vote in order to qualify to vote in the special election pursuant to NRS 293.560 or 293C.527; **and**

(b) The last day on which a petition to nominate other candidates for the office may be filed. ~~}; and~~

~~—(c) Whether any person is entitled to vote in the special election in a mailing precinct or an absent ballot mailing precinct pursuant to NRS 293.343 to 293.355, inclusive, or 293C.342 to 293C.352, inclusive.]~~

6. The legal sufficiency of the petition, including without limitation, the validity of signatures on the petition, may be challenged by filing a complaint in district court not later than 15 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a

complaint over all other matters pending with the court, except for criminal proceedings.

7. Upon the conclusion of the hearing, if the court determines that the petition is legally sufficient, it shall order the filing officer to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not legally sufficient, it shall order the filing officer to cease any further proceedings regarding the petition.

Sec. 87. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.

(e) ***Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed such county or city clerk or registrar of voters in the elections division of the county or city.***

(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~[(g)]~~ (g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

~~[(h)]~~ (h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

- (1) Interacts with the public; and
- (2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(i)]~~ (i) Any county manager in this State.

~~[(j)]~~ (j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

- (1) Who possesses specialized training in code enforcement;
- (2) Who, as part of his or her normal job responsibilities, interacts with the public; and
- (3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(k)]~~ (k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ (j), inclusive.

~~[(k)]~~ **(l)** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(i)]~~ **(j)**, inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 88. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) *Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.*

(f) Any peace officer or retired peace officer.

~~[(f)]~~ **(g)** Any prosecutor.

~~[(g)]~~ **(h)** Any state or county public defender.

~~[(h)]~~ **(i)** Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(i)]~~ **(j)** Any county manager in this State.

~~[(j)]~~ **(k)** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

~~[(k)]~~ **(l)** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(j)]~~ **(k)**, inclusive.

~~{(d)}~~ *(m)* The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~{(j)}~~ *(k)*, inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) “Child protective services” has the meaning ascribed to it in NRS 432B.042.

(b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.

(c) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) “Peace officer” means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(f) “Social worker” means any person licensed under chapter 641B of NRS.

Sec. 89. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person’s driver’s license, commercial driver’s license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and
(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(h) Any county manager in this State.

(i) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;
(2) Who, as part of his or her normal job responsibilities, interacts with the public; and
(3) Whose primary duties are the performance of tasks related to code enforcement.

(j) ***Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.***

(k) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j), inclusive.

~~+(k)+~~ (l) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~+(i)+~~ (j), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and
(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 89.5. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for the costs of ballot stock, postage and postcard notifications to carry out the provisions of this act the following sums:

For the Fiscal Year 2021-2022 \$6,286,844

For the Fiscal Year 2022-2023 \$5,998,138

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

Sec. 91. NRS 293.013, 293.015, 293.213, 293.230, 293.235, 293.243, 293.262, 293.3088, 293.309, 293.3095, 293.310, 293.313, 293.315, 293.316, 293.3165, 293.317, 293.320, 293.323, 293.325, 293.329, 293.330, 293.333, 293.335, 293.340, 293.343, 293.345, 293.350, 293.352, 293.353, 293.355, 293.3673, 293.384, 293.385, 293.8801, 293.8804, 293.8807, 293.8811, 293.8814, 293.8817, 293.8821, 293.8824, 293.8827, 293.8831, 293.8834, 293.8837, 293.8841, 293.8844, 293.8847, 293.8851, 293.8854, 293.8857, 293.8861, 293.8864, 293.8871, 293.8874, 293.8877, 293.8881, 293.8884, 293.8887, 293B.370, 293C.230, 293C.240, 293C.245, 293C.256, 293C.304, 293C.305, 293C.306, 293C.307, 293C.310, 293C.312, 293C.317, 293C.318, 293C.319, 293C.320, 293C.322, 293C.325, 293C.327, 293C.328, 293C.329, 293C.330, 293C.332, 293C.335, 293C.340, 293C.342, 293C.345, 293C.347, 293C.349, 293C.350, 293C.352, 293C.368, 293C.382, 293C.385 and 293C.650 are hereby repealed.

Sec. 92. 1. This section ~~becomes~~ **and section 84.5 of this act become** effective upon passage and approval.

2. Section 89.5 of this act becomes effective on July 1, 2021.

3. Sections 1 to ~~89~~, **84**, inclusive, **85 to 89, inclusive**, and 90 and 91 of this act become effective:

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

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

LEADLINES OF REPEALED SECTIONS

293.013 “Absent ballot” defined.

293.015 “Absent voter” defined.

293.213 Mailing precincts; absent ballot mailing precincts.

293.230 Appointment of single central election board for mailing precincts.

293.235 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293.243 Number of officers on absent ballot central counting board; appointment of deputy sheriff; absent ballot central counting board under direction of county clerk.

293.262 Absent ballot or ballot voted in mailing precinct: Methods in which ballot is to be voted.

293.3088 "Sufficient written notice" defined.

293.309 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.3095 Distribution of forms to request absent ballots.

293.310 Request and receipt of absent ballot allows voting only by absent ballot; exception; county clerk to notify election board if absent ballot issued.

293.313 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293.315 Request for absent ballot available for public inspection; immunity of county clerk for allowing such inspection.

293.316 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293.3165 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293.317 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293.320 County clerk to determine if person requesting absent ballot is registered voter.

293.323 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by county clerk; regulations.

293.325 Duties of county clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293.333 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293.335 Empty envelopes and rejected absent ballots to be returned to county clerk.

293.340 Duty of county clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293.343 Eligibility of certain voters to vote in mailing precincts; effect of county clerk designating precinct as mailing precinct; designation of polling places where voters in mailing precincts may vote in person.

293.345 Distribution of mailing ballots; notice of designated polling places where voters in mailing precincts may vote in person; mootness of untimely legal actions which would prevent distribution.

293.350 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by county clerk.

293.352 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293.353 Procedure for voting by mailing ballot; procedure for voting in person after receipt of mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293.355 Duties of county clerk upon return or voting in person of mailing ballots; applicability of procedures governing absent ballots.

293.3673 Errors in information on certain form not grounds for rejection of absent ballot.

293.384 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

293.8801 Legislative findings and declaration.

293.8804 Definitions.

293.8807 "Active registered voter" or "voter" defined.

293.8811 "Affected election" or "election" defined.

293.8814 "Mail ballot" defined.

293.8817 "Vote center" defined.

293.8821 Certain elections deemed affected elections; authority of Governor to order that certain elections deemed affected elections.

293.8824 Provisions governing affected elections supersede and preempt conflicting elections provisions; applicability of nonconflicting elections provisions and military-overseas absentee voting acts.

293.8827 Rules of interpretation; intended public purposes of provisions governing affected elections.

293.8831 Early voting by personal appearance; establishment of polling places for early voting within Indian reservations or colonies.

293.8834 Establishment of polling places as vote centers.

293.8837 Voter registration during certain periods preceding and on election day; establishment of polling places for election precincts.

293.8841 Establishment of polling places within Indian reservations or colonies and within residential developments exclusively for elderly persons.

293.8844 Preparation and distribution of mail ballots and supporting materials; ballot contents; time for distribution; mootness of untimely legal actions which would prevent distribution.

293.8847 Methods of distribution and other requirements for mail ballots and supporting materials; recordation of certain information by clerk.

293.8851 Requirements for mail ballots distributed to certain voters who have not previously voted in election for federal office in Nevada; exceptions; treatment as provisional ballot under certain circumstances.

293.8854 Procedure for voting by mail ballot; procedure for voting in person after mail ballot sent to voter.

293.8857 Unlawful to mark and sign mail ballot on behalf of voter or assist voter to mark and sign mail ballot; exceptions.

293.8861 Procedure for timely returning mail ballot; treatment of mail ballot when postmark cannot be determined; requirements for ballot drop boxes.

293.8864 Persons authorized to return mail ballot; unlawful acts relating to return of mail ballot; penalty.

293.8871 Establishment of procedures for processing and counting mail ballots.

293.8874 Duties of clerk upon return of mail ballots: Procedure for checking signature; safeguarding and delivery of mail ballots for counting; procedure for contacting voter to remedy certain defects in returned mail ballot.

293.8877 Appointment and membership of mail ballot central counting board; board under direction of clerk.

293.8881 Period for counting mail ballots; counting must be public; rejection of certain mail ballots.

293.8884 Process for counting mail ballots; requirements relating to empty envelopes and rejected mail ballots.

293.8887 Certification and reporting of mail ballot results; secrecy of mail ballots; unlawful to disseminate information about mail ballot results before polls close and all votes cast on election day; penalty.

293B.370 Duties of absent ballot mailing precinct inspection board.

293C.230 Appointment of single central election board for mailing precincts.

293C.240 Appointment and duties of absent ballot central counting board; no central election board if absent ballot central counting board appointed.

293C.245 Appointment and number of officers on absent ballot central counting board; appointment of law enforcement officers; absent ballot central counting board under direction of city clerk.

293C.256 Absent ballot or ballot voted in mailing precinct to be voted on paper ballot.

293C.304 “Sufficient written notice” defined.

293C.305 Absent ballots: Preparation; reasonable accommodations for use by persons who are elderly or disabled; time for distribution; mootness of untimely legal actions which would prevent distribution.

293C.306 Distribution of forms to request absent ballot.

293C.307 Request and receipt of absent ballot allows voting only by absent ballot; exception; city clerk to notify election board if absent ballot issued.

293C.310 General procedure to request absent ballot; elections to which request applies; fraud or coercion in obtaining absent ballot prohibited; penalty.

293C.312 Request for absent ballot available for public inspection; immunity of city clerk for allowing such inspection.

293C.317 Specialized procedure to request absent ballot because of illness, disability or absence under certain circumstances; requirements for issuing, voting and returning such absent ballot.

293C.318 Specialized procedure to request absent ballot for all elections at which registered voter is eligible to vote; requirements for issuing, voting and returning such absent ballot.

293C.319 Procedure for timely returning absent ballot; treatment of absent ballot when postmark cannot be determined.

293C.320 City clerk to determine if person requesting absent ballot is registered voter.

293C.322 Delivery of absent ballot and voting supplies; return of absent ballot; recordation of certain information by city clerk; regulations.

293C.325 Duties of city clerk upon return of absent ballots: Procedure for checking signature; safeguarding and delivery of absent ballots for counting; procedure for contacting voter to remedy certain defects in returned absent ballot.

293C.327 Voting absent ballot in person in city clerk’s office.

293C.328 Electioneering prohibited near city clerk’s office during period office maintained for voting absent ballot in person; penalty.

293C.329 Unlawful to mark and sign absent ballot on behalf of voter or assist voter to mark and sign absent ballot; exceptions.

293C.330 Procedure for voting by absent ballot; procedure for voting in person after absent ballot requested; persons authorized to return absent ballot; unlawful acts relating to return of absent ballot; penalty.

293C.332 Procedure for depositing absent ballots in ballot box; period for counting of absent ballots.

293C.335 Empty envelopes and rejected absent ballots to be returned to city clerk.

293C.340 Duty of city clerk to provide ballot box for each ballot listing if absent ballot central counting board appointed; deposit of voted ballots.

293C.342 Eligibility of certain voters to vote in mailing precincts; effect of city clerk designating precinct as mailing precinct.

293C.345 Distribution of mailing ballots; mootness of untimely legal actions which would prevent distribution.

293C.347 Enrollment of eligible voter's name; procedure for mailing of ballot and voting supplies by city clerk.

293C.349 Unlawful to mark and sign mailing ballot on behalf of voter or assist voter to mark and sign mailing ballot; exceptions.

293C.350 Procedure for voting by mailing ballot; persons authorized to return mailing ballot; unlawful acts relating to return of mailing ballot; penalty.

293C.352 Duties of city clerk upon return of mailing ballots; applicability of procedures governing absent ballots.

293C.368 Errors in information on certain form not grounds for rejection of absent ballot.

293C.382 Initial withdrawal of absent ballots from ballot boxes; verification of proper number of absent ballots; procedure for counting.

293C.650 Duties of absent ballot mailing precinct inspection board.

293C.385 Withdrawal of absent ballots from ballot boxes after initial withdrawal; verification of proper number and counting of absent ballots; reporting results of count; disseminating information about count before polls close prohibited; penalty.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 839 to Assembly Bill No. 321.

Remarks by Assemblywoman Brittney Miller.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 363.

The following Senate amendment was read:

Amendment No. 847.

AN ACT relating to transient lodging; requiring the governing bodies of certain counties and cities to establish certain requirements relating to the rental of residential units as transient lodging; requiring certain persons to obtain an authorization for the rental of a residential unit as transient lodging; setting forth various requirements to obtain such an authorization; requiring certain accommodations facilitators to collect and remit taxes on the rental of residential units as transient lodging; revising provisions relating to the authority of a county or city to require a hosting platform to provide certain reports and information to the county or city; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the governing body of a county or city to adopt an ordinance defining the term “transient lodging” for the purposes of all taxes imposed by the governing body on the rental of transient lodging. (NRS 244.33565, 268.0195) This bill establishes various requirements that apply in a county whose population is 700,000 or more (currently Clark County) and in a city **whose population is 25,000 or more** in a county whose population is 700,000 or more (currently ~~Boulder City,~~ Henderson, Las Vegas, ~~Las Mesquite,~~ and North Las Vegas) for: (1) a person who seeks to provide for rent a residential unit or a room within a residential unit for the purposes of transient lodging independently or using an accommodations facilitator; and (2) an accommodations facilitator.

Sections 13 and 25 of this bill require the governing body of a county whose population is 700,000 or more and city **whose population is 25,000 or more** in a county whose population is 700,000 or more to include residential units and rooms in residential units in the definition of “transient lodging” for the purposes of all taxes imposed on the rental of transient lodging.

Sections 7 and 20 of this bill require the governing bodies of certain counties and cities to adopt an ordinance regulating: (1) the rental of a residential unit or a room within a residential unit for the purposes of transient lodging; and (2) accommodations facilitators.

Sections 8 and 21 of this bill require, with certain exceptions, that in certain counties and cities a person who makes available for rent a residential unit or a room within a residential unit for purposes of transient lodging to hold: (1) an authorization issued by the governing body of the county or city in which the residential unit is located; and (2) a state business license.

Sections 9 and 22 of this bill set forth the requirements to obtain an authorization from the governing body of certain counties and cities which require a person to submit an application to the governing body. The governing body may hold a public hearing on the application. **Sections 9 and 22** also establish various requirements for the holder of an authorization, including requirements to pay an annual fee to the governing body for the authorization, designate a local representative for the rental and maintain liability coverage for the residential unit.

Sections 10 and 23 of this bill authorize the governing body of certain counties and cities to provide in the ordinance for: (1) the suspension or revocation of an authorization; (2) the imposition of civil penalties on a holder of an authorization or an accommodations facilitator for a violation of the ordinance; and (3) the imposition of civil penalties or fines on a person who makes available for rent a residential unit or room within a residential unit without obtaining an authorization.

Sections 10.5 and 23.5 of this bill provide that, with certain exceptions, the governing bodies of certain counties and cities may impose additional requirements on a person or accommodations facilitator related to the rental of

a residential unit or a room within a residential unit for purposes of transient lodging.

Sections 11 and 24 of this bill provide that if an authorization is issued for the rental of a residential unit or a room within a residential unit for purposes of transient lodging, the governing bodies of certain counties or cities must require an accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room or space within the residential unit for the purpose of transient lodging to collect and remit to the county or city, as applicable, the taxes on the rental of transient lodging imposed in the county or city, as applicable. **Sections 11 and 24** further provide that: (1) such an accommodations facilitator is deemed to be providing transient lodging for the sole purpose of imposing, collecting and remitting the taxes on the rental of transient lodging; and (2) the provisions of these sections must not be interpreted to, and the governing body shall not, create, expand or alter the liabilities, duties, obligations or responsibilities of the accommodations facilitator with respect to the rental of the residential unit or a room within the residential unit.

Sections 1.5 and 14.5 of this bill provide that **sections 1.5-11 and 14.5-24**, respectively, apply to: (1) a county whose population is 700,000 or more; and (2) a city whose population is 25,000 or more in a county whose population is 700,000 or more. **Sections 1.5 and 14.5** exempt from the requirements of **sections 1.5-11 and 14.5-24**, respectively, a residential unit located within a building that is: (1) located on land that is not zoned exclusively for residential use; and (2) owned or operated by a person or an affiliate of a person holding a nonrestricted license for gaming. **Sections 3-6 and 16-19** of this bill define various terms relating to rentals for the purposes of provisions governing transient lodging.

Existing law authorizes the governing body of a county or city to require the submission of quarterly reports by: (1) an online hosting platform that facilitates the rental of a residential unit or a room or space within a residential unit for the purposes of transient lodging; and (2) certain owners or lessees who use hosting platforms to facilitate such rentals. (NRS 244.1545, 268.0957) **Sections 12 and 26** of this bill revise this requirement to require: (1) the governing body of a county whose population is 700,000 or more; or (2) the governing body of a city whose population is 25,000 or more in a county whose population is 700,000 or more to require the submission of such a quarterly report by an accommodations facilitator. **Sections 12 and 26** also require the accommodations facilitator to provide a copy of the report to the Department of Taxation.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 11, inclusive, of this act.

Sec. 1.5. 1. *The provisions of sections 1.5 to 11, inclusive, of this act apply to a county whose population is 700,000 or more.*

2. *The provisions of sections 1.5 to 11, inclusive, of this act do not apply to a residential unit located within a building that is:*

- (a) Located on land not zoned exclusively for residential use; and*
- (b) Owned or operated by a person who holds a nonrestricted license for gaming issued pursuant to NRS 463.170 or an affiliate of a person who holds a nonrestricted license for gaming.*

3. *As used in this section:*

- (a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.*
- (b) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177.*

Sec. 2. *As used in sections 1.5 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Accommodations facilitator" means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.*

Sec. 3.5. *"Authorization" means a permit, license, registration or any other type of approval or authorization issued by a board of county commissioners or its designee to a person who, independently or using an accommodations facilitator, makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging.*

Sec. 4. *"Hosting platform" means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.*

Sec. 5. *"Residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.*

Sec. 6. *"Transient lodging" has the meaning ascribed to it in the ordinance adopted pursuant to NRS 244.33565 by the board of county commissioners to define the term "transient lodging" for the purpose of all taxes imposed by the board on the rental of transient lodging in the county.*

Sec. 7. 1. *A board of county commissioners shall adopt and enforce an ordinance regulating:*

- (a) The rental of a residential unit or a room within a residential unit for the purposes of transient lodging in the county; and*

(b) Accommodations facilitators.

2. The ordinance adopted pursuant to subsection 1 must, without limitation:

(a) Require the rental to meet the definition of “transient lodging” set forth in the ordinance adopted pursuant to NRS 244.33565 by the board of county commissioners.

(b) Set forth the requirements for an application for an authorization issued pursuant to section 9 of this act, including, without limitation, designating an agency, officer or department of the county to administer applications for authorizations.

(c) Establish the amount of:

(1) The annual fee for an authorization issued pursuant to section 9 of this act; and

(2) The minimum liability coverage the holder of an authorization must maintain for the residential unit.

(d) Prohibit the rental of a residential unit or a room within a residential unit that is located in an apartment building.

(e) Prohibit the rental of a residential unit or a room within a residential unit for less than the minimum period for the residential unit. If the residential unit:

(1) Is owner-occupied, the minimum period for the rental is 1 night.

(2) Is not owner-occupied, the minimum period for the rental is 2 nights.

(f) Establish requirements to ensure a minimum distance:

(1) Of 660 feet between any residential units offered for rent for the purposes of transient lodging, except for residential units in a multifamily dwelling, and any other minimum separation requirement the board determines is necessary; and

(2) Of 2,500 feet between any residential units offered for rent for the purposes of transient lodging and a resort hotel, as defined in NRS 463.01865.

(g) Establish the maximum occupancy requirements for a residential unit, which may not exceed 16 persons per residential unit.

(h) ~~Except as otherwise provided in subsection 5, prohibit~~ Prohibit the issuance of an authorization pursuant to section 9 of this act:

(1) If the issuance would result in more than 10 percent of the residential units or rooms within the residential units in a multifamily dwelling being rented for the purposes of transient lodging or if the issuance would violate a prohibition against such rentals or a stricter limitation established by the owner of the multifamily dwelling; or

(2) For a residential unit or a room within a residential unit that is located in a common-interest community, unless the governing documents of the community expressly authorize the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.

(i) Establish a maximum number of authorizations a person may hold, which may not exceed five authorizations per state business license.

(j) Establish a maximum number of authorizations that may be issued for the rental of rooms within a single residential unit.

(k) Define “party” as a gathering of people that exceeds the maximum occupancy of the residential unit established by the board of county commissioners pursuant to paragraph (g) and prohibit the use of the residential unit for parties, weddings, events or other large gatherings.

(l) Establish specific requirements for noise, trash and security for the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(m) Establish a process for a person to report violations of the requirements established in the ordinance adopted pursuant to subsection 1 or any other issues resulting from the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(n) Establish a schedule of civil penalties for violations of the ordinance adopted pursuant to subsection 1 by a holder of an authorization or an accommodations facilitator. A civil penalty imposed pursuant to such an ordinance ~~may~~ is:

(1) May not exceed \$1,000 for a single violation or the nightly rental value of the residential unit or room within the residential unit, whichever is greater ~~is~~;

(2) Is in addition to any other penalty provided by law; and

(3) May only be imposed against the holder of the authorization or the accommodations facilitator, as applicable, who has committed the violation.

3. The ordinance adopted pursuant to subsection 1 may, in addition to any other penalty provided by law, establish a schedule of civil penalties or fines to impose on a person who makes available a residential unit or room within a residential unit without holding an authorization issued pursuant to section 9 of this act. Any such civil penalty or fine for a single violation must not be less than \$1,000 or more than \$10,000. If the ordinance includes a schedule of civil penalties of fines pursuant to this subsection, the board of county commissioners must establish standards for determining the amount of the civil penalty or fine which take into account, without limitation:

(a) The severity of the violation;

(b) Whether the person who committed the violation acted in good faith; and

(c) Any history of previous violations of the provisions of the ordinance or any other ordinance related to transient lodging.

4. A board of county commissioners shall not enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging. Any ordinance or regulation which is inconsistent with this subsection is null and void and the

board of county commissioners shall repeal any such ordinance or regulation.

Sec. 8. 1. ~~Except as otherwise provided in subsection 5 of section 7 of this act, every~~ Every person who makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging in a county must hold:

(a) An authorization issued pursuant to section 9 of this act by the board of county commissioners of the county in which the transient lodging is located or its designee; and

(b) A state business license.

2. The authorization and the state business license held by the person must be displayed in the residential unit and both the authorization number assigned by the county and the business identification number assigned by the Secretary of State pursuant to chapter 76 of NRS must be included in any listing or advertisement for the rental of the residential unit or a room within the residential unit, including any listing or advertisement created by an accommodations facilitator.

3. Upon the request of a board of county commissioners or its designee, an accommodations facilitator shall report all current listings of a residential unit or a room within a residential unit that the accommodations facilitator brokers, coordinates, makes available or otherwise arranges for the rental of for the purpose of transient lodging.

4. A board of county commissioners or its designee may require an accommodations facilitator to verify that a residential unit or room within a residential unit has been issued an authorization pursuant to section 9 of this act before the accommodations facilitator may broker, coordinate, make available or otherwise arrange for the rental of a residential unit or a room within a residential unit for a fee.

Sec. 9. 1. ~~Except as otherwise provided in subsection 5 of section 7 of this act, a~~ A person who wishes to offer for rent a residential unit or a room within a residential unit for the purposes of transient lodging independently or using an accommodations facilitator must file a written application for an authorization with the agency, officer or department designated by the board of county commissioners in the ordinance and in the form set forth in the ordinance adopted pursuant to section 7 of this act.

2. Upon receipt of an application for an authorization, the board of county commissioners may hold a public hearing on the application.

3. Before granting, denying or renewing an authorization, the board of county commissioners or its designee may conduct any necessary health, safety or fire inspection of the residential unit. The costs of any inspection must be paid by the applicant.

4. The board of county commissioners or its designee may grant or deny the authorization. If the board of county commissioners or its designee grants an authorization, the board or its designee, as applicable, shall include such terms and conditions for the rental of the residential unit or a

room within the residential unit for the purposes of transient lodging that the board or its designee deems necessary for the health and safety of the residents of the county. The conditions imposed by the board or designee must include, without limitation, provisions stipulating that the holder of the authorization is subject to the oversight and enforcement authority of the county and the local health authority, law enforcement agency and fire department having jurisdiction in the county.

5. A person who is granted an authorization pursuant to this section must, without limitation:

(a) Pay an annual fee for the authorization in an amount established in the ordinance adopted by the board of county commissioners pursuant to section 7 of this act. The board of county commissioners may increase the annual fee in an amendment to the ordinance.

(b) Maintain insurance which identifies that the property is used for transient lodging with a minimum liability coverage in an amount set forth in the ordinance adopted pursuant to section 7 of this act.

(c) Have a designated local representative who is responsible for the rental and available 24 hours a day, seven days a week to respond to any issues relating to the residential unit.

(d) Include educational information in the residential unit for any renters, which must include, without limitation, the occupancy limitations for the residential units, emergency telephone numbers, the telephone number of the designated local representative, safety information, trash requirements, parking rules and noise regulations.

(e) Ensure that the address of the residential unit is clearly visible from the roadway.

(f) Maintain the residential unit in a safe and hazard-free condition, including, without limitation, all mechanical, electrical and plumbing systems within the residential unit.

(g) Ensure that the residential unit is equipped with a fire extinguisher, a smoke alarm or detector and a carbon monoxide alarm or detector.

Sec. 10. ~~¶¶¶~~ 1. Except as otherwise provided in subsection 2, in accordance with the ordinance adopted pursuant to section 7 of this act, a board of county commissioners or its designee may:

~~¶¶¶~~ (a) Suspend or revoke any authorization issued pursuant to section 9 of this act for any violation of the ordinance;

~~¶¶¶~~ (b) Impose a civil penalty on the holder of an authorization or an accommodations facilitator for a violation of any provision of the ordinance in accordance with the schedule of civil penalties set forth in the ordinance; and

~~¶¶¶~~ (c) Impose a civil penalty or fine on a person who makes available a residential unit or a room within a residential unit without holding an authorization issued pursuant to section 9 of this act in accordance with the schedule of civil penalties or fines set forth in the ordinance, if any.

2. A board of county commissioners or its designee shall not impose a civil penalty on:

(a) A holder of an authorization for a violation of the ordinance committed by an accommodations facilitator; or

(b) An accommodations facilitator for a violation of the ordinance committed by a holder of an authorization.

Sec. 10.5. 1. Except as otherwise provided in subsection ~~2.1~~ 4 of section 7 of this act, a board of county commissioners may impose additional requirements on a person or accommodations facilitator related to the rental of a residential unit or a room within a residential unit for purposes of transient lodging that are more restrictive than the provisions of sections 1.5 to 11, inclusive, of this act.

2. ~~A board of county commissioners shall not enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.~~

~~3.1~~ A board of county commissioners may impose a civil penalty or fine on a person or accommodations facilitator for a violation of any additional requirement imposed on a person or accommodations facilitator pursuant to subsection 1 ~~1.1~~ if the additional requirement was imposed on the person or accommodations facilitator who committed the violation.

Sec. 11. 1. Notwithstanding any other provision of law, if the board of county commissioners or its designee issues an authorization pursuant to section 9 of this act to authorize an owner, lessee or other lawful occupant of a residential unit or a room within a residential unit located in the county, or a manager of such a residential unit, to rent the residential unit or a room within the residential unit for the purpose of transient lodging:

(a) The board of county commissioners shall require an accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the county for the purpose of transient lodging to collect and remit to the county all taxes imposed on the gross receipts from the rental of the residential unit or a room within the residential unit in the county for the purpose of transient lodging; and

(b) An accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the county for the purpose of transient lodging must be deemed to be engaged in the business of providing transient lodging in the county and to be the person providing the transient lodging.

2. For the purposes of paragraph (b) of subsection 1, the accommodations facilitator shall be deemed to be engaged in the business of providing transient lodging and to be the person providing the transient lodging solely for the purposes of imposing, collecting and remitting all taxes on the gross receipts from the rental of transient lodging. The provisions of this section must not be interpreted or construed to, and a board of county commissioners shall not, create, expand or alter any other liability, duty,

obligation or responsibility of the accommodations facilitator for, or relating to, the residential unit or a room within the residential unit.

Sec. 12. NRS 244.1545 is hereby amended to read as follows:

244.1545 1. The board of county commissioners ~~may~~ :

(a) *In a county whose population is 700,000 or more shall* adopt an ordinance requiring ~~it~~ :

~~—(a) A hosting platform~~ *an accommodations facilitator* that facilitates the rental of a residential unit in the county or a room ~~for space~~ within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of the information required by subsection 2 that is collected by the ~~hosting platform~~ *accommodations facilitator*.

(b) ~~It~~ *In a county whose population is less than 700,000 may adopt an ordinance requiring an accommodations facilitator that facilitates the rental of a residential unit in the county or a room within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of the information required by subsection 2 that is collected by the accommodations facilitator.*

(c) *May adopt an ordinance requiring an* owner or lessee which uses ~~a hosting platform~~ *an accommodations facilitator* that facilitates the rental of a residential unit in the county or a room ~~for space~~ within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the county of any information required by subsection 2 regarding the rental that is not collected by the ~~hosting platform~~ *accommodations facilitator*.

2. The report required by subsection 1 must state, for the quarter:

- (a) The number of bookings, listings, owners and lessees for the county;
- (b) The average number of bookings per listing for the county;
- (c) Current year-to-date booking value for the county;
- (d) Current year-to-date revenue collected from all rentals through the ~~hosting platform~~ *accommodations facilitator* in the county, disaggregated by owner or lessee; and
- (e) The average length of a rental in the county.

3. *An accommodations facilitator that submits the report required by subsection 1 shall provide a copy of the report to the Department of Taxation on a quarterly basis.*

4. An ordinance adopted pursuant to subsection 1 must authorize an agency of the county to issue subpoenas for the production of documents, records or materials relevant for determining whether a residential unit in the county or a room ~~for space~~ within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county. The ordinance must provide that such a subpoena may be issued only if:

- (a) There is evidence sufficient to support a reasonable belief that a residential unit in the county or a room ~~for space~~ within such a residential unit

has been rented or is being rented in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county; and

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the board of county commissioners of the county and the provision of law or ordinance allegedly violated.

➔ A subpoena issued pursuant to the ordinance must be mailed by regular and certified mail to the ~~hosting platform~~ **accommodations facilitator** or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

~~{4.}~~ 5. An ordinance adopted pursuant to subsection 1 must require:

(a) ~~{A hosting platform}~~ **An accommodations facilitator** to whom a subpoena has been issued pursuant to the ordinance to:

(1) Provide notice of the subpoena to the user of the ~~hosting platform~~ **accommodations facilitator** who provided the rental identified in the subpoena.

(2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

~~{5.}~~ 6. If a person to whom a subpoena has been issued pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the county issuing the subpoena may apply to the district court for the judicial district in which the county is located for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

~~{6.}~~ 7. As used in this section:

(a) ***“Accommodations facilitator” has the meaning ascribed to it in section 3 of this act.***

(b) ***“Hosting platform” means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.***

~~—(b)} has the meaning ascribed to it in section 4 of this act.~~

(c) ***“Residential unit” means a single family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.***
has the meaning ascribed to it in section 5 of this act.

Sec. 13. NRS 244.33565 is hereby amended to read as follows:

244.33565 1. Each board of county commissioners shall adopt an ordinance that defines the term “transient lodging” for the purposes of all taxes

imposed by the board on the rental of transient lodging. The ordinance must specify the types of lodging to which the taxes apply.

2. The definition adopted by the board ~~may~~:

(a) In a county whose population is 700,000 or more, must include residential units and rooms in residential units; and

(b) May include rooms or spaces in any one or more of the following:

~~((a))~~ *(1) Hotels;*

~~((b))~~ *(2) Motels;*

~~((c))~~ *(3) Apartments;*

~~((d))~~ *(4) Time-share projects, except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;*

~~((e))~~ *(5) Apartment hotels;*

~~((f))~~ *(6) Vacation trailer parks;*

~~((g))~~ *(7) Campgrounds;*

~~((h))~~ *(8) Parks for recreational vehicles; and*

~~((i))~~ *(9) Any other establishment that rents rooms or spaces to temporary or transient guests.*

3. The board may provide one or more different definitions pursuant to subsection 1 for different jurisdictions within the county in which the taxes are collected. Unless the governing body of the governmental entity that collects the taxes consents by majority vote to a change, each definition must be consistent with the past practices of the specific jurisdiction in which the taxes are collected.

4. As used in this section, “residential unit” has the meaning ascribed to it in section 5 of this act.

Sec. 14. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 to 24, inclusive, of this act.

Sec. 14.5. 1. *The provisions of sections 14.5 to 24, inclusive, of this act apply to a city whose population is 25,000 or more in a county whose population is 700,000 or more.*

2. The provisions of sections 14.5 to 24, inclusive, of this act do not apply to a residential unit located within a building that is:

(a) Located on land not zoned exclusively for residential use; and

(b) Owned or operated by a person who holds a nonrestricted license for gaming issued pursuant to NRS 463.170 or an affiliate of a person who holds a nonrestricted license for gaming.

3. As used in this section:

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

(b) “Nonrestricted license” has the meaning ascribed to it in NRS 463.0177.

Sec. 15. *As used in sections 14.5 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 16. *“Accommodations facilitator” means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.*

Sec. 16.5. *“Authorization” means a permit, license, registration or any other type of approval or authorization issued by a city council or other governing body of an incorporated city or its designee to a person who, independently or using an accommodations facilitator, makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging.*

Sec. 17. *“Hosting platform” means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.*

Sec. 18. *“Residential unit” means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.*

Sec. 19. *“Transient lodging” has the meaning ascribed to it in the ordinance adopted pursuant to NRS 268.0195 by the city council or other governing body of an incorporated city to define the term “transient lodging” for the purpose of all taxes imposed by the city council or other governing body on the rental of transient lodging in the incorporated city.*

Sec. 20. 1. *A city council or other governing body of an incorporated city shall adopt and enforce an ordinance regulating:*

(a) The rental of a residential unit or a room within a residential unit for the purposes of transient lodging in the incorporated city; and

(b) Accommodations facilitators.

2. *The ordinance adopted pursuant to subsection 1 must, without limitation:*

(a) Require the rental to meet the definition of “transient lodging” set forth in the ordinance adopted pursuant to NRS 268.0195 by the city council or other governing body of an incorporated city.

(b) Set forth the requirements for an application for an authorization issued pursuant to section 22 of this act, including, without limitation, designating an agency, officer or department of the incorporated city to administer applications for authorizations.

(c) Establish the amount of:

(1) The annual fee for an authorization issued pursuant to section 22 of this act; and

(2) *The minimum liability coverage the holder of an authorization must maintain for the residential unit.*

(d) *Prohibit the rental of a residential unit or a room within a residential unit that is located in an apartment building.*

(e) *Prohibit the rental of a residential unit or a room within a residential unit for less than the minimum period for the residential unit. If the residential unit:*

(1) Is owner-occupied, the minimum period for the rental is 1 night.

(2) Is not owner-occupied, the minimum period for the rental is 2 nights.

(f) Establish requirements to ensure a minimum distance:

(1) Of 660 feet between any residential units offered for rent for the purposes of transient lodging, except for residential units in a multifamily dwelling, and any other minimum separation requirement the city council or other governing body of the incorporated city, as applicable, determines is necessary; and

(2) Of 2,500 feet between any residential units offered for rent for the purposes of transient lodging and a resort hotel, as defined in NRS 463.01865.

(g) Establish the maximum occupancy requirements for a residential unit, which may not exceed more than 16 persons per residential unit.

(h) Except as otherwise provided in subsection 5, prohibit the issuance of an authorization pursuant to section 22 of this act:

(1) If the issuance would result in more than 10 percent of the residential units or rooms within the residential units in a multifamily dwelling being rented for the purposes of transient lodging or if the issuance would violate a prohibition against such rentals or a stricter limitation established by the owner of the multifamily dwelling; or

(2) For a residential unit or a room within a residential unit that is located in a common-interest community, unless the governing documents of the community expressly authorize the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.

(i) Establish a maximum number of authorizations a person may hold, which may not exceed five authorizations per state business license.

(j) Establish a maximum number of authorizations that may be issued for the rental of rooms within a single residential unit.

(k) Define “party” as a gathering of people that exceeds the maximum occupancy of the residential unit established by the city council or governing body of the incorporated city pursuant to paragraph (g) and prohibit the use of the residential unit for parties, weddings, events or other large gatherings.

(l) Establish specific requirements for noise, trash and security for the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(m) Establish a process for a person to report violations of the requirements established in the ordinance adopted pursuant to subsection 1

or any other issues resulting from the rental of the residential unit or a room within the residential unit for the purposes of transient lodging.

(n) Establish a schedule of civil penalties for violations of the ordinance adopted pursuant to subsection 1 by a holder of an authorization or an accommodations facilitator. A civil penalty imposed pursuant to such an ordinance ~~may~~ :

(1) May not exceed \$1,000 for a single violation or the nightly rental value of the residential unit or room within the residential unit, whichever is greater ~~it~~ ;

(2) Is in addition to any other penalty provided by law; and

(3) May only be imposed against the holder of the authorization or the accommodations facilitator, as applicable, who has committed the violation.

3. The ordinance adopted pursuant to subsection 1 may , in addition to any other penalty provided by law, establish a schedule of civil penalties or fines to impose on a person who makes available a residential unit or room within a residential unit without holding an authorization issued pursuant to section 22 of this act. Any such civil penalty or fine for a single violation must not be less than \$1,000 or more than \$10,000. If the ordinance includes a schedule of civil penalties of fines pursuant to this subsection, the city council or other governing body of an incorporated city must establish standards for determining the amount of the civil penalty or fine which take into account, without limitation:

(a) The severity of the violation;

(b) Whether the person who committed the violation acted in good faith; and

(c) Any history of previous violations of the provisions of the ordinance or any other ordinance related to transient lodging.

4. The city council or other governing body of an incorporated city shall not enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging. Any ordinance or regulation which is inconsistent with this subsection is null and void and the city council or other governing body of an incorporated city shall repeal any such ordinance or regulation.

5. The ordinance adopted pursuant to subsection 1 must allow any person who has been lawfully issued a permit, license, registration or any other form of authorization from the city council or other governing body of the incorporated city or its designee before ~~January 1,~~ July 1, 2022, to make available for rent a residential unit or a room within a residential unit for the purposes of transient lodging to continue to operate under his or her original authorization ~~and any subsequent authorizations issued by the city council or other governing body of the incorporated city or its designee~~ despite any provisions of the ordinance which may conflict with the location or type of residential unit, including, without limitation, any requirements adopted by the ordinance for the minimum distance between residential units. The provisions of this subsection apply only to the original holder of

a permit, license, registration or other form of authorization and do not transfer to subsequent owners or occupants of a residential unit or room within a residential unit. An authorization issued before July 1, 2022, shall be deemed an authorization issued pursuant to section 22 of this act and may be suspended, terminated or revoked on or after July 1, 2022, in accordance with the provisions of the ordinance adopted pursuant to subsection 1.

Sec. 21. 1. *Except as otherwise provided in subsection 5 of section 20 of this act, every person who makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging in an incorporated city must hold:*

(a) An authorization issued pursuant to section 22 of this act by the city council or other governing body of the incorporated city or its designee in which the transient lodging is located; and

(b) A state business license.

2. *The authorization and the state business license held by the person must be displayed in the residential unit and both the authorization number issued by the incorporated city and the business identification number assigned by the Secretary of State pursuant to chapter 76 of NRS must be included in any listing or advertisement for the rental of the residential unit or a room within the residential unit, including any listing or advertisement created by an accommodations facilitator.*

3. *Upon the request of a city council or other governing body of an incorporated city or its designee, an accommodations facilitator shall report all current listings of a residential unit or a room within a residential unit that the accommodations facilitator brokers, coordinates, makes available or otherwise arranges for the rental of for the purpose of transient lodging.*

4. *A city council or other governing body of an incorporated city or its designee may require an accommodations facilitator to verify that a residential unit or room within a residential unit has been issued an authorization pursuant to section 22 of this act before the accommodations facilitator may broker, coordinate, make available or otherwise arrange for the rental of a residential unit or a room within a residential unit for a fee.*

Sec. 22. 1. *Except as otherwise provided in subsection 5 of section 20 of this act, a person who wishes to offer for rent a residential unit or a room within a residential unit for the purposes of transient lodging in this State independently or using an accommodations facilitator must file a written application for an authorization with the agency, officer or department designated by the city council or other governing body of an incorporated city in the ordinance and in the form set forth in the ordinance adopted pursuant to section 20 of this act.*

2. *Upon receipt of an application for an authorization, the city council or other governing body of an incorporated city may hold a public hearing on the application.*

3. *Before granting, denying or renewing an authorization, the city council or other governing body of the incorporated city or its designee, as*

applicable, may conduct any necessary health, safety or fire inspection of the residential unit. The costs of any inspection must be paid by the applicant.

4. The city council or other governing body of the incorporated city or its designee, as applicable, may grant or deny the authorization. If the city council or governing body or its designee grants an authorization, the city council or governing body or its designee, as applicable, shall include such terms and conditions for the rental of the residential unit or a room within the residential unit for the purposes of transient lodging that the city council or governing body or its designee deems necessary for the health and safety of the residents of the incorporated city. The conditions imposed by the city council or governing body or its designee, as applicable, must include, without limitation, provisions stipulating that the holder of the authorization is subject to the oversight and enforcement authority of the city and the local health authority, law enforcement agency and fire department having jurisdiction in the city.

5. A person who is granted an authorization pursuant to this section must, without limitation:

(a) Pay an annual fee for the authorization in an amount established in the ordinance adopted by the city council or other governing body of the incorporated city pursuant to section 20 of this act. The city council or governing body, as applicable, may increase the annual fee in an amendment to the ordinance.

(b) Maintain insurance which identifies that the property is used for transient lodging with a minimum liability coverage in an amount set forth in the ordinance adopted pursuant to section 20 of this act.

(c) Have a designated local representative who is responsible for the rental and available 24 hours a day, seven days a week to respond to any issues relating to the residential unit.

(d) Include educational information in the residential unit for any renters, which must include, without limitation, the occupancy limitations for the residential unit, emergency telephone numbers, the telephone number of the designated local representative, safety information, trash requirements, parking rules and noise regulations.

(e) Ensure that the address of the residential unit is clearly visible from the roadway.

(f) Maintain the residential unit in a safe and hazard-free condition, including, without limitation, all mechanical, electrical and plumbing systems within the residential unit.

(g) Ensure that the residential unit is equipped with a fire extinguisher, a smoke alarm or detector and a carbon monoxide alarm or detector.

Sec. 23. ~~Has~~ 1. Except as otherwise provided in subsection 2, in accordance with the ordinance adopted pursuant to section 20 of this act, the city council or other governing body of an incorporated city or its designee may:

~~11.1~~ (a) Suspend or revoke any authorization issued pursuant to section 22 of this act;

~~12.1~~ (b) Impose a civil penalty on the holder of an authorization or an accommodations facilitator for a violation of any provision of the ordinance in accordance with the schedule of civil penalties set forth in the ordinance; and

~~13.1~~ (c) Impose a civil penalty or fine on a person who makes available a residential unit or a room within a residential unit without holding an authorization issued pursuant to section ~~20.1~~ 22 of this act in accordance with the schedule of civil penalties or fines set forth in the ordinance, if any.

2. A city council or other governing body of an incorporated city or its designee shall not impose a civil penalty on:

(a) A holder of an authorization for a violation of the ordinance committed by an accommodations facilitator; or

(b) An accommodations facilitator for a violation of the ordinance committed by a holder of an authorization.

Sec. 23.5. 1. Except as otherwise provided in subsection 2 ~~11~~ and subsection 4 of section 20 of this act, a city council or other governing body of an incorporated city may impose additional requirements on a person or accommodations facilitator related to the rental of a residential unit or a room within a residential unit for purposes of transient lodging that are more restrictive than the provisions of sections 14.5 to 24, inclusive of this act.

2. A city council or other governing body of an incorporated city shall not ~~1~~

~~(a) Enact or enforce a complete prohibition on the rental of a residential unit or a room within a residential unit for the purposes of transient lodging;~~

~~or~~

~~(b) Prohibit~~ prohibit a person who has been lawfully issued a permit, license, registration or any other form of authorization from the city council or other governing body of an incorporated city or its designee before ~~January~~ July 1, 2022, from continuing to operate under his or her original authorization ~~and any subsequent authorizations issued by the city council or other governing body of an incorporated city or its designee.~~ due to a conflict with the provisions of the ordinance relating to the location or type of residential unit. The provisions of this subsection do not prohibit a city council or other governing body from suspending, terminating or revoking an authorization issued before July 1, 2022, for a violation of a provision of the ordinance other than those relating to the location or type of residential unit.

3. ~~A board of county commissioners~~ city council or other governing body of an incorporated city may impose a civil penalty or fine on a person or accommodations facilitator for a violation of any additional requirement imposed on a person or accommodations facilitator pursuant to subsection 1 ~~11~~ if the additional requirement was imposed on the person or accommodations facilitator who committed the violation.

Sec. 24. 1. *Notwithstanding any other provision of law, if the city council or other governing body of an incorporated city or its designee issues an authorization pursuant to section 22 of this act to authorize an owner, lessee or other lawful occupant of a residential unit or a room within a residential unit located in the incorporated city, or a manager of such a residential unit, to rent the residential unit or a room within the residential unit for the purpose of transient lodging:*

(a) The city council or other governing body of the incorporated city, as applicable, shall require an accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the incorporated city for the purpose of transient lodging to collect and remit to the incorporated city all taxes imposed on the gross receipts from the rental of the residential unit or a room within the residential unit in the incorporated city for the purpose of transient lodging; and

(b) An accommodations facilitator who brokers, coordinates, makes available or otherwise arranges for the rental of a residential unit or a room within a residential unit in the incorporated city for the purpose of transient lodging must be deemed to be engaged in the business of providing transient lodging in the incorporated city and to be the person providing the transient lodging.

2. For the purposes of paragraph (b) of subsection 1, the accommodations facilitator shall be deemed to be engaged in the business of providing transient lodging and to be the person providing the transient lodging solely for the purposes of imposing, collecting and remitting all taxes on the gross receipts from the rental of transient lodging. The provisions of this section must not be interpreted or construed to, and the city council or other governing body of an incorporated city shall not, create, expand or alter any other liability, duty, obligation or responsibility of the accommodations facilitator for, or relating to, the residential unit or a room within the residential unit.

Sec. 25. NRS 268.0195 is hereby amended to read as follows:

268.0195 1. The governing body of each city shall adopt an ordinance that defines the term “transient lodging” for the purposes of all taxes imposed by the governing body on the rental of transient lodging. The ordinance must specify the types of lodging to which the taxes apply.

2. The definition adopted by the governing body ~~may~~:

(a) Of a city whose population is 25,000 or more in a county whose population is 700,000 or more must include residential units and rooms in residential units; and

(b) May include rooms or spaces in any one or more of the following:

~~[(a)]~~ (1) Hotels;

~~[(b)]~~ (2) Motels;

~~[(c)]~~ (3) Apartments;

~~[(d)]~~ (4) Time-share projects, except when an owner of a unit in the time-share project who has a right to use or occupy the unit is occupying the unit pursuant to a time-share instrument as defined in NRS 119A.150;

~~[(e)]~~ (5) Apartment hotels;

~~[(f)]~~ (6) Vacation trailer parks;

~~[(g)]~~ (7) Campgrounds;

~~[(h)]~~ (8) Parks for recreational vehicles; and

~~[(i)]~~ (9) Any other establishment that rents rooms or spaces to temporary or transient guests.

3. *As used in this section, “residential unit” has the meaning ascribed to it in section 18 of this act.*

Sec. 26. NRS 268.0957 is hereby amended to read as follows:

268.0957 1. The city council or other governing body of an incorporated city ~~may~~ :

(a) ~~Has~~ Whose population is 25,000 or more in a county whose population is 700,000 or more shall adopt an ordinance requiring ~~[-~~

~~(a) A hosting platform]~~ **an accommodations facilitator** that facilitates the rental of a residential unit in the incorporated city or a room or space within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of the information required by subsection 2 that is collected by the ~~hosting platform]~~ **accommodations facilitator**.

(b) ~~Has~~ In a county whose population is less than 700,000 or an incorporated city whose population is less than 25,000 in a county whose population is 700,000 or more may adopt an ordinance requiring an accommodations facilitator that facilitates the rental of a residential unit in the county or a room within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the city of the information required by subsection 2 that is collected by the accommodations facilitator.

(c) May adopt an ordinance requiring an owner or lessee which uses ~~a hosting platform]~~ **an accommodations facilitator** that facilitates the rental of a residential unit in the county or a room ~~for space]~~ within such a residential unit for the purposes of transient lodging to submit a quarterly report to an agency of the incorporated city of any information required by subsection 2 regarding the rental that is not collected by the ~~hosting platform]~~ **accommodations facilitator**.

2. The report required by subsection 1 must state, for the quarter:

(a) The number of bookings, listings, owners and lessees for the incorporated city;

(b) The average number of bookings per listing for the incorporated city;

(c) Current year-to-date booking value for the incorporated city;

(d) Current year-to-date revenue collected from all rentals through the ~~hosting platform]~~ **accommodations facilitator** in the incorporated city, disaggregated by owner or lessee; and

(e) The average length of a rental in the incorporated city.

3. *An accommodations facilitator that submits the report required by subsection 1 shall provide a copy of the report to the Department of Taxation on a quarterly basis.*

4. An ordinance adopted pursuant to subsection 1 must authorize an agency of the incorporated city to issue subpoenas for the production of documents, records or materials relevant for determining whether a residential unit in the incorporated city or a room ~~for space~~ within such a residential unit has been rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city. The ordinance must provide that such a subpoena may be issued only if:

(a) There is evidence sufficient to support a reasonable belief that a residential unit in the incorporated city or a room ~~for space~~ within a residential unit has been rented or is being rented in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city;

(b) The subpoena identifies the rental alleged to be in violation of any law of this State or an ordinance adopted by the city council or governing body of the incorporated city and the provision of law or ordinance allegedly violated.

➡ A subpoena issued pursuant to the ordinance must be mailed by regular and certified mail to the ~~hosting platform~~ *accommodations facilitator* or, if applicable, the owner or lessee who was required to file a quarterly report regarding the rental pursuant to the ordinance.

~~{4-}~~ 5. An ordinance adopted pursuant to subsection 1 must require:

(a) ~~{A hosting platform}~~ *An accommodations facilitator* to whom a subpoena has been issued to:

(1) Provide notice of the subpoena to the user of the ~~hosting platform~~ *accommodations facilitator* who provided the rental identified in the subpoena.

(2) Produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by subparagraph (1) unless otherwise ordered by a court.

(b) An owner or lessee of a rental to whom a subpoena has been issued pursuant to the ordinance to produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.

~~{5-}~~ 6. If a person to whom a subpoena has been issued pursuant to an ordinance adopted pursuant to subsection 1 refuses to produce any document, record or material that the subpoena requires, the agency of the incorporated city issuing the subpoena may apply to the district court for the judicial district in which the investigation is being carried out for the enforcement of the subpoena in the manner provided by law for the enforcement of a subpoena in a civil action.

~~{6-}~~ 7. As used in this section:

(a) *“Accommodations facilitator” has the meaning ascribed to it in section 16 of this act.*

(b) *“Hosting platform” means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room or space within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.*

~~—(b)—~~ *has the meaning ascribed to it in section 17 of this act.*

(c) *“Residential unit” means a single family residence or an individual residential unit within a larger building, including, without limitation, an apartment, condominium, townhouse or duplex. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.] has the meaning ascribed to it in section 18 of this act.*

Sec. 26.5. 1. If on June 1, 2021, a board of county commissioners has prohibited by ordinance the use of an accommodations facilitator to make available for rent a residential unit or room within a residential unit, the board of county commissioners must establish a process by which any person who owns a residential unit and used an accommodations facilitator before June 1, 2021, to make available for rent a residential unit or room within a residential unit in violation of the ordinance may submit an application for an authorization pursuant to this section. The board of county commissioners may impose a reasonable fee for any such application.

2. A board of county commissioners must:

(a) Accept applications from persons described in subsection 1 for a period of six months after the ordinance required pursuant to section 7 of this act is adopted by the board of county commissioners.

(b) Give at least 30 days’ notice of the application period described in paragraph (a).

(c) Set forth the application requirements. The minimum application requirements must include, without limitation, that the applicant and residential unit meet all the requirements set forth in the ordinance adopted pursuant to section 7 of this act and meet all the requirements set forth in section 8 of this act. A person who is granted an authorization pursuant to this section is subject to the regulations of section 9 of this act.

3. If a board of county commissioners limits the number of applications for authorizations that it will accept pursuant to subsection 1, 50 percent of the applications accepted must be from natural persons who own residential units.

4. A board of county commissioners shall not as a condition of approval of an application for an authorization submitted pursuant to subsection 1:

(a) Require the payment of any tax on transient lodging related to the rental of a residential unit using an accommodations facilitator before June 1, 2021, in violation of the ordinance described in subsection 1; or

(b) Require the payment of any penalty imposed for a violation of the ordinance described in subsection 1.

5. A decision on an application submitted to a board of county commissioners pursuant to this section is final and not subject to judicial review.

6. As used in this section:

(a) “Accommodations facilitator” means a person, other than the owner, lessee or other lawful occupant of a residential unit, or a manager of a residential unit, who, for a fee or other charge, brokers, coordinates, makes available or otherwise arranges for the rental of the residential unit or a room within a residential unit for the purpose of transient lodging. The term includes, without limitation, a hosting platform.

(b) “Authorization” means a permit, license, registration or any other type of approval or authorization issued by a board of county commissioners or its designee to a person who, independently or using an accommodations facilitator, makes available for rent a residential unit or a room within a residential unit for the purposes of transient lodging.

(c) “Board of county commissioners” means a board of county commissioners of a county whose population is 700,000 or more.

(d) “Hosting platform” means a person who, for a fee or other charge, provides on an Internet website an online platform that facilitates the rental of a residential unit or a room within a residential unit by an owner or lessee of the residential unit for the purposes of transient lodging, including, without limitation, through advertising, matchmaking or other means.

(e) “Residential unit” means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other property subject to the provisions of chapter 119A of NRS.

Sec. 27. 1. This ~~act becomes~~ section and section 26.5 of this act become effective upon passage and approval.

2. Sections 1 to 26, inclusive, of this act become effective ~~on January 1,~~

(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 ~~to~~, for all other purposes.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 847 to Assembly Bill No. 363.

Remarks by Assemblywoman Cohen.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 341.

The following Senate amendment was read:

Amendment No. 834.

SUMMARY—~~Provides for the licensure and regulation of~~ **Revises provisions relating to** cannabis; ~~consumption lounges.~~ (BDR 56-583)

AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of cannabis consumption lounges; setting forth certain requirements for the licensure of cannabis consumption lounges; setting forth certain requirements for the operation of retail cannabis consumption lounges and independent cannabis consumption lounges; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to certain cannabis products; revising provisions relating to the consumption of cannabis in a public place; establishing provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or cannabis products to another person; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting ~~in a cannabis consumption lounge~~ **certain persons** from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of persons and establishments in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Under existing law, a cannabis establishment is prohibited from allowing a person to consume cannabis on the property or premises of the establishment. (NRS 678B.510) Existing law also makes it a misdemeanor to consume cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle. (NRS 678D.310) This bill provides for the licensure and regulation by the Board of certain businesses at which the consumption of certain cannabis and cannabis products is allowed. **Section 2** of this bill designates such businesses generally as “cannabis consumption lounges.”

Sections 3 and 5 of this bill designate two types of cannabis consumption lounges. **Section 5** of this bill defines “retail cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is attached or immediately adjacent to an adult-use cannabis retail store. **Section 3** of this bill defines “independent cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is not attached or immediately adjacent to an adult-use cannabis retail store.

Section 5.5 of this bill defines “single-use cannabis product” to generally mean a type of cannabis or adult-use cannabis product that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. **Section 4** of this bill defines “ready-to-consume cannabis product” to mean an adult-use edible cannabis product that is presented as a foodstuff or beverage and is intended for immediate consumption. **Section 28** of this bill requires the Board to adopt regulations designating types of cannabis and

cannabis products as single-use cannabis products and establishing requirements for the preparation and sale of ready-to-consume cannabis products. **Sections 19 and 30** of this bill provide that certain requirements for cannabis products established under existing law do not apply to ready-to-consume cannabis products to the extent that such requirements are inconsistent with the regulations adopted by the Board.

Existing law prohibits a person from engaging in the business of an adult-use cannabis establishment unless the person has been issued an adult-use cannabis establishment license by the Board. Existing law sets forth certain requirements to obtain such a license. (NRS 678B.250) **Section 7** of this bill includes a retail cannabis consumption lounge and an independent cannabis consumption lounge within the definition of “adult-use cannabis establishment” provided under existing law, thereby requiring persons who wish to operate such establishments to obtain an adult-use cannabis establishment license in the manner provided in existing law. (NRS 678A.035)

Sections 13.5 and 14 of this a bill prohibit a cannabis establishment, including a cannabis consumption lounge, from being located on the property of an airport.

Section 10 of this bill prohibits the Board from issuing an adult-use cannabis establishment license for a retail cannabis consumption lounge unless: (1) the applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store ~~that~~ **which is operational**; and (2) the location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store. **Sections 10 and 14** of this bill exempt a proposed retail cannabis consumption lounge from certain restrictions relating to the location of an adult-use cannabis establishment.

Section 11 of this bill requires the Board to adopt regulations establishing criteria to determine whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant, which is defined by **section 9** of this bill generally as an applicant that has been adversely affected by previous laws that criminalized activity relating to cannabis. **Section 12** of this bill requires the Board to adopt regulations establishing criteria of merit and scoring guidelines to be used in evaluating applications for an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge. **Section 17** of this bill establishes fees for the issuance and renewal of such licenses. **Section 17** authorizes the Board to reduce certain fees associated with an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. **Section 16** of this bill makes a conforming change to reflect the addition of the requirements of **section 12**.

Section 12.4 of this bill prohibits the Board, with certain exceptions, from issuing more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge. However, if on or before June 30, 2022, the Board issues 20 such licenses, **section 12.4** authorizes the Board to

issue additional licenses, so long as the total number of adult-use cannabis establishment licenses for an independent cannabis consumption lounge does not, at any time, exceed the number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board. **Section 12.4** also requires that at least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board be issued to social equity applicants. **Section 12.5** of this bill sets forth certain requirements for the issuance of adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in a local governmental jurisdiction that limits the number of business licenses issued to cannabis consumption lounges, which include, among other requirements, that a certain number of adult-use cannabis establishment licenses for independent cannabis consumption lounges be issued to social equity applicants.

Existing law prohibits the Board from issuing more than a certain number of adult-use cannabis establishment licenses to any one person, group of persons or entity in certain counties. (NRS 678B.270) **Section 15** of this bill provides that this prohibition does not apply to adult-use cannabis establishment licenses for retail cannabis consumption lounges or independent cannabis consumption lounges. Instead, **section 12.7** of this bill generally prohibits the Board from issuing more than one such license to any one person ~~, a group of persons or entity in any county.~~ **Section 12.7** provides an exception to this prohibition for certain transfers of such licenses. **Section 12.3** of this bill prohibits the Board from issuing to any one person ~~, a group of persons or entity,~~ both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge. **Section 20 of this bill requires the Board to adopt regulations prescribing the manner in which it will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to sections 12.3 and 12.7.**

Existing law requires the Board to adopt regulations regarding the transfer of licenses issued by the Board. (NRS 678B.380) **Section 16.5** of this bill requires those regulations to impose certain requirements and restrictions on the transfer an adult-use cannabis establishment license for an independent cannabis consumption lounge.

~~[Section 17.5 of this bill prohibits a local government from adopting or enforcing any ordinance or rule pertaining to zoning or land use which imposes restrictions on retail cannabis consumption lounges, unless such restrictions also apply to adult use cannabis retail stores. Section 30.3 of this bill makes a conforming change to reflect the addition of the provisions of section 17.5.]~~

Sections 22 and 24 of this bill set forth certain requirements and restrictions relating to the operation of a cannabis consumption lounge. **Section 24** prohibits, among other things, the consumption of any cannabis or cannabis product at a cannabis consumption lounge that is not a single-use cannabis

product or ready-to-consume cannabis product. **Section 23** of this bill authorizes a cannabis consumption lounge to engage in certain activities. **Section 20** ~~of this bill~~ requires the Board to adopt certain regulations concerning the operation of cannabis consumption lounges.

Section 25 of this bill authorizes a retail cannabis consumption lounge to obtain single-use cannabis products from the adult-use cannabis retail store to which the lounge is attached or adjacent and sell such products to customers of the lounge. **Section 25** also authorizes a retail cannabis consumption lounge to prepare and sell ready-to-consume cannabis products.

Section 27 of this bill requires an independent cannabis consumption lounge to enter into a contract with one or more adult-use cannabis retail stores to obtain single-use cannabis products for resale and cannabis or cannabis products for use in the preparation of ready-to-consume cannabis products. **Section 27** authorizes an independent cannabis consumption lounge that has entered into such a contract to: (1) sell single-use cannabis products to customers of the lounge; and (2) prepare and sell ready-to-consume cannabis products to customers of the lounge.

Existing law prohibits a board of county commissioners, the governing body of an incorporated city or a town board from licensing or otherwise allowing a person to operate a business that allows cannabis or cannabis products to be consumed on the premises of the business. (NRS 244.335, 268.095, 269.170) Existing law eliminates this prohibition effective July 1, 2021. (Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896) **Sections 36.7 and 36.9** of this bill remove the prospective elimination of this prohibition. Instead, **sections 30.6-30.9** of this bill prohibit , with certain exceptions, such a local government from licensing or otherwise allowing the operation of a business that allows cannabis or cannabis products to be consumed on the premises of the business, other than a cannabis consumption lounge, in accordance with the provisions of this bill.

Section 30.5 of this bill establishes provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or a cannabis product to another person for damages caused as a result of the consumption of the cannabis or cannabis product, which are based on similar provisions of existing law concerning alcoholic beverages. (NRS 41.1305)

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store. (NRS 372A.290) **Section 34** of this bill applies this excise tax to retail sales of cannabis and cannabis products by a cannabis consumption lounge. **Sections 31 and 33** of this bill make conforming changes to reflect the imposition of the excise tax on such sales.

~~[Sections 18 and 29]~~ **Section 18** ~~and 29~~ of this bill ~~revises~~ revises provisions of existing law prohibiting the consumption of cannabis and cannabis products ~~in a public place or~~ in a cannabis establishment for the purpose of authorizing a person to engage in such activities in a cannabis consumption lounge. (NRS ~~678B.510, 678D.310~~) **678B.510**

Existing law prohibits, in general, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) Section 12.9 of this bill authorizes the Board to adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place. Sections 20.5, 28.5 and 29 of this bill revise provisions of existing law prohibiting a person from consuming cannabis or cannabis products in a public place for the purpose of authorizing a person to engage in such activities in a public place in accordance with the regulations adopted by the Board pursuant to section 12.9.

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) **Section 36** of this bill exempts from the application of this provision: (1) a cannabis consumption lounge whose activities are confined to those authorized under the provisions of this bill ~~from the application of this provision.~~; and (2) any person who opens or maintains a public place at which a person is authorized to consume cannabis or cannabis products pursuant to regulations adopted by the Board pursuant to section 12.9 and whose activities are confined to those authorized by such regulations.

Section 36.3 of this bill ~~authorizes a~~ requires the Board to provide each person who, on ~~October~~ July 1, 2021, holds an adult-use cannabis establishment license for an adult-use cannabis retail store ~~to submit to the Board an application for the issuance of~~ a written notification informing the person that the person may be eligible to hold an adult-use cannabis establishment license for a retail cannabis consumption lounge. ~~Section 36.3 prohibits the Board from issuing such a license to such an applicant, unless the applicant has satisfied all applicable requirements for the issuance of the license.~~

Section 36.5 of this bill requires the Board, on or before January 1, 2023, to submit to the Legislature a report containing certain information regarding the effect of certain violations of the Nevada Unfair Trade Practice Act on independent cannabis consumption lounges.

Sections 2-5.5 and 9 of this bill define words and terms applicable to the provisions of this bill. **Sections 6 and 32** of this bill make conforming changes to properly place new language in the Nevada Revised Statutes. **Section 35** of this bill makes a conforming change to reflect the addition of the provisions of **section 17**.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. “Cannabis consumption lounge” means:

1. *A retail cannabis consumption lounge; or*
2. *An independent cannabis consumption lounge.*

Sec. 3. *“Independent cannabis consumption lounge” means a business that:*

1. *Is licensed by the Board pursuant to NRS 678B.250;*
2. *Is not attached or immediately adjacent to an adult-use cannabis retail store; and*
3. *Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.*

Sec. 4. *“Ready-to-consume cannabis product” means an adult-use edible cannabis product that is:*

1. *Prepared on the premises of a cannabis consumption lounge;*
2. *Presented in the form of a foodstuff or beverage;*
3. *Sold in a heated or unheated state; and*
4. *Intended for immediate consumption.*

Sec. 5. *“Retail cannabis consumption lounge” means a business that:*

1. *Is licensed by the Board pursuant to NRS 678B.250;*
2. *Is attached or immediately adjacent to an adult-use cannabis retail store; and*
3. *Allows single-use cannabis products or ready-to-consume cannabis products to be consumed on the premises of the business by persons 21 years of age or older.*

Sec. 5.5. *“Single-use cannabis product” means a type of cannabis or adult-use cannabis product, other than a ready-to-consume cannabis product, that the Board has determined to be appropriate for consumption in a cannabis consumption lounge pursuant to section 28 of this act.*

Sec. 6. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, *and sections 2 to 5.5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 678A.035 is hereby amended to read as follows:

678A.035 “Adult-use cannabis establishment” means:

1. An adult-use cannabis independent testing laboratory;
2. An adult-use cannabis cultivation facility;
3. An adult-use cannabis production facility;
4. An adult-use cannabis retail store; ~~for~~
5. An adult-use cannabis distributor ~~for~~;
6. *A retail cannabis consumption lounge; or*
7. *An independent cannabis consumption lounge.*

Sec. 8. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to ~~12.7,~~ 12.9, inclusive, of this act.

Sec. 9. *“Social equity applicant” means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by provisions of previous laws which criminalized activity relating to*

cannabis, as determined by the Board in accordance with the regulations adopted pursuant to section 11 of this act. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.

Sec. 10. 1. The Board shall not issue an adult-use cannabis establishment license for a retail cannabis consumption lounge pursuant to NRS 678B.250 unless:

(a) The applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store; ~~and~~

(b) The adult-use cannabis retail store for which the applicant holds an adult-use cannabis establishment license is operational; and

(c) The location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store for which the applicant holds an adult-use cannabis establishment license.

2. The location of a proposed retail cannabis consumption lounge:

(a) Except as otherwise provided in paragraph (b), is not subject to the restrictions set forth in sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 678B.250 so long as the adult-use cannabis retail store to which the proposed retail cannabis consumption lounge is to be attached or immediately adjacent was in compliance with such requirements at the time it was issued an adult-use cannabis establishment license; and

(b) Must not be on the property of an airport.

Sec. 11. 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant for the purposes of this chapter.

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis consumption lounge which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 12. 1. The Board shall adopt regulations establishing criteria of merit and scoring guidelines to be used by the Board in evaluating applications for the issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250.

2. In determining whether to issue an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge pursuant to NRS 678B.250, the Board shall, in addition to the factors set forth in that section, consider the criteria of merit and scoring guidelines established pursuant to subsection 1.

3. The scoring guidelines established pursuant to subsection 1 must establish a minimum required score for the issuance of an adult-use

cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.

4. The criteria of merit established pursuant to subsection 1 must include, without limitation:

(a) For a proposed independent cannabis consumption lounge:

(1) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners or officers of the proposed independent cannabis consumption lounge; and

(2) Whether the applicant qualifies as a social equity applicant; and

(b) Any other criteria of merit that the Board determines to be relevant.

Sec. 12.3. The Board shall not issue to any one person ~~or group of persons or entity~~ both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge.

Sec. 12.4. 1. Except as otherwise provided in subsection 2, the Board shall not issue more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge.

2. If, on or before June 30, 2022, the Board issues 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge, the Board may thereafter issue adult-use cannabis establishment licenses for independent cannabis consumption lounges in amounts that exceed the limit set forth in subsection 1, so long as the total number of such licenses issued by the Board does not, at any time, exceed the total number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board.

3. At least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board must be issued to social equity applicants.

Sec. 12.5. 1. The Board shall, for each local governmental jurisdiction that limits the number of business licenses which may be issued to cannabis consumption lounges, determine the number of licenses allocated to the jurisdiction for retail cannabis consumption lounges and independent cannabis consumption lounges.

2. Not more than 50 percent of the licenses allocated by the Board pursuant to subsection 1 may be issued to retail cannabis consumption lounges.

3. Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to independent cannabis consumption lounges. At least 50 percent of the licenses issued to independent cannabis consumption lounges must be issued to social equity applicants. If there are an insufficient number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.

4. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.

5. As used in this section, “local governmental jurisdiction” means a city or unincorporated area within a county.

Sec. 12.7. 1. Except as otherwise provided in subsection 2, the Board shall not issue:

(a) More than one adult-use cannabis establishment license for an independent cannabis consumption lounge to any one person ; ~~group of persons or entity~~;

(b) More than one adult-use cannabis establishment license for a retail cannabis consumption lounge to any one person ; ~~group of persons or entity~~; or

(c) Both an adult-use cannabis establishment license for a retail cannabis consumption lounge and an adult-use cannabis establishment license for an independent cannabis consumption lounge to any one person . ~~group of persons or entity~~;

2. The Board may approve a transfer of an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge to a person ~~group of persons or entity~~ that acquires a 100 percent ownership interest in a cannabis consumption lounge in a county in which the person ~~group of persons or entity~~ holds another such license, if the transfer:

(a) Complies with all requirements for the transfer of a license established by the Board pursuant to NRS 678B.380; and

(b) Will not result in the person ~~group of persons or entity~~ holding more than two adult-use cannabis establishment licenses for a retail cannabis consumption lounge, adult-use cannabis establishment licenses for an independent cannabis lounge or any combination of the two.

Sec. 12.9. The Board may adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place.

Sec. 13. NRS 678B.020 is hereby amended to read as follows:

678B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678B.030 to 678B.070, inclusive, **and section 9 of this act** have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be *on the property of an airport*, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 14. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270 and 678B.280, **and sections 10 and 12 to 12.7, inclusive, of this act**, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

- (1) The application fee, as set forth in NRS 678B.390;
- (2) An application, which must include:

- (I) The legal name of the proposed adult-use cannabis establishment;
- (II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be ***on the property of an airport***, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177

and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked; or

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of

a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

- (a) Submission of the information required by the Board by regulation; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit *and scoring guidelines* set forth in NRS 678B.280 ~~or section 12 of this act, as applicable.~~

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 15. NRS 678B.270 is hereby amended to read as follows:

678B.270 ~~1.~~ Except as otherwise provided in ~~subsection 2,~~ *this section*, to prevent monopolistic practices, the Board shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

- ~~1-~~ (a) One adult-use cannabis establishment license; or
- ~~2-~~ (b) More than 10 percent of the adult-use cannabis establishment licenses otherwise allocable in the county.

2. The provisions of this section do not apply to an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge.

Sec. 16. NRS 678B.280 is hereby amended to read as follows:

678B.280 1. In determining whether to issue an adult-use cannabis establishment license pursuant to NRS 678B.250, *other than an adult-use*

cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge, the Board shall, in addition to the factors set forth in that section, consider criteria of merit established by regulation of the Board. Such criteria must include, without limitation:

(a) Whether the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(b) Whether the owners, officers or board members of the proposed adult-use cannabis establishment have direct experience with the operation of a cannabis establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success;

(c) The educational and life experience of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment;

(d) Whether the applicant has an integrated plan for the care, quality and safekeeping of cannabis from seed to sale;

(e) The experience of key personnel that the applicant intends to employ in operating the type of adult-use cannabis establishment for which the applicant seeks a license;

(f) The diversity on the basis of race, ethnicity or gender of the applicant or the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment, including, without limitation, the inclusion of persons of backgrounds which are disproportionately underrepresented as owners, officers or board members of adult-use cannabis establishments; and

(g) Any other criteria of merit that the Board determines to be relevant.

2. The Board shall adopt regulations for determining the relative weight of each criteria of merit established by the Board pursuant to subsection 1.

Sec. 16.5. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A medical cannabis establishment license.

(d) An adult-use cannabis establishment license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter.

3. The regulations adopted pursuant to subsection 2 must:

(a) *Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license*

until at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge and who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; and

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future.

Sec. 17. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection ~~{2,}~~ 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store	6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility	3,300

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory.....	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory.....	5,000
<i>For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge.....</i>	<i>10,000</i>
<i>For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge.....</i>	<i>10,000</i>
<i>For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge.....</i>	<i>10,000</i>
<i>For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge.....</i>	<i>10,000</i>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor.....	5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card	150
For each person identified in an application for the renewal of a cannabis establishment agent registration card.....	150

2. ~~He~~ *The Board may by regulation establish reduced fees for:*

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(b) The application fee set forth in subsection 3, for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. *Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:*

(a) ~~For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a~~ one-time, nonrefundable application fee of \$5,000; ~~and~~

(b) *For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;*

(c) *For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and*

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

~~{3-}~~ 4. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 17.5. ~~NRS 678B.500 is hereby amended to read as follows:~~

~~678B.500 1. Each cannabis establishment must comply with all local ordinances and rules pertaining to zoning, land use and signage.~~

~~2. A cannabis establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the cannabis establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.~~

~~3. A local government shall not adopt or enforce any ordinance or rule pertaining to zoning or land use which imposes restrictions on retail cannabis consumption lounges, unless such restrictions also apply to adult-use cannabis retail stores. (Deleted by amendment.)~~

Sec. 18. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

(a) For the oversight of the cannabis establishment; and

(b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment:

(a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

(b) That is not a cannabis sales facility must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

↪ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment *that is not a cannabis consumption lounge* shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, “vending machine” has the meaning ascribed to it in NRS 209.229.

Sec. 19. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis or medical cannabis with the words “THIS IS A MEDICAL CANNABIS PRODUCT” or “THIS IS A CANNABIS PRODUCT,” as applicable, in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each cannabis product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words “Keep out of reach of children”;

(2) A list of all ingredients used in the cannabis product;

(3) A list of all allergens in the cannabis product; and

(4) The total content of THC measured in milligrams.

(c) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Include a written notification with each sale of cannabis or cannabis products which advises the purchaser:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility, ~~for~~ cannabis sales facility *or cannabis consumption lounge* which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, ~~for~~ cannabis sales facility *or cannabis consumption lounge* shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

- (1) Is false or misleading;
- (2) Promotes overconsumption of cannabis or cannabis products;
- (3) Depicts the actual consumption of cannabis or cannabis products; or
- (4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

- (1) “Keep out of reach of children”; and
- (2) “For use only by adults 21 years of age and older.”

12. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

13. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

14. *To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.*

15. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

~~15.1~~ 16. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

Sec. 20. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;
(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable; ~~and~~

9. **Prescribe the manner in which the Board will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to sections 12.3 and 12.7 of this act;**

10. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:

(a) Standards for the air quality in a cannabis consumption lounge;

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and

(c) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; and

~~10.7~~ **11.** Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 20.5. NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) ~~Any~~ **Except as otherwise provided by regulations adopted by the Board pursuant to section 12.9 of this act, any** public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

4. As used in this section, “school property” means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 21. Chapter 678D of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 28, inclusive, of this act.

Sec. 22. 1. *A cannabis consumption lounge shall:*

(a) *Install a ventilation and exhaust system which is capable of sufficiently expelling odors generated in the cannabis consumption lounge, reducing volatile organic compounds and maintaining the standards for air quality in the cannabis consumption lounge as set forth by regulation of the Board;*

(b) *Train each employee of the cannabis consumption lounge concerning paraphernalia, single-use cannabis products and ready-to-consume cannabis products, including, without limitation, the proper use of paraphernalia, the potency, absorption time and effects of single-use cannabis and products and ready-to-consume cannabis products, the recognition of impairment from and overconsumption of cannabis and the safe handling of a customer who is impaired;*

(c) *Submit a security plan to the Board which, without limitation, provides for adequate security and lighting at the cannabis consumption lounge and for each entrance and exit of the cannabis consumption lounge to be adequately secured, and submit to the Board such updates to the plan as the Board may require;*

(d) *Submit a plan to the Board setting forth protocols and procedures to deter customers from driving under the influence of cannabis, and submit to the Board such updates to the plan as the Board may require;*

(e) *Submit a plan to the Board setting forth protocols and procedures to ensure that cannabis and cannabis products are not sold or otherwise distributed in the cannabis consumption lounge other than as authorized in this chapter, and submit to the Board such updates to the plan as the Board may require;*

(f) *Dispose of cannabis or cannabis products which are left at the cannabis consumption lounge in accordance with the procedures for disposal set forth by the regulations of the Board;*

(g) *Comply with all local ordinances and rules; and*

(h) *Comply with any requirements set forth by regulation of the Board.*

2. *As used in this section, “volatile organic compound” has the meaning ascribed to it in 40 C.F.R. § 51.100(s).*

Sec. 23. *A cannabis consumption lounge may:*

1. *Sell food and beverages to customers of the cannabis consumption lounge;*

2. *Sell any other item which does not contain cannabis or cannabis products and is not intended for use with cannabis or cannabis products to customers of the cannabis consumption lounge; and*

3. *Provide live entertainment at the cannabis consumption lounge.*

Sec. 24. *A cannabis consumption lounge shall not allow:*

1. *The consumption of cannabis or cannabis products at any place which is within view of a public place;*

2. *The entry of any person who is less than 21 years of age to the cannabis consumption lounge;*

3. *The consumption of any cannabis or cannabis product in the cannabis consumption lounge that is not a single-use cannabis product or ready-to-consume cannabis product; or*

4. *A single-use cannabis product or ready-to-consume cannabis product that was purchased at the cannabis consumption lounge to be removed from the premises of the cannabis consumption lounge.*

Sec. 25. 1. *A retail cannabis consumption lounge may:*

(a) *Obtain from the adult-use cannabis retail store to which the retail cannabis consumption lounge is attached or immediately adjacent:*

(1) *Single-use cannabis products for the purposes of resale; and*

(2) *Cannabis or cannabis products for the purposes of producing ready-to-consume cannabis products;*

(b) *Sell single-use cannabis products obtained pursuant to paragraph (a) to customers of the retail cannabis consumption lounge; and*

(c) *Prepare ready-to-consume cannabis products using cannabis obtained pursuant to paragraph (a) and sell such products to customers of the cannabis consumption lounge.*

2. *A retail cannabis consumption lounge shall ensure that only single-use cannabis products or ready-to-consume cannabis products that were purchased from the retail cannabis consumption lounge are consumed in the lounge.*

Sec. 26. (Deleted by amendment.)

Sec. 27. 1. *An independent cannabis consumption lounge shall enter into a contract with one or more adult-use cannabis retail stores to sell to the independent cannabis consumption lounge:*

(a) *Single-use cannabis products for the purpose of resale; and*

(b) *Cannabis and products for the purpose of preparing ready-to-consume cannabis products.*

2. *An independent cannabis consumption lounge which has entered into a contract pursuant to subsection 1 may:*

(a) *Sell single-use cannabis products obtained pursuant to subsection 1 to customers of the independent cannabis consumption lounge; and*

(b) *Prepare ready-to-consume cannabis products using cannabis and cannabis products obtained pursuant to subsection 1 and sell such products to customers of the independent cannabis consumption lounge.*

3. *An independent cannabis consumption lounge shall ensure that only single-use cannabis products or ready-to-consume cannabis products that were purchased from the independent cannabis consumption lounge are consumed in the lounge.*

4. *The Board may require an independent cannabis consumption lounge to submit a contract entered into pursuant to subsection 1 to the Board for review.*

Sec. 28. *The Board shall adopt regulations governing the sale and consumption of single-use cannabis products and ready-to-consume cannabis products at a cannabis consumption lounge. Such regulations must, without limitation:*

1. Prescribe a list of a single-use cannabis products comprising each type of cannabis and adult-use cannabis product that the Board has determined to be appropriate for consumption at a cannabis consumption lounge;

2. Establish standards for the content, quality and potency of ready-to-consume cannabis products, including, without limitation, the maximum THC concentration for such products;

3. Prescribe procedures and protocols for the preparation and safe handling of ready-to-consume cannabis products to ensure that each such prepared product meets the standards established pursuant to subsection 1;

4. Establish requirements relating to the sale of ready-to-consume cannabis products, including, without limitation, requirements relating to notifications that must be provided to a purchaser of such a product at the time of sale; and

5. Set forth any other requirements concerning the preparation of ready-to-consume cannabis products and sale of single-use cannabis products and ready-to-consume cannabis products that the Board determines are necessary.

Sec. 28.5. **NRS 678D.300 is hereby amended to read as follows:**

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) ~~Any~~ **Except as otherwise provided by regulations adopted by the Board pursuant to section 12.9 of this act, any** public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. As used in this section, “school property” means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 29. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, any person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator’s lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than \$600.

(b) For a second violation, a misdemeanor punished by a fine of not more than \$1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. ~~{A}~~ **Except as otherwise provided in subsection 9 ~~for~~ or by regulations adopted by the Board pursuant to section 12.9 of this act,** a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor.

5. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than \$500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

6. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis

establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

7. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

8. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

9. *A person may smoke or otherwise consume cannabis or a cannabis product in a cannabis consumption lounge.*

Sec. 30. NRS 678D.420 is hereby amended to read as follows:

678D.420 1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.

2. An adult-use cannabis product must be sold in a single package. A single package must not contain:

(a) More than 1 ounce of usable cannabis or one-eighth of an ounce of concentrated cannabis.

(b) For an adult-use cannabis product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(c) For an adult-use cannabis product sold as a tincture, more than 800 milligrams of THC.

(d) For an adult-use edible cannabis product, more than 100 milligrams of THC.

(e) For an adult-use cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(f) For an adult-use cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(g) For any other adult-use cannabis product, more than 800 milligrams of THC.

3. *To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to section 28 of this act, the requirements of this section do not apply to a ready-to-consume cannabis product prepared and sold by a cannabis consumption lounge.*

Sec. 30.3. NRS 678D.510 is hereby amended to read as follows:

678D.510 1. The provisions of this chapter do not prohibit:

(a) A public or private employer from maintaining, enacting and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under this chapter;

(b) A state or local governmental agency that occupies, owns or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery or transfer of cannabis in that building;

(c) A person who occupies, owns or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery or transfer of cannabis on that property; or

(d) ~~Except as otherwise provided in section 17.5 of this act, a~~ local government from adopting and enforcing local cannabis control measures pertaining to zoning and land use for adult-use cannabis establishments ~~that~~ **including, without limitation, a measure which prohibits the operation of adult-use cannabis establishments.**

2. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678C of NRS relating to the medical use of cannabis.

Sec. 30.5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who serves, sells or otherwise furnishes cannabis or a cannabis product to another person who is 21 years of age or older is not liable in a civil action for any damages caused by the person to whom the cannabis or cannabis product was served, sold or furnished as a result of the consumption of the cannabis or cannabis product.

2. Except as otherwise provided in this section, a person who:

(a) Knowingly serves, sells or otherwise furnishes cannabis or a cannabis product to an underage person; or

(b) Knowingly allows an underage person to consume cannabis or a cannabis product on premises or in a conveyance belonging to the person or over which the person has control,

↪ is liable in a civil action for any damages caused by the underage person as a result of the consumption of the cannabis or cannabis product.

3. The liability created pursuant to subsection 2 does not apply to a person who is licensed to serve, sell or furnish cannabis or cannabis products or to a person who is an employee or agent of such a person for any act or failure to act that occurs during the course of business or employment and any such act or failure to act may not be used to establish proximate cause in a civil action and does not constitute negligence per se.

4. A person who prevails in an action brought pursuant to subsection 2 may recover the person's actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

5. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) "Underage person" means a person who is less than 21 years of age.

Sec. 30.6. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253 and 244.3535, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the

Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. ~~1A~~ **Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, a** board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~1A~~ **, other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.**

Sec. 30.7. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsections 4 and 9 and NRS 268.0951, 268.0977 and 268.0979, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as “pledged revenues” for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax

was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and
- (4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. ~~11. The~~ **Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, the** city council or other governing body of an incorporated city shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~11~~ **, other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.**

10. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this

section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 30.9. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsections 5, 6 and 7 and NRS 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards, manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business

upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in NRS 678A.095.

7. ~~The~~ **Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, the** town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business ~~+~~, ***other than a cannabis consumption lounge, as defined in section 2 of this act, in accordance with the provisions of chapter 678B of NRS.***

Sec. 31. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

“Cannabis consumption lounge” has the meaning ascribed to it in section 2 of this act.

Sec. 32. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and section 31 of this act***, unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, ***and section 31 of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 372A.250 is hereby amended to read as follows:

372A.250 “Taxpayer” means a:

1. Cannabis cultivation facility; ~~for~~
2. Adult-use cannabis retail store ~~+~~; ***or***
3. ***Cannabis consumption lounge.***

Sec. 34. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at

wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store *or cannabis consumption lounge* at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the ~~adult-use cannabis retail store~~ ***seller of the cannabis or cannabis product***;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of \$5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) “Adult-use cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.025.

~~(b) “Adult use cannabis retail store” has the meaning ascribed to it in NRS 678A.065.~~

~~(c)~~ “Cannabis product” has the meaning ascribed to it in NRS 678A.120.

~~(d)~~ (c) “Local government” has the meaning ascribed to it in NRS 360.640.

~~(e)~~ (d) “Medical cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.170.

~~(f)~~ (e) “Medical cannabis establishment” has the meaning ascribed to it in NRS 678A.180.

Sec. 35. NRS 387.1212 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) The money identified in paragraph (b) of subsection ~~3~~ 4 of NRS 678B.390;

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

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

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

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

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

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

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

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

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

Sec. 36. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not

more than 6 years, and may be further punished by a fine of not more than \$10,000.

3. This section does not apply to ~~any~~ :

(a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) Any cannabis consumption lounge, as defined in section 2 of this act, whose activities are confined to those authorized in title 56 of NRS.

(c) Any person who opens or maintains any public place in which a person is authorized to consume cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, pursuant to regulations adopted by the Cannabis Compliance Board pursuant to section 12.9 of this act, and whose activities are confined to those authorized by such regulations.

Sec. 36.1. Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896, is hereby amended to read as follows:

Sec. 246. 1. This section and sections 199.3, 216.3 and 239.5 of this act become effective upon passage and approval.

2. Sections 197.5 and 198.5 of this act become effective upon passage and approval. ~~and expire by limitation on June 30, 2021.~~

3. Section 216.7 of this act becomes effective on November 23, 2019.

4. Sections 1 to 197, inclusive, 198, 199, 199.5, 201 to 216, inclusive, 217 to 239, inclusive, and 240 to 245, inclusive, of this act become effective:

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

(b) On July 1, 2020, for all other purposes.

5. ~~Section 199.7 of this act becomes effective on July 1, 2021.~~

~~6.~~ Sections 108 and 109 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

are repealed by the Congress of the United States.

Sec. 36.3. 1. ~~Any~~ **The Cannabis Compliance Board shall provide to each** person who, on ~~October 1, 2021,~~ **July 1, 2021,** holds an adult-use cannabis establishment license for an adult-use cannabis retail store ~~may, on or after October 1, 2021, submit to the Cannabis Compliance Board an application for the issuance of,~~ **a written notification informing the person that the person may be eligible to hold** an adult-use cannabis establishment license for a retail

cannabis consumption lounge ~~in accordance with NRS 678B.250, as amended by section 14 of this act.~~

2. The ~~Cannabis Compliance Board shall not issue an~~ **notification required to be provided pursuant to subsection 1 must include, without limitation:**

(a) A statement indicating that the person may be limited to holding one adult-use cannabis establishment license for a retail cannabis consumption lounge ~~to a person who submits an application pursuant to subsection 1, unless the Board has determined that the person has satisfied all applicable~~ **pursuant to section 12.7 of this act; and**

(b) A description of the procedures and requirements for the issuance of ~~such a~~ **an adult-use cannabis establishment** license ~~for a retail cannabis consumption lounge,~~ as set forth in chapter 678B of NRS, as amended by this act, and the regulations adopted pursuant thereto.

Sec. 36.5. 1. On or before January 1, 2023, the Cannabis Compliance Board shall prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature, a report regarding the effect of violations of NRS 598A.060 on independent cannabis consumption lounges. The report must include any recommendations for legislation that the Cannabis Compliance Board determines is necessary to ensure that such violations do not inhibit the growth of independent cannabis consumption lounges in this State.

2. As used in this section, “independent cannabis consumption lounge” has the meaning ascribed to it in section 3 of this act.

Sec. 36.7. Section 199.7 of chapter 595, Statutes of Nevada 2019, at page 3863 is hereby repealed.

Sec. 36.9. 1. This section and sections 36.1, **36.3** and 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 36, inclusive, ~~36.3~~ and 36.5 of this act become effective on October 1, 2021.

TEXT OF REPEALED SECTION

Section 199.7 of chapter 595, Statutes of Nevada 2019:

Sec. 199.7. NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsections 5 ~~and 6~~ **and 7** and NRS 269.183, 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

(a) Fix and collect a license tax on, and regulate, having due regard to the amount of business done by each person so licensed, and all places of business and amusement so licensed, as follows:

(1) Artisans, artists, assayers, auctioneers, bakers, banks and bankers, barbers, boilermakers, cellars and places where soft drinks are kept or sold, clothes cleaners, foundries, laundries, lumberyards,

manufacturers of soap, soda, borax or glue, markets, newspaper publishers, pawnbrokers, funeral directors and wood and coal dealers.

(2) Bootmakers, cobblers, dressmakers, milliners, shoemakers and tailors.

(3) Boardinghouses, hotels, lodging houses, restaurants and refreshment saloons.

(4) Barrooms, gaming, manufacturers of liquors and other beverages, and saloons.

(5) Billiard tables, bowling alleys, caravans, circuses, concerts and other exhibitions, dance houses, melodeons, menageries, shooting galleries, skating rinks and theaters.

(6) Corrals, hay yards, livery and sale stables and wagon yards.

(7) Electric light companies, illuminating gas companies, power companies, telegraph companies, telephone companies and water companies.

(8) Carts, drays, express companies, freight companies, job wagons, omnibuses and stages.

(9) Brokers, commission merchants, factors, general agents, mercantile agents, merchants, traders and stockbrokers.

(10) Drummers, hawkers, peddlers and solicitors.

(11) Insurance analysts, adjusters and managing general agents and producers of insurance within the limitations and under the conditions prescribed in NRS 680B.020.

(b) Fix and collect a license tax upon all professions, trades or business within the town not specified in paragraph (a).

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

3. Any license tax levied for the purposes of NRS 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the same manner as liens for ad valorem taxes on real and personal property. The town board or other governing body of the unincorporated town may delegate the power to enforce such liens to the county fair and recreation board.

4. The governing body or the county fair and recreation board may agree with the Department of Taxation for the continuing exchange of information concerning taxpayers.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the

person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

6. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax pursuant to this section for a cannabis establishment, as defined in section 22 of this act.

~~7. The town board or board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in section 18 of this act, or cannabis products, as defined in section 27 of this act, to be consumed on the premises of the business.~~

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 834 to Assembly Bill No. 341.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 863.

If this amendment is adopted, the Legislative Counsel’s Digest will be changed as follows:

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of persons and establishments in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Under existing law, a cannabis establishment is prohibited from allowing a person to consume cannabis on the property or premises of the establishment. (NRS 678B.510) Existing law also makes it a misdemeanor to consume cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle. (NRS 678D.310) This bill provides for the licensure and regulation by the Board of certain businesses at which the consumption of certain cannabis and cannabis products is allowed. **Section 2** of this bill designates such businesses generally as “cannabis consumption lounges.”

Sections 3 and 5 of this bill designate two types of cannabis consumption lounges. **Section 5** of this bill defines “retail cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is attached or immediately adjacent to an adult-use cannabis retail store. **Section 3** of this bill defines “independent cannabis consumption lounge” to mean a business at which the consumption of single-use or ready-to-consume cannabis products is allowed and which is not attached or immediately adjacent to an adult-use cannabis retail store.

Section 5.5 of this bill defines “single-use cannabis product” to generally mean a type of cannabis or adult-use cannabis product that the Board has determined to be appropriate for consumption in a cannabis consumption lounge. **Section 4** of this bill defines “ready-to-consume cannabis product” to mean an adult-use edible cannabis product that is presented as a foodstuff or beverage and is intended for immediate consumption. **Section 28** of this bill requires the Board to adopt regulations designating types of cannabis and cannabis products as single-use cannabis products and establishing requirements for the preparation and sale of ready-to-consume cannabis products. **Sections 19 and 30** of this bill provide that certain requirements for cannabis products established under existing law do not apply to ready-to-consume cannabis products to the extent that such requirements are inconsistent with the regulations adopted by the Board.

Existing law prohibits a person from engaging in the business of an adult-use cannabis establishment unless the person has been issued an adult-use cannabis establishment license by the Board. Existing law sets forth certain requirements to obtain such a license. (NRS 678B.250) **Section 7** of this bill includes a retail cannabis consumption lounge and an independent cannabis consumption lounge within the definition of “adult-use cannabis establishment” provided under existing law, thereby requiring persons who wish to operate such establishments to obtain an adult-use cannabis establishment license in the manner provided in existing law. (NRS 678A.035)

Sections 13.5 and 14 of this a bill prohibit a cannabis establishment, including a cannabis consumption lounge, from being located on the property of an airport.

Section 10 of this bill prohibits the Board from issuing an adult-use cannabis establishment license for a retail cannabis consumption lounge unless: (1) the applicant holds an adult-use cannabis establishment license for an adult-use cannabis retail store which is operational; and (2) the location of the proposed retail cannabis consumption lounge is attached or immediately adjacent to the adult-use cannabis retail store. **Sections 10 and 14** of this bill exempt a proposed retail cannabis consumption lounge from certain restrictions relating to the location of an adult-use cannabis establishment.

Section 11 of this bill requires the Board to adopt regulations establishing criteria to determine whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant, which is defined by **section 9** of this bill generally as an applicant that has been adversely affected by previous laws that criminalized activity relating to cannabis. **Section 12** of this bill requires the Board to adopt regulations establishing criteria of merit and scoring guidelines to be used in evaluating applications for an adult-use cannabis establishment license for a retail cannabis consumption lounge or an independent cannabis consumption lounge. **Section 17** of this bill establishes fees for the issuance and renewal of such licenses. **Section 17** authorizes the Board to reduce certain fees associated with an adult-use cannabis

establishment license for an independent cannabis consumption lounge for social equity applicants. **Section 16** of this bill makes a conforming change to reflect the addition of the requirements of **section 12**.

Section 12.4 of this bill prohibits the Board, with certain exceptions, from issuing more than 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge. However, if on or before June 30, 2022, the Board issues 20 such licenses, **section 12.4** authorizes the Board to issue additional licenses, so long as the total number of adult-use cannabis establishment licenses for an independent cannabis consumption lounge does not, at any time, exceed the number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board. **Section 12.4** also requires that at least 10 of the first 20 adult-use cannabis establishment licenses for an independent cannabis consumption lounge issued by the Board be issued to social equity applicants. **Section 12.5** of this bill sets forth certain requirements for the issuance of adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in a local governmental jurisdiction that limits the number of business licenses issued to cannabis consumption lounges, which include, among other requirements, that a certain number of adult-use cannabis establishment licenses for independent cannabis consumption lounges be issued to social equity applicants.

Existing law prohibits the Board from issuing more than a certain number of adult-use cannabis establishment licenses to any one person, group of persons or entity in certain counties. (NRS 678B.270) **Section 15** of this bill provides that this prohibition does not apply to adult-use cannabis establishment licenses for retail cannabis consumption lounges or independent cannabis consumption lounges. Instead, **section 12.7** of this bill generally prohibits the Board from issuing more than one such license to any one person. **Section 12.7** provides an exception to this prohibition for certain transfers of such licenses. **Section 12.3** of this bill prohibits the Board from issuing to any one person both an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for an independent cannabis consumption lounge. **Section 20** of this bill requires the Board to adopt regulations prescribing the manner in which it will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to **sections 12.3 and 12.7**.

Existing law requires the Board to adopt regulations regarding the transfer of licenses issued by the Board. (NRS 678B.380) **Section 16.5** of this bill requires those regulations to impose certain requirements and restrictions on the transfer an adult-use cannabis establishment license for an independent cannabis consumption lounge.

Sections 22 and 24 of this bill set forth certain requirements and restrictions relating to the operation of a cannabis consumption lounge. **Section 24** prohibits, among other things, the consumption of any cannabis or cannabis product at a cannabis consumption lounge that is not a single-use cannabis

product or ready-to-consume cannabis product. **Section 23** of this bill authorizes a cannabis consumption lounge to engage in certain activities. **Section 20** requires the Board to adopt certain regulations concerning the operation of cannabis consumption lounges.

Section 25 of this bill authorizes a retail cannabis consumption lounge to obtain single-use cannabis products from the adult-use cannabis retail store to which the lounge is attached or adjacent and sell such products to customers of the lounge. **Section 25** also authorizes a retail cannabis consumption lounge to prepare and sell ready-to-consume cannabis products.

Section 27 of this bill requires an independent cannabis consumption lounge to enter into a contract with one or more adult-use cannabis retail stores to obtain single-use cannabis products for resale and cannabis or cannabis products for use in the preparation of ready-to-consume cannabis products. **Section 27** authorizes an independent cannabis consumption lounge that has entered into such a contract to: (1) sell single-use cannabis products to customers of the lounge; and (2) prepare and sell ready-to-consume cannabis products to customers of the lounge.

Existing law prohibits a board of county commissioners, the governing body of an incorporated city or a town board from licensing or otherwise allowing a person to operate a business that allows cannabis or cannabis products to be consumed on the premises of the business. (NRS 244.335, 268.095, 269.170) Existing law eliminates this prohibition effective July 1, 2021. (Section 246 of chapter 595, Statutes of Nevada 2019, at page 3896) **Sections 36.7 and 36.9** of this bill remove the prospective elimination of this prohibition. Instead, **sections 30.6-30.9** of this bill prohibit, with certain exceptions, such a local government from licensing or otherwise allowing the operation of a business that allows cannabis or cannabis products to be consumed on the premises of the business, other than a cannabis consumption lounge, in accordance with the provisions of this bill.

Section 30.5 of this bill establishes provisions relating to the civil liability of a person who serves, sells or furnishes cannabis or a cannabis product to another person for damages caused as a result of the consumption of the cannabis or cannabis product, which are based on similar provisions of existing law concerning alcoholic beverages. (NRS 41.1305)

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store. (NRS 372A.290) **Section 34** of this bill applies this excise tax to retail sales of cannabis and cannabis products by a cannabis consumption lounge. **Sections 31 and 33** of this bill make conforming changes to reflect the imposition of the excise tax on such sales.

Section 18 of this bill revises provisions of existing law prohibiting the consumption of cannabis and cannabis products in a cannabis establishment for the purpose of authorizing a person to engage in such activities in a cannabis consumption lounge. (NRS 678B.510)

Existing law prohibits, in general, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) **Section 12.9** of this bill authorizes the Board to adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place. **Sections 20.5, 28.5 and 29** of this bill revise provisions of existing law prohibiting a person from consuming cannabis or cannabis products in a public place for the purpose of authorizing a person to engage in such activities in a public place in accordance with the regulations adopted by the Board pursuant to **section 12.9**. **However, section 12.9 also provides that the provisions of section 12.9 do not prohibit a local government from adopting and enforcing an ordinance or rule governing the consumption of cannabis or cannabis products in a public place which is more restrictive than the regulations adopted by the Board.**

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) **Section 36** of this bill exempts from the application of this provision: (1) a cannabis consumption lounge whose activities are confined to those authorized under the provisions of this bill; and (2) any person who opens or maintains a public place at which a person is authorized to consume cannabis or cannabis products pursuant to regulations adopted by the Board pursuant to **section 12.9** and whose activities are confined to those authorized by such regulations.

Section 36.3 of this bill requires the Board to provide each person who, on July 1, 2021, holds an adult-use cannabis establishment license for an adult-use cannabis retail store a written notification informing the person that the person may be eligible to hold an adult-use cannabis establishment license for a retail cannabis consumption lounge.

Section 36.5 of this bill requires the Board, on or before January 1, 2023, to submit to the Legislature a report containing certain information regarding the effect of certain violations of the Nevada Unfair Trade Practice Act on independent cannabis consumption lounges.

Sections 2-5.5 and 9 of this bill define words and terms applicable to the provisions of this bill. **Sections 6 and 32** of this bill make conforming changes to properly place new language in the Nevada Revised Statutes. **Section 35** of this bill makes a conforming change to reflect the addition of the provisions of **section 17**.

NEW section 12.9 of Assembly Bill No. 341 Third Reprint is hereby added as follows:

Sec. 12.9. 1. The Board may adopt regulations setting forth circumstances under which a person is authorized to consume cannabis or cannabis products in a public place.

2. Nothing in this section shall be construed as prohibiting a local government from adopting and enforcing an ordinance or rule governing the consumption of cannabis or cannabis products in a public place in the

jurisdiction of the local government which is more restrictive than the regulations adopted by the Board pursuant to subsection 1.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 863 to Assembly Bill No. 341.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 393.

The following Senate amendment was read:

Amendment No. 775.

AN ACT relating to criminal justice; requiring the Executive Director of the Department of Sentencing Policy to assist the Nevada Sentencing Commission in carrying out certain duties; revising provisions relating to certain reports prepared by the Commission; authorizing the Commission to adopt qualifications for members of the Nevada Local Justice Reinvestment Coordinating Council; revising provisions concerning reports of presentence investigations; revising provisions relating to parolees and probationers; removing and replacing certain obsolete terminology; revising provisions concerning the embezzlement of a vehicle and certain marijuana-related offenses; **authorizing the Attorney General to investigate and prosecute any criminal offense committed by a city officer or employee in certain circumstances;** repealing provisions relating to inquiries to determine probable cause when a probationer is in custody for a violation of a condition of probation; repealing provisions requiring the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety to adopt standards to assist in formulating a recommendation concerning the granting of probation or the revocation of parole or probation; providing penalties; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Sentencing Commission (hereinafter "Commission") to develop a formula to calculate the amount of costs avoided by the State each fiscal year as a result of the enactment of Assembly Bill No. 236 of the 2019 Legislative Session, which made various changes to criminal law and criminal procedure. Existing law requires the Commission to: (1) use the formula each fiscal year to calculate the costs avoided by the State during the immediately preceding fiscal year; and (2) prepare a biennial report containing the projected amount of costs avoided for the next biennium and recommendations for the reinvestment of the amount of those costs. (NRS 176.01347) **Section 1** of this bill requires the Executive Director of the Department of Sentencing Policy to assist the Commission in carrying out such requirements relating to the use of the formula and the preparation of a biennial report. **Section 5** of this bill makes a conforming change to require the

Commission to carry out such duties with the assistance of the Department of Sentencing Policy (hereinafter “Department”).

Existing law imposes various duties on the Commission, including a requirement that the Commission, with the assistance of the Department, prepare a biennial report that includes the Commission’s recommended changes pertaining to sentencing, its findings and any recommendations for proposed legislation and submit the report to the Governor and the Legislature. (NRS 176.0134) Existing law also requires the Commission to prepare and submit a biennial report to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court that includes recommendations for improvements, changes and budgetary adjustments. The Commission is also authorized to include in the report additional recommendations for future legislation and policy options to enhance public safety and control corrections costs. (NRS 176.01343) **Section 2** of this bill combines such requirements so the Commission is required to prepare one biennial report that is submitted to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court. **Section 2** establishes the information to be included in such a report, and **section 4** of this bill makes a conforming change to remove the language referencing the additional report.

Existing law establishes the Nevada Local Justice Reinvestment Coordinating Council (hereinafter “Council”), consisting of members appointed by the governing bodies of counties. (NRS 176.014) **Section 6** of this bill authorizes the Commission to adopt any qualifications that a person must meet before being appointed as a member of the Council and requires each member of the Council to meet any such qualifications.

Existing law provides that a defendant convicted of a sexual offense and sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision if, among other criteria, the offender has been determined to be not likely to pose a threat to the safety of others. (NRS 176.0931) Existing law requires such a determination to be made by a person professionally qualified to conduct psychosexual evaluations who meets certain statutory requirements, including being licensed in this State. (NRS 176.0931, 176.133) **Section 6.5** of this bill allows such a determination to be made by any licensed, clinical professional who has received training in the treatment of sexual offenders.

Existing law requires that reports of presentence investigations include certain specific information and any other information the court requires. (NRS 176.145) **Section 7** of this bill removes the provision concerning other information the court requires to provide uniformity in the information contained in reports of presentence investigations.

Existing law requires the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety (hereinafter “Chief”) to adopt standards to assist in formulating a recommendation concerning the granting of probation to an eligible convicted person or the revocation of parole or probation of a convicted person. (NRS 213.10988)

Existing law also requires a court to consider such standards and the recommendation of the Chief in determining whether to grant probation to an eligible convicted person. (NRS 176A.100) **Section 35** of this bill repeals the provision requiring the Chief to adopt such standards, and **sections 9 and 15** of this bill accordingly remove the requirement that a court consider such standards when determining whether to grant probation to an eligible convicted person.

Existing law requires an inquiry to determine probable cause to be conducted before a probationer who is in custody for a violation of a condition of probation is returned to court for the violation and establishes provisions relating to such an inquiry. (NRS 176A.580-176A.610) Existing law authorizes the Chief to order such a probationer to be placed in residential confinement instead of detention in a county jail pending such an inquiry. (NRS 176A.530) **Section 35** repeals such provisions, and **sections 13, 14 and 20** of this bill make conforming changes to remove references to such an inquiry.

Existing law requires the Division of Parole and Probation of the Department of Public Safety (hereinafter “Division”) to adopt a written system of graduated sanctions for parole and probation officers to use when a parolee or probationer commits a technical violation of parole or probation, as applicable. (NRS 176A.510) **Section 12** of this bill removes references to parole and parolees from such provisions to make the provisions applicable only to probation and probationers, and **section 21** of this bill establishes a new section that applies only to parole and parolees. **Sections 22 and 27** of this bill make conforming changes to indicate the placement of **section 21** within the Nevada Revised Statutes. Existing law also generally requires the Division to administer a risk and needs assessment to each parolee and probationer under the supervision of the Division for the purpose of establishing a level of supervision and develop an individualized case plan for each parolee and probationer. (NRS 213.1078) **Section 23** of this bill removes references to probation and probationers from such provisions to make the provisions applicable only to parole and parolees, and **section 8** of this bill establishes a new section that applies only to probation and probationers.

Sections 3, 10, 11, 13, 16-18, 24-26 and 28-31 of this bill remove the use of the obsolete terms “intensive supervision” and “strict supervision” in the Nevada Revised Statutes with regard to the supervision of probationers and parolees and replace such terms with the term “enhanced supervision.”

Existing law provides that there is a reasonable inference that a person has embezzled a vehicle if the person leased or rented the vehicle and willfully and intentionally failed to return the vehicle to its owner within 72 hours after the lease or rental agreement expired. (NRS 205.312) Existing law provides that a person who is guilty of embezzlement is punished in the manner prescribed by law for the stealing or larceny of property of the kind and name of the money, goods, property or effects taken, converted, stolen used or appropriated. (NRS 205.300) Existing law also provides that a person who commits an offense

involving a stolen vehicle is guilty of a category C felony and is additionally required to pay restitution. (NRS 205.273) **Section 19** of this bill specifies that a person who is convicted of embezzling a vehicle is also guilty of a category C felony and is additionally required to pay restitution.

Existing law generally provides that a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor for the first or second offense, a gross misdemeanor for the third offense and a category E felony for the fourth or subsequent offense, and a person who knowingly or intentionally sells, manufactures, delivers or brings into this State, or who is knowingly or intentionally in actual or constructive possession of, 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis is guilty of a category C felony. (NRS 453.336, 453.339) Existing law exempts a person who is 21 years of age or older from state prosecution for the possession, delivery of production of 1 ounce or less of usable cannabis or one-eighth of an ounce of concentrated cannabis. (NRS 678D.200) **Section 32** of this bill generally provides that a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis, is guilty of a category E felony.

Existing law authorizes the Attorney General to investigate and prosecute any criminal offense committed by a county officer or employee in the course of his or her duties or arising out of circumstances related to his or her position in certain circumstances when the district attorney of the county does not act in the matter. (NRS 228.177) Section 31.5 of this bill authorizes the Attorney General to investigate and prosecute any criminal offense committed by a county officer or employee or a city officer or employee in the course of his or her duties or arising out of circumstances related to his or her position in certain circumstances when the district attorney of the county or the city attorney, as applicable, does not act in the matter.

Section 33 of this bill provides that the amendatory provisions of sections 19 and 32 apply to an offense committed: (1) on or after July 1, 2021; and (2) before July 1, 2021, if the person is sentenced on or after July 1, 2021. Section 33 also provides that the amendatory provisions of section 31.5 apply to an offense committed: (1) on or after the effective date of section 31.5; and (2) before the effective date of section 31.5 if the applicable statute of limitations has not expired on the effective date of section 31.5.

Section 32.5 of this bill makes an appropriation to the Department of Sentencing Policy for personnel costs related to data management.

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

Section 1. NRS 176.01327 is hereby amended to read as follows:

176.01327 The Executive Director appointed pursuant to NRS 176.01323 shall:

1. Oversee all of the functions of the Department.
2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.
3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Department and provide such information to the Sentencing Commission as requested.
4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Department.
5. Establish the budget for the Department.
6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.
7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.
8. Assist in preparing and submitting the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection 11 of NRS 176.0134.
9. *Assist the Sentencing Commission in carrying out its duties pursuant to subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and the preparation of a report containing the projected amount of such costs for the next biennium and recommendations for the reinvestment of the amount of the costs.*

10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.
2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of ~~intensive~~ supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including ~~the~~ ***the Sentencing Commission's:***

(a) ~~The Sentencing Commission's recommended~~ ***Recommended*** changes pertaining to sentencing; ~~and~~

(b) ~~The Sentencing Commission's findings and any recommendations~~ ***Findings;***

(c) ***Recommendations*** for proposed legislation ~~the~~;

(d) ***Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;***

(e) ***Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;***

(f) ***Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;***

(g) ***Recommendations for improvements, changes and budgetary adjustments; and***

(h) ***Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.***

12. Submit the report prepared pursuant to subsection 11 ***not later than January 15 of each odd-numbered year*** to:

(a) The Office of the Governor; ~~and~~

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature ~~[not later than January 1 of each odd-numbered year.] ; and~~

(c) *The Chief Justice of the Nevada Supreme Court.*

Sec. 3. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of *enhanced* supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication

demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

(a) Recommended changes pertaining to sentencing;

(b) Findings;

- (c) Recommendations for proposed legislation;
- (d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;
- (e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;
- (f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;
- (g) Recommendations for improvements, changes and budgetary adjustments; and
- (h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

12. Submit the report prepared pursuant to subsection 11 not later than January 15 of each odd-numbered year to:

- (a) The Office of the Governor;
- (b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and
- (c) The Chief Justice of the Nevada Supreme Court.

Sec. 4. NRS 176.01343 is hereby amended to read as follows:
176.01343 1. The Sentencing Commission shall:

(a) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data from the Department of Corrections:

(1) With respect to prison admissions:

(I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019, as calculated pursuant to NRS 176.01347; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) ~~Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.~~

~~—(g)—~~ Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) “Technical violation” has the meaning ascribed to it in NRS 176A.510.

(b) “Type of admission” means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) “Type of offense” means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

Sec. 5. NRS 176.01347 is hereby amended to read as follows:

176.01347 1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019. The formula must include, without limitation, a comparison of:

(a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018; and

(b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.

2. Not later than December 1 of each fiscal year, the Sentencing Commission shall , ***with the assistance of the Department,*** use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall , ***with the assistance of the Department,*** prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of chapter 633, Statutes of Nevada 2019, and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Sentencing Commission shall prioritize providing financial support to:

(a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work programs for offenders;

(b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for

probationers and parolees that are proven by scientific research to reduce recidivism;

(c) Any behavioral health field response grant program developed and implemented pursuant to NRS 289.675;

(d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and

(e) The Nevada Local Justice Reinvestment Coordinating Council created by NRS 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 6. NRS 176.014 is hereby amended to read as follows:

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county ~~+~~ **and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection 7.** The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of Chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must

be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

7. ***The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council.***

Sec. 6.5. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a ~~person professionally qualified to conduct psychosexual evaluations,~~ **licensed, clinical professional who has received training in the treatment of sexual offenders,** if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

- (V) The use or threatened use of force or violence;
- (VI) Physical or mental abuse;
- (VII) Death or bodily injury;
- (VIII) An act of domestic violence;
- (IX) Harassment, stalking, threats of any kind or other similar acts;
- (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or
- (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

- (I) A tribal court.
- (II) A court of the United States or the Armed Forces of the United States.

(b) ~~“Person professionally qualified to conduct psychosexual evaluations” has the meaning ascribed to it in NRS 176.133.~~

~~—(c) “Sexual offense” means:~~

- (1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;
- (2) An attempt to commit an offense listed in subparagraph (1); or
- (3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

- (a) Any:
 - (1) Prior criminal convictions of the defendant;
 - (2) Unresolved criminal cases involving the defendant;
 - (3) Incidents in which the defendant has failed to appear in court when his or her presence was required;
 - (4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and
 - (5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;
- (b) Information concerning the characteristics of the defendant, the defendant’s financial condition, including whether the information pertaining to the defendant’s financial condition has been verified, the circumstances affecting the defendant’s behavior and the circumstances of the defendant’s offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and NRS 392.275 to 392.365, inclusive, that relate to the defendant and are made available pursuant to NRS 432B.290 or NRS 392.317 to 392.337, inclusive, as applicable;

(f) The results of any evaluation or assessment of the defendant conducted pursuant to NRS 176A.240, 176A.260, 176A.280 or 484C.300; *and*

(g) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110. ~~†; and~~

~~—(h) Such other information as may be required by the court.†~~

2. The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

- (a) A police report;
- (b) An investigative report filed with law enforcement; or
- (c) Any other source available to the Division.

3. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 8. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the Division shall administer a risk and needs assessment to each probationer under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each probationer and to develop individualized case plans pursuant to subsection 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the

risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.

3. The provisions of subsections 1 and 2 are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

4. The Division shall develop an individualized case plan for each probationer. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer.

5. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.

6. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 9. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person had previously been two times convicted, whether in this State or elsewhere, of a crime that under the

laws of the situs of the crime or of this State would amount to a felony. If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

~~3. [The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.~~

~~4.]~~ If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of ~~[Intensive]~~ **Enhanced** Supervision established pursuant to NRS 176A.440.

~~5.]~~ 4. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

~~6.]~~ 5. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 10. NRS 176A.310 is hereby amended to read as follows:

176A.310 1. The court shall set the conditions of a program of probation secured by a surety bond. The conditions must be appended to and made part of the bond. The conditions may include, but are not limited to, any one or more of the following:

(a) Submission to periodic tests to determine whether the probationer is using any controlled substance or alcohol.

(b) Participation in a program for the treatment of the use of a controlled substance or alcohol or a program for the treatment of any other impairment.

(c) Participation in a program of professional counseling, including, but not limited to, counseling for the family of the probationer.

(d) Restrictions or a prohibition on contact or communication with witnesses or victims of the crime committed by the probationer.

(e) A requirement to obtain and keep employment.

(f) Submission to a Program of ~~Intensive~~ **Enhanced** Supervision.

(g) Restrictions on travel by the probationer outside the jurisdiction of the court.

(h) Payment of restitution.

(i) Payment of fines and court costs.

(j) Supervised community service.

(k) Participation in educational courses.

2. A surety shall:

(a) Provide the facilities or equipment necessary to:

(1) Perform tests to determine whether the probationer is using any controlled substance or alcohol, if the court requires such tests as a condition of probation;

(2) Carry out a Program of ~~Intensive~~ **Enhanced** Supervision, if the court requires such a Program as a condition of probation; and

(3) Enable the probationer to report regularly to the surety.

(b) Notify the court within 24 hours after the surety has knowledge of a violation of or a failure to fulfill a condition of the program of probation.

3. A probationer participating in a program of probation secured by a surety bond shall:

(a) Report regularly to the surety; and

(b) Pay the fee charged by the surety for the execution of the bond.

Sec. 11. NRS 176A.440 is hereby amended to read as follows:

176A.440 1. The Chief Parole and Probation Officer shall develop a program for the ~~intensive~~ **enhanced** supervision of a person granted probation pursuant to subsection ~~4~~ **3** of NRS 176A.100.

2. The Program of ~~Intensive~~ **Enhanced** Supervision must include an initial period of electronic supervision of the probationer with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the probationer's activities,

↪ must not be used.

Sec. 12. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation . ~~for parole.~~ The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation . ~~for parole.~~

6. The Division may not seek revocation of probation ~~for parole~~ for a technical violation of the conditions of probation ~~for parole~~ until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation ~~for parole~~ that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

- (3) Violation of NRS 484C.110 or 484C.120;
- (4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;
- (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;
- (6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or
- (7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

➡ The term does not include termination from a specialty court program.

Sec. 13. NRS 176A.540 is hereby amended to read as follows:

176A.540 1. ~~The~~ ***Except as otherwise provided in subsection 4, the*** Chief Parole and Probation Officer may order the residential confinement of a probationer if the Chief Parole and Probation Officer believes that the probationer poses no danger to the community and will appear at a scheduled ~~inquiry or~~ court hearing.

2. In ordering the residential confinement of a probationer, the Chief Parole and Probation Officer shall:

- (a) Require the probationer to be confined to the probationer's residence during the time the probationer is away from any employment, community service or other activity authorized by the Division; and
- (b) Require ~~intensive~~ ***enhanced*** supervision of the probationer, including, without limitation, unannounced visits to the probationer's residence or other locations where the probationer is expected to be to determine whether the probationer is complying with the terms of confinement.

3. An electronic device approved by the Division may be used to supervise a probationer who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
 - (b) Information concerning the probationer's activities,
- ➡ must not be used.

4. The Chief Parole and Probation Officer shall not order a probationer to be placed in residential confinement unless the probationer agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence.

Sec. 14. NRS 176A.560 is hereby amended to read as follows:

176A.560 1. The Chief Parole and Probation Officer may terminate the residential confinement of a probationer and order the detention of the probationer in a county jail pending ~~an inquiry or~~ a court hearing if:

(a) The probationer violates the terms or conditions of the residential confinement; or

(b) The Chief Parole and Probation Officer, in his or her discretion, determines that the probationer poses a danger to the community or that there is a reasonable doubt that the probationer will appear at the ~~inquiry or~~ hearing.

2. A probationer has no right to dispute a decision to terminate the residential confinement.

Sec. 15. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it ~~it~~ **and** consider the ~~standards adopted pursuant to NRS 213.10988 and~~ system of graduated sanctions adopted pursuant to NRS 176A.510, ~~as if applicable . It and the recommendation, if any, of the Chief Parole and Probation Officer.~~ Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

(a) Continue or revoke the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

(d) Cause the sentence imposed to be executed; or

(e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

(a) Continue the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary revocation;

(2) Ninety days for the second temporary revocation; or

(3) One hundred and eighty days for the third temporary revocation; or

(d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation

has occurred. If the court finds that such a technical violation occurred, the court may:

(a) Continue probation and modify the terms and conditions of probation; or

(b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

(a) Consuming any alcoholic beverage.

(b) Testing positive on a drug or alcohol test.

(c) Failing to abide by the requirements of a mental health or substance use treatment program.

(d) Failing to seek and maintain employment.

(e) Failing to pay any required fines or fees.

(f) Failing to report any changes in residence.

5. As used in this section:

(a) “Absconding” means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.

(b) “Technical violation” means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.

➡ The term does not include termination from a specialty court program.

Sec. 16. NRS 176A.660 is hereby amended to read as follows:

176A.660 1. ~~¶¶~~ *Except as otherwise provided in subsection 4, if* a person who has been placed on probation violates a condition of probation, the court may order the person to a term of residential confinement in lieu of causing the sentence imposed to be executed. In making this determination,

the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

(a) Direct that the person be placed under the supervision of the Division and require:

(1) The person to be confined to the person's residence during the time the person is away from any employment, community service or other activity authorized by the Division; and

(2) ~~Intensive~~ **Enhanced** supervision of the person, including, without limitation, unannounced visits to the person's residence or other locations where the person is expected to be in order to determine whether the person is complying with the terms of confinement; or

(b) If the person was placed on probation for a felony conviction, direct that the person be placed under the supervision of the Department of Corrections and require the person to be confined to a facility or institution of the Department for a period not to exceed 6 months. The Department may select the facility or institution in which to place the person.

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's location, including, but not limited to, the transmission of still visual images which do not concern the person's activities, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities,

➔ must not be used.

4. The court shall not order a person to a term of residential confinement unless the person agrees to the order.

5. A term of residential confinement may not be longer than the unexpired maximum term of a sentence imposed by the court.

6. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

Sec. 17. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the justice of the peace; and

(b) Require ~~intensive~~ **enhanced** supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

→ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 18. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the municipal judge; and

(b) Require ~~intensive~~ **enhanced** supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be in order to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 19. NRS 205.312 is hereby amended to read as follows:

205.312 **1.** Whenever any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within 72 hours after the lease or rental agreement has expired, that person may reasonably be inferred to have embezzled the vehicle.

2. A person who is convicted of embezzling a vehicle pursuant to subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 20. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS ~~176A.530~~ **176A.540** to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 21. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service,

failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of parole.

6. The Division may not seek revocation of parole for a technical violation of the conditions of parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended

order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

↪ *The term does not include termination from a specialty court program.*

Sec. 22. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 21 of this act*, unless the context otherwise requires:

1. “Board” means the State Board of Parole Commissioners.
2. “Chief” means the Chief Parole and Probation Officer.
3. “Division” means the Division of Parole and Probation of the Department of Public Safety.
4. “Residential confinement” means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. “Responsivity factors” means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. “Risk and needs assessment” means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. “Sex offender” means any person who has been or is convicted of a sexual offense.
8. “Sexual offense” means:
 - (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;
 - (b) An attempt to commit any offense listed in paragraph (a); or
 - (c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.
9. “Standards” means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 23. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in ~~subsections~~ **subsection 3**, ~~and 5,~~ the Division shall administer a risk and needs assessment to each ~~probationer and~~ parolee under the Division’s supervision. The results of the risk and needs assessment must be used to set a level of supervision for each ~~probationer and~~ parolee and to develop individualized case plans pursuant to subsection ~~4.~~ **4.** The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

~~2. Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.~~

~~3. The provisions of subsections 1 and 2 are not applicable if:~~

~~(a) The level of supervision for the probationer is set by the court or by law;~~
~~or~~

~~(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.~~

~~4. Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.~~

~~5. 3. The provisions of subsections 1 and 2 are not applicable if the level of supervision for the parolee is set by the Board or by law.~~

~~6. 4. The Division shall develop an individualized case plan for each probationer and parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer or parolee.~~

~~7. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.~~

~~8. 5. Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall submit a request to the Board to modify the condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.~~

~~9. 6. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality~~

assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 24. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

- (a) Has not been released on parole previously for that sentence; and
- (b) Is not otherwise ineligible for parole,

→ the prisoner must be released on parole 12 months before the end of his or her maximum term or maximum aggregate term, as applicable, as reduced by any credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

- (a) The prisoner has served the minimum term or the minimum aggregate term of imprisonment imposed by the court, as applicable;
- (b) The prisoner has completed a program of general education or an industrial or vocational training program;
- (c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and
- (d) The prisoner has not, within the immediately preceding 24 months:
 - (1) Committed a major violation of the regulations of the Department of Corrections; or
 - (2) Been housed in disciplinary segregation.

3. If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend in a sexual manner pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

5. Each parolee so released must be supervised closely by the Division, in accordance with the plan for *enhanced* supervision developed by the Chief pursuant to NRS 213.122.

6. If a prisoner meets the criteria set forth in subsection 1 and there are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been

notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings, the Board may grant parole to the prisoner without a meeting. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 1 will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 25. NRS 213.122 is hereby amended to read as follows:

213.122 The Chief shall develop a statewide plan for the ~~strict~~ *enhanced* supervision of parolees released pursuant to NRS 213.1215. In addition to such other provisions as the Chief deems appropriate, the plan must provide for the supervision of such parolees by assistant parole and probation officers whose caseload allows for enhanced supervision of the parolees under their charge unless, because of the remoteness of the community to which the parolee is released, enhanced supervision is impractical.

Sec. 26. NRS 213.124 is hereby amended to read as follows:

213.124 1. Upon the granting of parole to a prisoner, the Board may require the parolee to submit to a program of ~~intensive~~ *enhanced* supervision as a condition of his or her parole.

2. The Chief shall develop a program for the ~~intensive~~ **enhanced** supervision of parolees required to submit to such a program pursuant to subsection 1. The program must include an initial period of electronic supervision of the parolee with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the parolee's location, including, but not limited to, the transmission of still visual images which do not concern the parolee's activities, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the parolee's activities,

↪ must not be used.

Sec. 27. NRS 213.150 is hereby amended to read as follows:

213.150 The Board may:

1. Make and enforce regulations covering the conduct of paroled prisoners.

2. Retake or cause to be retaken and imprisoned any prisoner so upon parole, subject to the procedures prescribed in NRS 213.151 to 213.1519, inclusive ~~1-7~~, **and section 21 of this act.**

Sec. 28. NRS 213.15193 is hereby amended to read as follows:

213.15193 1. Except as otherwise provided in ~~subsection~~ **subsections 4 and 6**, the Chief may order the residential confinement of a parolee if the Chief believes that the parolee does not pose a danger to the community and will appear at a scheduled ~~inquiry or~~ hearing.

2. In ordering the residential confinement of a parolee, the Chief shall:

(a) Require the parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(b) Require ~~intensive~~ **enhanced** supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be to determine whether the parolee is complying with the terms of his or her confinement.

3. An electronic device approved by the Division may be used to supervise a parolee who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, without limitation, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the activities of the parolee,

↪ must not be used.

4. The Chief shall not order a parolee to be placed in residential confinement unless the parolee agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence of the parolee.

6. The Chief shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to be placed in residential confinement unless the Chief makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

Sec. 29. NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in ~~subsection~~ **subsections 5 and 7**, if a parolee violates a condition of his or her parole, the Board may order the parolee to a term of residential confinement in lieu of suspending his or her parole and returning the parolee to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require:

(1) The parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(2) ~~Intensive~~ **Enhanced** supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be in order to determine whether the parolee is complying with the terms of his or her confinement; or

(b) Require the parolee to be confined to a facility or institution of the Department of Corrections for a period not to exceed 6 months. The Department may select the facility or institution in which to place the parolee.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, but not limited to, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the activities of the parolee,

↪ must not be used.

4. A parolee who is confined to a facility or institution of the Department of Corrections pursuant to paragraph (b) of subsection 2:

(a) May earn credits to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Shall not be deemed to be released on parole for purposes of NRS 209.447 or 209.4475 during the period of that confinement.

5. The Board shall not order a parolee to a term of residential confinement unless the parolee agrees to the order.

6. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

7. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

8. As used in this section:

(a) “Facility” has the meaning ascribed to it in NRS 209.065.

(b) “Institution” has the meaning ascribed to it in NRS 209.071.

Sec. 30. NRS 213.1528 is hereby amended to read as follows:

213.1528 The Board shall establish procedures to administer a program of *enhanced* supervision for parolees who are ordered to a term of residential confinement pursuant to NRS 213.152.

Sec. 31. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3923 or 209.3925;

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require ~~intensive~~ *enhanced* supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender’s location, including, but not limited to, the transmission of still visual images which do not concern the

offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the offender's activities,

→ must not be used.

Sec. 31.5. NRS 228.177 is hereby amended to read as follows:

228.177 1. As used in this section ~~“county”~~ :

(a) “City officer or employee” means an elected officer of a city or any city officer or employee who is compensated from a city treasury.

(b) “County officer or employee” means an elected officer of a county or any county officer or employee who is compensated from a county treasury.

2. The Attorney General may investigate and prosecute any criminal offense committed by a county officer or employee **or a city officer or employee** in the course of his or her duties or arising out of circumstances related to his or her position, if:

(a) The district attorney of the county **or the city attorney, as applicable,** has stated in writing to the Attorney General that he or she does not intend to act in the matter; or

(b) The Attorney General has inquired in writing of the district attorney **or the city attorney, as applicable,** whether he or she intends to act in the matter and:

(1) The Attorney General has not received a written response within 30 days after the district attorney **or the city attorney, as applicable,** received the inquiry; or

(2) The district attorney **or the city attorney, as applicable,** responds in writing that he or she intends to act in the matter, but an ~~information or~~ indictment **is not found or an information or complaint** is not filed **, as applicable,** within 90 days after the response.

3. When he or she is acting pursuant to this section, the Attorney General may commence his or her investigation and file a criminal action with leave of court, and the Attorney General has exclusive charge of the conduct of the prosecution.

4. An ~~information or~~ indictment **, information or complaint** may not be dismissed on the ground that the district attorney **or the city attorney, as applicable,** or ~~the~~ Attorney General has not complied with this section.

Sec. 32. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection ~~{5}~~ 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional

practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, ~~and 4~~ **and 5** and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony

and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. ***Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.***

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

~~16.1~~ 7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

~~17.1~~ 8. As used in this section:

(a) “Controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) “Marijuana” does not include concentrated cannabis.

(c) “Sterile hypodermic device program” has the meaning ascribed to it in NRS 439.986.

Sec. 32.5. 1. There is hereby appropriated from the State General Fund to the Department of Sentencing Policy for personnel costs related to data management the following sums:

For the Fiscal Year 2021-2022..... \$75,345

For the Fiscal Year 2022-2023..... \$96,987

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. 33. The amendatory provisions of ~~sections~~ :

1. Sections 19 and 32 of this act apply to an offense committed:

~~11.1~~ **(a)** On or after July 1, 2021; and

~~12.1~~ **(b)** Before July 1, 2021, if the person is sentenced on or after July 1, 2021.

2. Section 31.5 of this act apply to an offense committed:

(a) On or after the effective date of section 31.5 of this act; and

(b) Before the effective date of section 31.5 of this act if the applicable statute of limitations has commenced but has not yet expired on the effective date of section 31.5 of this act.

Sec. 34. 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. 35. NRS 176A.530, 176A.580, 176A.590, 176A.600, 176A.610 and 213.10988 are hereby repealed.

Sec. 36. 1. This section and sections 1, 2, 4 to 6.5, inclusive, 31.5, 33 and 34 of this act become effective upon passage and approval.

2. Sections 3, 7 to ~~32.5~~, 31, inclusive, 32, 32.5 and 35 of this act become effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

176A.530 Authority of Chief Parole and Probation Officer to order.

176A.580 Inquiry required before alleged violation considered by court; qualifications of inquiring officer; time and place of inquiry; exceptions; subpoenas.

176A.590 Enforcement of subpoena issued by inquiring officer; contempt.

176A.600 Notice to probationer; rights of probationer at inquiry.

176A.610 Duties of inquiring officer; determination; detention or residential confinement of probationer upon finding probable cause.

213.10988 Chief to adopt standards for recommendations regarding parole or probation.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 775 to Assembly Bill No. 393.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 851.

AN ACT relating to criminal justice; requiring the Executive Director of the Department of Sentencing Policy to assist the Nevada Sentencing Commission in carrying out certain duties; revising provisions relating to certain reports prepared by the Commission; authorizing the Commission to adopt qualifications for members of the Nevada Local Justice Reinvestment Coordinating Council; revising provisions concerning reports of presentence investigations; revising provisions relating to parolees and probationers; removing and replacing certain obsolete terminology; revising provisions concerning the embezzlement of a vehicle and certain marijuana-related offenses; authorizing the Attorney General to investigate and prosecute any criminal offense committed by a city officer or employee in certain circumstances; repealing provisions relating to inquiries to determine probable cause when a probationer is in custody for a violation of a condition of probation; repealing provisions requiring the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety to adopt standards to assist in formulating a recommendation concerning the granting of probation or the revocation of parole or probation; providing penalties; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Nevada Sentencing Commission (hereinafter “Commission”) to develop a formula to calculate the amount of costs avoided by the State each fiscal year as a result of the enactment of Assembly Bill No. 236 of the 2019 Legislative Session, which made various changes to criminal law and criminal procedure. Existing law requires the Commission to: (1) use the formula each fiscal year to calculate the costs avoided by the State during the immediately preceding fiscal year; and (2) prepare a biennial report containing the projected amount of costs avoided for the next biennium and recommendations for the reinvestment of the amount of those costs. (NRS 176.01347) **Section 1** of this bill requires the Executive Director of the Department of Sentencing Policy to assist the Commission in carrying out such requirements relating to the use of the formula and the preparation of a biennial report. **Section 5** of this bill makes a conforming change to require the Commission to carry out such duties with the assistance of the Department of Sentencing Policy (hereinafter “Department”).

Existing law imposes various duties on the Commission, including a requirement that the Commission, with the assistance of the Department, prepare a biennial report that includes the Commission’s recommended changes pertaining to sentencing, its findings and any recommendations for proposed legislation and submit the report to the Governor and the Legislature. (NRS 176.0134) Existing law also requires the Commission to prepare and submit a biennial report to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court that includes recommendations for

improvements, changes and budgetary adjustments. The Commission is also authorized to include in the report additional recommendations for future legislation and policy options to enhance public safety and control corrections costs. (NRS 176.01343) **Section 2** of this bill combines such requirements so the Commission is required to prepare one biennial report that is submitted to the Governor, the Legislature and the Chief Justice of the Nevada Supreme Court. **Section 2** establishes the information to be included in such a report, and **section 4** of this bill makes a conforming change to remove the language referencing the additional report.

Existing law establishes the Nevada Local Justice Reinvestment Coordinating Council (hereinafter “Council”), consisting of members appointed by the governing bodies of counties. (NRS 176.014) **Section 6** of this bill authorizes the Commission to adopt any qualifications that a person must meet before being appointed as a member of the Council and requires each member of the Council to meet any such qualifications.

Existing law provides that a defendant convicted of a sexual offense and sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision if, among other criteria, the offender has been determined to be not likely to pose a threat to the safety of others. (NRS 176.0931) Existing law requires such a determination to be made by a person professionally qualified to conduct psychosexual evaluations who meets certain statutory requirements, including being licensed in this State. (NRS 176.0931, 176.133) **Section 6.5** of this bill allows such a determination to be made by any licensed, clinical professional who has received training in the treatment of sexual offenders.

Existing law requires that reports of presentence investigations include certain specific information and any other information the court requires. (NRS 176.145) **Section 7** of this bill removes the provision concerning other information the court requires to provide uniformity in the information contained in reports of presentence investigations.

Existing law requires the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety (hereinafter “Chief”) to adopt standards to assist in formulating a recommendation concerning the granting of probation to an eligible convicted person or the revocation of parole or probation of a convicted person. (NRS 213.10988) Existing law also requires a court to consider such standards and the recommendation of the Chief in determining whether to grant probation to an eligible convicted person. (NRS 176A.100) **Section 35** of this bill repeals the provision requiring the Chief to adopt such standards, and **sections 9 and 15** of this bill accordingly remove the requirement that a court consider such standards when determining whether to grant probation to an eligible convicted person.

Existing law requires an inquiry to determine probable cause to be conducted before a probationer who is in custody for a violation of a condition of probation is returned to court for the violation and establishes provisions

relating to such an inquiry. (NRS 176A.580-176A.610) Existing law authorizes the Chief to order such a probationer to be placed in residential confinement instead of detention in a county jail pending such an inquiry. (NRS 176A.530) **Section 35** repeals such provisions, and **sections 13, 14 and 20** of this bill make conforming changes to remove references to such an inquiry.

Existing law requires the Division of Parole and Probation of the Department of Public Safety (hereinafter “Division”) to adopt a written system of graduated sanctions for parole and probation officers to use when a parolee or probationer commits a technical violation of parole or probation, as applicable. (NRS 176A.510) **Section 12** of this bill removes references to parole and parolees from such provisions to make the provisions applicable only to probation and probationers, and **section 21** of this bill establishes a new section that applies only to parole and parolees. **Sections 22 and 27** of this bill make conforming changes to indicate the placement of **section 21** within the Nevada Revised Statutes. Existing law also generally requires the Division to administer a risk and needs assessment to each parolee and probationer under the supervision of the Division for the purpose of establishing a level of supervision and develop an individualized case plan for each parolee and probationer. (NRS 213.1078) **Section 23** of this bill removes references to probation and probationers from such provisions to make the provisions applicable only to parole and parolees, and **section 8** of this bill establishes a new section that applies only to probation and probationers.

Sections 3, 10, 11, 13, 16-18, 24-26 and 28-31 of this bill remove the use of the obsolete terms “intensive supervision” and “strict supervision” in the Nevada Revised Statutes with regard to the supervision of probationers and parolees and replace such terms with the term “enhanced supervision.”

Existing law provides that there is a reasonable inference that a person has embezzled a vehicle if the person leased or rented the vehicle and willfully and intentionally failed to return the vehicle to its owner within 72 hours after the lease or rental agreement expired. (NRS 205.312) Existing law provides that a person who is guilty of embezzlement is punished in the manner prescribed by law for the stealing or larceny of property of the kind and name of the money, goods, property or effects taken, converted, stolen used or appropriated. (NRS 205.300) Existing law also provides that a person who commits an offense involving a stolen vehicle is guilty of a category C felony and is additionally required to pay restitution. (NRS 205.273) **Section 19** of this bill specifies that a person who is convicted of embezzling a vehicle is also guilty of a category C felony and is additionally required to pay restitution.

Existing law generally provides that a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor for the first or second offense, a gross misdemeanor for the third offense and a category E felony for the fourth or subsequent offense, and a person who knowingly or intentionally sells, manufactures, delivers or brings into this State, or who is knowingly or intentionally in actual or constructive possession

of, 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis is guilty of a category C felony. (NRS 453.336, 453.339) Existing law exempts a person who is 21 years of age or older from state prosecution for the possession, delivery of production of 1 ounce or less of usable cannabis or one-eighth of an ounce of concentrated cannabis. (NRS 678D.200) **Section 32** of this bill generally provides that a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis, is guilty of a category E felony.

Existing law authorizes the Attorney General to investigate and prosecute any criminal offense committed by a county officer or employee in the course of his or her duties or arising out of circumstances related to his or her position in certain circumstances when the district attorney of the county does not act in the matter. (NRS 228.177) **Section 31.5** of this bill authorizes the Attorney General to investigate and prosecute any criminal offense committed by a county officer or employee or a city officer or employee in the course of his or her duties or arising out of circumstances related to his or her position in certain circumstances when the district attorney of the county or the city attorney, as applicable, does not act in the matter.

Section 33 of this bill provides that the amendatory provisions of **sections 19 and 32** apply to an offense committed: (1) on or after July 1, 2021; and (2) before July 1, 2021, if the person is sentenced on or after July 1, 2021. **Section 33** also provides that the amendatory provisions of **section 31.5** apply to an offense committed: (1) on or after the effective date of **section 31.5**; and (2) before the effective date of **section 31.5** if the applicable statute of limitations has not expired on the effective date of **section 31.5**.

Section 32.5 of this bill makes an appropriation to the Department of Sentencing Policy for personnel costs related to data management.

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

Section 1. NRS 176.01327 is hereby amended to read as follows:

176.01327 The Executive Director appointed pursuant to NRS 176.01323 shall:

1. Oversee all of the functions of the Department.
2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.
3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Department and provide such information to the Sentencing Commission as requested.
4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Department.
5. Establish the budget for the Department.

6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.

7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.

8. Assist in preparing and submitting the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection 11 of NRS 176.0134.

9. *Assist the Sentencing Commission in carrying out its duties pursuant to subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and the preparation of a report containing the projected amount of such costs for the next biennium and recommendations for the reinvestment of the amount of the costs.*

10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of ~~intensive~~ supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences

which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including ~~the~~ ***Sentencing Commission's***:

(a) ~~The Sentencing Commission's recommended~~ ***Recommended*** changes pertaining to sentencing; ~~and~~

(b) ~~The Sentencing Commission's findings and any recommendations~~ ***Findings***;

(c) ***Recommendations*** for proposed legislation ~~the~~;

(d) ***Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;***

(e) ***Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;***

(f) ***Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;***

(g) ***Recommendations for improvements, changes and budgetary adjustments; and***

(h) ***Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.***

12. Submit the report prepared pursuant to subsection 11 ***not later than January 15 of each odd-numbered year*** to:

(a) The Office of the Governor; ~~and~~

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature ~~not later than January 1 of each odd-numbered year~~; ***and***

(c) ***The Chief Justice of the Nevada Supreme Court.***

Sec. 3. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other

states, including, without limitation, the use of plea bargaining, probation, programs of *enhanced* supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

11. For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

(a) Recommended changes pertaining to sentencing;

(b) Findings;

(c) Recommendations for proposed legislation;

(d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;

(e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;

(f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;

(g) Recommendations for improvements, changes and budgetary adjustments; and

(h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

12. Submit the report prepared pursuant to subsection 11 not later than January 15 of each odd-numbered year to:

(a) The Office of the Governor;

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and

(c) The Chief Justice of the Nevada Supreme Court.

Sec. 4. NRS 176.01343 is hereby amended to read as follows:

176.01343 1. The Sentencing Commission shall:

(a) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data from the Department of Corrections:

(1) With respect to prison admissions:

(I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019, as calculated pursuant to NRS 176.01347; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

~~(f) Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.~~

~~(g)~~ Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) "Technical violation" has the meaning ascribed to it in NRS 176A.510.

(b) "Type of admission" means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) "Type of offense" means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense,

DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

Sec. 5. NRS 176.01347 is hereby amended to read as follows:

176.01347 1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019. The formula must include, without limitation, a comparison of:

(a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018; and

(b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.

2. Not later than December 1 of each fiscal year, the Sentencing Commission shall , *with the assistance of the Department*, use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall , *with the assistance of the Department*, prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of chapter 633, Statutes of Nevada 2019, and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Sentencing Commission shall prioritize providing financial support to:

(a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work programs for offenders;

(b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;

(c) Any behavioral health field response grant program developed and implemented pursuant to NRS 289.675;

(d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and

(e) The Nevada Local Justice Reinvestment Coordinating Council created by NRS 176.014 for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 6. NRS 176.014 is hereby amended to read as follows:

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county ~~+~~ **and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection 7.** The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of Chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

7. The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council.

Sec. 6.5. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a ~~person professionally qualified to conduct psychosexual evaluations,~~ **licensed, clinical professional who has received training in the treatment of sexual offenders,** if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) ~~“Person professionally qualified to conduct psychosexual evaluations” has the meaning ascribed to it in NRS 176.133.~~

~~—(c) “Sexual offense” means:~~

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 7. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any:

(1) Prior criminal convictions of the defendant;

(2) Unresolved criminal cases involving the defendant;

(3) Incidents in which the defendant has failed to appear in court when his or her presence was required;

(4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and

(5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant’s financial condition, including whether the information pertaining to the defendant’s financial condition has been verified, the circumstances affecting the defendant’s behavior and the circumstances of the defendant’s offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and NRS 392.275 to 392.365, inclusive, that relate to the defendant and are made available pursuant to NRS 432B.290 or NRS 392.317 to 392.337, inclusive, as applicable;

(f) The results of any evaluation or assessment of the defendant conducted pursuant to NRS 176A.240, 176A.260, 176A.280 or 484C.300; *and*

(g) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110. ~~†; and~~

~~—(h) Such other information as may be required by the court.†~~

2. The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

(a) A police report;

(b) An investigative report filed with law enforcement; or

(c) Any other source available to the Division.

3. The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 8. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the Division shall administer a risk and needs assessment to each probationer under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each probationer and to develop individualized case plans pursuant to subsection 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.

3. The provisions of subsections 1 and 2 are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

4. *The Division shall develop an individualized case plan for each probationer. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsibility factors that will need to be considered and addressed for each probationer.*

5. *Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2 ~~of this section~~ :*

(a) The supervising officer shall ~~seek a modification of~~ notify the court of the finding; and

(b) The court may modify the terms and conditions ~~from the court~~ of probation pursuant to subsection 1 of NRS 176A.450.

6. *The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.*

Sec. 9. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person had previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony. If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. ~~{The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.~~

~~—4.}~~ If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of ~~{Intensive}~~ **Enhanced** Supervision established pursuant to NRS 176A.440.

~~{5.}~~ 4. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

~~{6.}~~ 5. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 10. NRS 176A.310 is hereby amended to read as follows:

176A.310 1. The court shall set the conditions of a program of probation secured by a surety bond. The conditions must be appended to and made part of the bond. The conditions may include, but are not limited to, any one or more of the following:

(a) Submission to periodic tests to determine whether the probationer is using any controlled substance or alcohol.

(b) Participation in a program for the treatment of the use of a controlled substance or alcohol or a program for the treatment of any other impairment.

(c) Participation in a program of professional counseling, including, but not limited to, counseling for the family of the probationer.

(d) Restrictions or a prohibition on contact or communication with witnesses or victims of the crime committed by the probationer.

(e) A requirement to obtain and keep employment.

(f) Submission to a Program of ~~{Intensive}~~ **Enhanced** Supervision.

(g) Restrictions on travel by the probationer outside the jurisdiction of the court.

(h) Payment of restitution.

(i) Payment of fines and court costs.

(j) Supervised community service.

(k) Participation in educational courses.

2. A surety shall:

(a) Provide the facilities or equipment necessary to:

(1) Perform tests to determine whether the probationer is using any controlled substance or alcohol, if the court requires such tests as a condition of probation;

(2) Carry out a Program of ~~Intensive~~ **Enhanced** Supervision, if the court requires such a Program as a condition of probation; and

(3) Enable the probationer to report regularly to the surety.

(b) Notify the court within 24 hours after the surety has knowledge of a violation of or a failure to fulfill a condition of the program of probation.

3. A probationer participating in a program of probation secured by a surety bond shall:

(a) Report regularly to the surety; and

(b) Pay the fee charged by the surety for the execution of the bond.

Sec. 11. NRS 176A.440 is hereby amended to read as follows:

176A.440 1. The Chief Parole and Probation Officer shall develop a program for the ~~intensive~~ **enhanced** supervision of a person granted probation pursuant to subsection ~~44~~ **3** of NRS 176A.100.

2. The Program of ~~Intensive~~ **Enhanced** Supervision must include an initial period of electronic supervision of the probationer with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the probationer's activities,

↪ must not be used.

Sec. 12. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation . ~~for parole.~~ The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay

finances and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsibility factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation. ~~for parole.~~

6. The Division may not seek revocation of probation ~~for parole~~ for a technical violation of the conditions of probation ~~for parole~~ until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation ~~for parole~~ that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended

order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

➔ The term does not include termination from a specialty court program.

Sec. 13. NRS 176A.540 is hereby amended to read as follows:

176A.540 1. ~~The~~ ***Except as otherwise provided in subsection 4, the*** Chief Parole and Probation Officer may order the residential confinement of a probationer if the Chief Parole and Probation Officer believes that the probationer poses no danger to the community and will appear at a scheduled ~~inquiry or~~ court hearing.

2. In ordering the residential confinement of a probationer, the Chief Parole and Probation Officer shall:

(a) Require the probationer to be confined to the probationer's residence during the time the probationer is away from any employment, community service or other activity authorized by the Division; and

(b) Require ~~intensive~~ ***enhanced*** supervision of the probationer, including, without limitation, unannounced visits to the probationer's residence or other locations where the probationer is expected to be to determine whether the probationer is complying with the terms of confinement.

3. An electronic device approved by the Division may be used to supervise a probationer who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the probationer's location, including, but not limited to, the transmission of still visual images which do not concern the probationer's activities, and producing, upon request, reports or records of the probationer's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the probationer's activities,

➔ must not be used.

4. The Chief Parole and Probation Officer shall not order a probationer to be placed in residential confinement unless the probationer agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence.

Sec. 14. NRS 176A.560 is hereby amended to read as follows:

176A.560 1. The Chief Parole and Probation Officer may terminate the residential confinement of a probationer and order the detention of the probationer in a county jail pending ~~an inquiry or~~ ***a*** court hearing if:

(a) The probationer violates the terms or conditions of the residential confinement; or

(b) The Chief Parole and Probation Officer, in his or her discretion, determines that the probationer poses a danger to the community or that there is a reasonable doubt that the probationer will appear at the ~~inquiry or~~ hearing.

2. A probationer has no right to dispute a decision to terminate the residential confinement.

Sec. 15. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it ~~it~~ **and** consider the ~~standards adopted pursuant to NRS 213.10988 and~~ system of graduated sanctions adopted pursuant to NRS 176A.510, ~~as if applicable. It and the recommendation, if any, of the Chief Parole and Probation Officer.~~ Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

(a) Continue or revoke the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

(d) Cause the sentence imposed to be executed; or

(e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of

imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:
 - (1) Thirty days for the first temporary revocation;
 - (2) Ninety days for the second temporary revocation; or
 - (3) One hundred and eighty days for the third temporary revocation; or
- (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

- (a) Continue probation and modify the terms and conditions of probation; or
- (b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

- (a) Consuming any alcoholic beverage.
 - (b) Testing positive on a drug or alcohol test.
 - (c) Failing to abide by the requirements of a mental health or substance use treatment program.
 - (d) Failing to seek and maintain employment.
 - (e) Failing to pay any required fines or fees.
 - (f) Failing to report any changes in residence.
5. As used in this section:

(a) “Absconding” means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.

(b) “Technical violation” means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

- (1) New felony or gross misdemeanor;
- (2) Battery which constitutes domestic violence pursuant to NRS 200.485;
- (3) Violation of NRS 484C.110 or 484C.120;
- (4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;
- (5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;
- (6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or
- (7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.

➡ The term does not include termination from a specialty court program.

Sec. 16. NRS 176A.660 is hereby amended to read as follows:

176A.660 1. ~~¶¶~~ ***Except as otherwise provided in subsection 4, if*** a person who has been placed on probation violates a condition of probation, the court may order the person to a term of residential confinement in lieu of causing the sentence imposed to be executed. In making this determination, the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

- (a) Direct that the person be placed under the supervision of the Division and require:

(1) The person to be confined to the person's residence during the time the person is away from any employment, community service or other activity authorized by the Division; and

(2) ~~Intensive~~ **Enhanced** supervision of the person, including, without limitation, unannounced visits to the person's residence or other locations where the person is expected to be in order to determine whether the person is complying with the terms of confinement; or

(b) If the person was placed on probation for a felony conviction, direct that the person be placed under the supervision of the Department of Corrections and require the person to be confined to a facility or institution of the Department for a period not to exceed 6 months. The Department may select the facility or institution in which to place the person.

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's location, including, but not limited to, the transmission of still visual images which do not concern the person's activities, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities,

↪ must not be used.

4. The court shall not order a person to a term of residential confinement unless the person agrees to the order.

5. A term of residential confinement may not be longer than the unexpired maximum term of a sentence imposed by the court.

6. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

Sec. 17. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the justice of the peace; and

(b) Require ~~intensive~~ **enhanced** supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 18. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term

of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the municipal judge; and

(b) Require ~~intensive~~ **enhanced** supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be in order to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,

➔ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the

municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 19. NRS 205.312 is hereby amended to read as follows:

205.312 **1.** Whenever any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within 72 hours after the lease or rental agreement has expired, that person may reasonably be inferred to have embezzled the vehicle.

2. A person who is convicted of embezzling a vehicle pursuant to subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 20. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, unless the context otherwise requires:

1. “Offender” includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. “Residential confinement” means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS ~~176A.530~~ **176A.540** to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 21. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person’s ability to successfully complete any conditions of supervision, the severity of the current violation, the person’s previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. *The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.*

3. *Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.*

4. *A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.*

5. *The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of parole.*

6. *The Division may not seek revocation of parole for a technical violation of the conditions of parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.*

7. *As used in this section:*

(a) *"Absconding" has the meaning ascribed to it in NRS 176A.630.*

(b) *"Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:*

(1) *New felony or gross misdemeanor;*

(2) *Battery which constitutes domestic violence pursuant to NRS 200.485;*

(3) *Violation of NRS 484C.110 or 484C.120;*

(4) *Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;*

(5) *Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;*

(6) *Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or*

(7) *Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.*

↪ *The term does not include termination from a specialty court program.*

Sec. 22. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 21 of this act*, unless the context otherwise requires:

1. “Board” means the State Board of Parole Commissioners.
2. “Chief” means the Chief Parole and Probation Officer.
3. “Division” means the Division of Parole and Probation of the Department of Public Safety.
4. “Residential confinement” means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. “Responsivity factors” means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. “Risk and needs assessment” means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. “Sex offender” means any person who has been or is convicted of a sexual offense.
8. “Sexual offense” means:
 - (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;
 - (b) An attempt to commit any offense listed in paragraph (a); or
 - (c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.
9. “Standards” means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 23. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in ~~subsections~~ **subsection 3**, ~~and 5,~~ the Division shall administer a risk and needs assessment to each ~~probationer and~~ parolee under the Division’s supervision. The results of the risk and needs assessment must be used to set a level of supervision for each ~~probationer and~~ parolee and to develop individualized case plans pursuant to subsection ~~6,~~ **4**. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. ~~Except as otherwise provided in subsection 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level~~

~~of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.~~

~~3. The provisions of subsections 1 and 2 are not applicable if:~~

~~(a) The level of supervision for the probationer is set by the court or by law;~~
~~or~~

~~(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.~~

~~4.] Except as otherwise provided in subsection {5,} 3, on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.~~

~~{5,} 3. The provisions of subsections 1 and {4,} 2 are not applicable if the level of supervision for the parolee is set by the Board or by law.~~

~~{6,} 4. The Division shall develop an individualized case plan for each {probationer and} parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each {probationer or} parolee.~~

~~{7.} Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.~~

~~8.] 5. Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or {4,} 2, the supervising officer shall submit a request to the Board to modify the condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.~~

~~{9,} 6. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.~~

Sec. 24. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,
→ the prisoner must be released on parole 12 months before the end of his or her maximum term or maximum aggregate term, as applicable, as reduced by any credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

(a) The prisoner has served the minimum term or the minimum aggregate term of imprisonment imposed by the court, as applicable;

(b) The prisoner has completed a program of general education or an industrial or vocational training program;

(c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and

(d) The prisoner has not, within the immediately preceding 24 months:

(1) Committed a major violation of the regulations of the Department of Corrections; or

(2) Been housed in disciplinary segregation.

3. If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend in a sexual manner pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

5. Each parolee so released must be supervised closely by the Division, in accordance with the plan for *enhanced* supervision developed by the Chief pursuant to NRS 213.122.

6. If a prisoner meets the criteria set forth in subsection 1 and there are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings, the Board may grant parole to the prisoner without a meeting. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 1 will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole. If, pursuant to this subsection, the Board

does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 25. NRS 213.122 is hereby amended to read as follows:

213.122 The Chief shall develop a statewide plan for the ~~strict~~ **enhanced** supervision of parolees released pursuant to NRS 213.1215. In addition to such other provisions as the Chief deems appropriate, the plan must provide for the supervision of such parolees by assistant parole and probation officers whose caseload allows for enhanced supervision of the parolees under their charge unless, because of the remoteness of the community to which the parolee is released, enhanced supervision is impractical.

Sec. 26. NRS 213.124 is hereby amended to read as follows:

213.124 1. Upon the granting of parole to a prisoner, the Board may require the parolee to submit to a program of ~~intensive~~ **enhanced** supervision as a condition of his or her parole.

2. The Chief shall develop a program for the ~~intensive~~ **enhanced** supervision of parolees required to submit to such a program pursuant to subsection 1. The program must include an initial period of electronic supervision of the parolee with an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the parolee's location, including, but not limited to,

the transmission of still visual images which do not concern the parolee's activities, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the parolee's activities,

➔ must not be used.

Sec. 27. NRS 213.150 is hereby amended to read as follows:

213.150 The Board may:

1. Make and enforce regulations covering the conduct of paroled prisoners.

2. Retake or cause to be retaken and imprisoned any prisoner so upon parole, subject to the procedures prescribed in NRS 213.151 to 213.1519, inclusive ~~†~~, **and section 21 of this act.**

Sec. 28. NRS 213.15193 is hereby amended to read as follows:

213.15193 1. Except as otherwise provided in ~~subsection~~ **subsections 4 and 6**, the Chief may order the residential confinement of a parolee if the Chief believes that the parolee does not pose a danger to the community and will appear at a scheduled ~~inquiry or~~ hearing.

2. In ordering the residential confinement of a parolee, the Chief shall:

(a) Require the parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(b) Require ~~intensive~~ **enhanced** supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be to determine whether the parolee is complying with the terms of his or her confinement.

3. An electronic device approved by the Division may be used to supervise a parolee who is ordered to be placed in residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, without limitation, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the activities of the parolee,

➔ must not be used.

4. The Chief shall not order a parolee to be placed in residential confinement unless the parolee agrees to the order.

5. Any residential confinement must not extend beyond the unexpired maximum term of the original sentence of the parolee.

6. The Chief shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to be placed in residential confinement unless the Chief makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

Sec. 29. NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in ~~subsection~~ **subsections 5 and 7**, if a parolee violates a condition of his or her parole, the Board may order the parolee to a term of residential confinement in lieu of suspending his or her parole and returning the parolee to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require:

(1) The parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(2) ~~Intensive~~ **Enhanced** supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be in order to determine whether the parolee is complying with the terms of his or her confinement; or

(b) Require the parolee to be confined to a facility or institution of the Department of Corrections for a period not to exceed 6 months. The Department may select the facility or institution in which to place the parolee.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, but not limited to, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the parolee,

↪ must not be used.

4. A parolee who is confined to a facility or institution of the Department of Corrections pursuant to paragraph (b) of subsection 2:

(a) May earn credits to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Shall not be deemed to be released on parole for purposes of NRS 209.447 or 209.4475 during the period of that confinement.

5. The Board shall not order a parolee to a term of residential confinement unless the parolee agrees to the order.

6. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

7. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

8. As used in this section:

(a) “Facility” has the meaning ascribed to it in NRS 209.065.

(b) “Institution” has the meaning ascribed to it in NRS 209.071.

Sec. 30. NRS 213.1528 is hereby amended to read as follows:

213.1528 The Board shall establish procedures to administer a program of **enhanced** supervision for parolees who are ordered to a term of residential confinement pursuant to NRS 213.152.

Sec. 31. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3923 or 209.3925;

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require ~~intensive~~ **enhanced** supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender’s location, including, but not limited to, the transmission of still visual images which do not concern the offender’s activities, and producing, upon request, reports or records of the offender’s presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the offender’s activities,

↪ must not be used.

Sec. 31.5. NRS 228.177 is hereby amended to read as follows:

228.177 1. As used in this section ~~“county”~~:

(a) **“City officer or employee” means an elected officer of a city or any city officer or employee who is compensated from a city treasury.**

(b) **“County officer or employee” means an elected officer of a county or any county officer or employee who is compensated from a county treasury.**

2. The Attorney General may investigate and prosecute any criminal offense committed by a county officer or employee **or a city officer or employee** in the course of his or her duties or arising out of circumstances related to his or her position, if:

(a) The district attorney of the county **or the city attorney, as applicable**, has stated in writing to the Attorney General that he or she does not intend to act in the matter; or

(b) The Attorney General has inquired in writing of the district attorney **or the city attorney, as applicable**, whether he or she intends to act in the matter and:

(1) The Attorney General has not received a written response within 30 days after the district attorney **or the city attorney, as applicable**, received the inquiry; or

(2) The district attorney **or the city attorney, as applicable**, responds in writing that he or she intends to act in the matter, but an ~~information or~~ indictment **is not found or an information or complaint** is not filed, **as applicable**, within 90 days after the response.

3. When he or she is acting pursuant to this section, the Attorney General may commence his or her investigation and file a criminal action with leave of court, and the Attorney General has exclusive charge of the conduct of the prosecution.

4. An ~~information or~~ indictment, **information or complaint** may not be dismissed on the ground that the district attorney **or the city attorney, as applicable**, or the Attorney General has not complied with this section.

Sec. 32. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection ~~5~~ **6**, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, ~~and 4~~ **and 5** and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity

possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than \$50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than \$50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible to participate in such a program.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. *Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

~~16.1~~ 7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

~~17.1~~ 8. As used in this section:

(a) “Controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) “Marijuana” does not include concentrated cannabis.

(c) “Sterile hypodermic device program” has the meaning ascribed to it in NRS 439.986.

Sec. 32.5. 1. There is hereby appropriated from the State General Fund to the Department of Sentencing Policy for personnel costs related to data management the following sums:

For the Fiscal Year 2021-2022..... \$75,345

For the Fiscal Year 2022-2023..... \$96,987

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. 33. The amendatory provisions of:

1. Sections 19 and 32 of this act apply to an offense committed:

(a) On or after July 1, 2021; and

(b) Before July 1, 2021, if the person is sentenced on or after July 1, 2021.

2. Section 31.5 of this act apply to an offense committed:

(a) On or after the effective date of section 31.5 of this act; and

(b) Before the effective date of section 31.5 of this act if the applicable statute of limitations has commenced but has not yet expired on the effective date of section 31.5 of this act.

Sec. 34. 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. 35. NRS 176A.530, 176A.580, 176A.590, 176A.600, 176A.610 and 213.10988 are hereby repealed.

Sec. 36. 1. This section and sections 1, 2, 4 to 6.5, inclusive, 31.5, 33 and 34 of this act become effective upon passage and approval.

2. Sections 3, 7 to 31, inclusive, 32, 32.5 and 35 of this act become effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

176A.530 Authority of Chief Parole and Probation Officer to order.

176A.580 Inquiry required before alleged violation considered by court; qualifications of inquiring officer; time and place of inquiry; exceptions; subpoenas.

176A.590 Enforcement of subpoena issued by inquiring officer; contempt.

176A.600 Notice to probationer; rights of probationer at inquiry.

176A.610 Duties of inquiring officer; determination; detention or residential confinement of probationer upon finding probable cause.

213.10988 Chief to adopt standards for recommendations regarding parole or probation.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 851 to Assembly Bill No. 393.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 40, 45, 66, 67, 121, 148, 153, 211, 326, 330, 335, 342, 366, 374, 385, 405, 426, 444, 451, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 465, 466, 467, 469, 470, 474, 475, 477, 480, 482, 484, 485; Senate Bills Nos. 409, 410, 411, 412, 413, 414, 415, 418, 421, 422, 426, 427, 446, 447, 451, 459; Senate Concurrent Resolutions Nos. 11 and 13.

GENERAL FILE AND THIRD READING

Senate Bill No. 276.

Bill read third time.

Roll call on Senate Bill No. 276:

YEAS—33.

NAYS—Black, Dickman, Ellison, Kasama, Matthews, McArthur, O'Neill, Titus, Wheeler—9.

Senate Bill No. 276 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Roll call on Senate Bill No. 341:

YEAS—31.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Matthews, McArthur, O'Neill, Titus, Wheeler—11.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 377.

Bill read third time.

Roll call on Senate Bill No. 377:

YEAS—42.

NAYS—None.

Senate Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—35.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Titus, Wheeler—7.

Senate Bill No. 390 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 455.

Bill read third time.

Roll call on Senate Bill No. 455:

YEAS—37.

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

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

Bill ordered transmitted to the Senate.

Senate Bill No. 165.

Bill read third time.

Roll call on Senate Bill No. 165:

YEAS—40.

NAYS—Black, Ellison—2.

Senate Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 291.

Bill read third time.

Roll call on Senate Bill No. 291:

YEAS—29.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Kasama, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—13.

Senate Bill No. 291 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 437.

Bill read third time.

Roll call on Senate Bill No. 437:

YEAS—26.

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

Senate Bill No. 437 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 212.

Bill read third time.

Roll call on Senate Bill No. 212:

YEAS—26.

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

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Roll call on Senate Bill No. 108:

YEAS—34.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, O'Neill, Titus, Wheeler—8.

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Roll call on Senate Bill No. 233:

YEAS—42.

NAYS—None.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Roll call on Senate Bill No. 267:

YEAS—32.

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

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Unfortunately, I have to rise in opposition to Senate Bill 380. I appreciate my colleague from Assembly District 14 for adding that amendment that the industry asked for. She absolutely did as she agreed to do. However, for the past several sessions, this body has passed a number of transparency measures on the drug manufacturers. Many of us have been here for that. It started out with asthma drugs and diabetes drugs. The proponents of these various measures have continued to tell us that the driving force for passage of those measures and also for passage of this particular bill is that it will lower the cost of drugs. Yet, proponents continue to argue that none of the asthma drugs or insulin have seen a decrease in cost.

We need to find patient-focused solutions. Over the interim, various stakeholders worked together to find patient-focused solutions. However, as this is worded, I do not believe this will have the impact that we want to see. I am hopeful that in the future we will continue to work on finding some solutions that may change.

Roll call on Senate Bill No. 287:

YEAS—31.

NAYS—Benitez-Thompson, Black, Dickman, Ellison, Hansen, Krasner, O'Neill, Titus, Tolles, Torres, Wheeler—11.

Senate Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Roll call on Senate Bill No. 356:

YEAS—42.

NAYS—None.

Senate Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 366.

Bill read third time.

Roll call on Senate Bill No. 366:

YEAS—42.

NAYS—None.

Senate Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Roll call on Senate Bill No. 367:

YEAS—33.

NAYS—Black, Dickman, Ellison, Hansen, Kasama, Krasner, Matthews, McArthur, Wheeler—9.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.

Bill read third time.

Roll call on Senate Bill No. 397:

YEAS—40.

NAYS—Black, Matthews—2.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Roll call on Senate Bill No. 463:

YEAS—42.

NAYS—None.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 37, Amendment No. 787; Assembly Bill No. 280, Amendment No. 843; Assembly Bill No. 349, Amendment No. 861, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 608 to Senate Bill No. 5; Assembly Amendment No. 837 to Senate

Bill No. 147; Assembly Amendment No. 828 to Senate Bill No. 194; Assembly Amendment No. 857 to Senate Bill No. 292; Assembly Amendment No. 827 to Senate Bill No. 353; Assembly Amendment No. 860 to Senate Bill No. 460.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 369.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 347.

Bill read third time.

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

Amendment No. 868.

SENATOR SCHEIBLE

JOINT ~~[SPONSOR: ASSEMBLYWOMAN]~~ **SPONSORS: ASSEMBLYMEN FLORES AND TORRES**

AN ACT relating to higher education; creating the Task Force on Sexual Misconduct at Institutions of Higher Education; prescribing the membership, duties and compensation of the Task Force; authorizing the Board of Regents of the University of Nevada to appoint researchers to develop a climate survey on sexual misconduct; authorizing the Board of Regents to require the institutions within the Nevada System of Higher Education to administer the climate survey to students; authorizing the imposition of additional requirements for the grievance process at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and designate an advocate; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing a student who has experienced sexual misconduct to request a waiver from certain requirements of scholarships or academic activities; authorizing the Board of Regents to require an annual report from institutions within the System on certain information relating to sexual misconduct; authorizing the Board of Regents to adopt regulations; making certain information relating to incidents of sexual misconduct confidential; **revising provisions relating to tuition charges; revising requirements relating to certain scholarships and grants;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) Under existing federal regulations, an institution of higher education that

receives federal funding must follow a grievance process that complies with Title IX to address formal complaints that allege an incident of sexual harassment that occurs in relation to an education program or activity of the institution, including, without limitation, incidents that occur on or off a campus of the institution. (34 C.F.R. §§ 106.44, 106.45) This bill generally expands the protections provided by Title IX.

Sections 2.3-11 of this bill define relevant terms. **Section 12** of this bill creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the membership of the Task Force. **Section 12.5** of this bill prescribes the duties of the Task Force. **Section 13** of this bill authorizes the Board of Regents of the University of Nevada, to the extent money is available, to appoint researchers to develop a climate survey on sexual misconduct and prescribes the requirements of the climate survey. **Section 14** of this bill authorizes the Board of Regents, to the extent money is available, to require an institution within the Nevada System of Higher Education to conduct a climate survey on sexual misconduct, and **section 15** of this bill sets forth the duties of the Board of Regents regarding the climate survey.

Section 16 of this bill authorizes the Board of Regents to require an institution to meet certain requirements related to the grievance process of the institution.

Section 17 of this bill authorizes the Board of Regents to require an institution within the System to adopt a policy on sexual misconduct and sets forth certain requirements related to the adoption of the policy. **Section 18** of this bill prescribes the information that must be included in a policy on sexual misconduct, if such a policy is required to be adopted by an institution.

Section 19 of this bill authorizes the Board of Regents to require an institution to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct, and sets forth the provisions that may be included in such a memorandum of understanding.

Section 20 of this bill authorizes the Board of Regents to require an institution within the System to designate an advocate and provide training to the advocate. **Section 21** of this bill sets forth the duties of the advocate if an advocate is designated by an institution. Under existing law, certain communications between a victim and a victim's advocate are deemed to be confidential. (NRS 49.2546) Existing law defines a victim's advocate as a person who works for certain programs within the System that provide assistance to victims of certain acts. (NRS 49.2545) **Section 28** of this bill includes the provision of services pursuant to **sections 2-27** of this bill to victims of sexual misconduct in the definition of a victim's advocate.

Section 22 of this bill authorizes the Board of Regents to prohibit an institution within the System from sanctioning a complainant, reporting party or witness for violating a policy of student conduct that occurred during or related to an alleged incident of sexual misconduct.

Section 23 of this bill authorizes the Board of Regents to require an institution within the System to provide training on the grievance process of the institution to certain employees. **Section 24** of this bill authorizes the Board of Regents to require an institution within the System to provide programming on the awareness and prevention of sexual misconduct to students and employees of the institution.

Section 24.3 of this bill authorizes the Board of Regents to require an institution within the System to determine the responsibility of a respondent for an alleged incident of sexual misconduct based on a preponderance of the evidence. **Section 24.7** of this bill sets forth the requirements for conducting an investigation. **Section 24.5** of this bill authorizes the Board of Regents to require an institution within the System to accept a request from a complainant who is at least 18 years of age to keep the identity of the complainant confidential unless state or federal law requires disclosure or further action. **Section 24.9** of this bill authorizes an institution to issue a no-contact directive in certain circumstances.

Section 24.95 of this bill authorizes a student who has experienced sexual misconduct to request a waiver from certain requirements of various scholarships or academic activities. **Sections 27.1-27.9** of this bill make conforming changes relating to such a waiver.

Section 25 of this bill authorizes the Board of Regents to require an institution within the System to submit an annual report to the Board of Regents on certain information relating to sexual misconduct. **Section 25** also requires the Board of Regents to compile the reports and submit the compilation to the Director of the Department of Health and Human Services and to the Legislature or Legislative Committee on Education.

Section 27 of this bill authorizes the Board of Regents to adopt regulations.

Section 28.5 of this bill makes certain information generated pursuant to a climate survey on sexual misconduct and the annual report on sexual misconduct prepared by an institution within the System confidential. (NRS 293.010)

Under existing law, the Board of Regents may not fix tuition charges against certain students. (NRS 396.540) Section 27.05 of this bill prohibits the Board of Regents from fixing tuition charges against: (1) students whose parent, legal guardian or spouse was stationed at a military installation associated with Nevada on the date the student is admitted to a university, state college or community college; and (2) students who graduated from a high school in this State, regardless of whether the student or the student's family is a bona fide resident.

Existing law sets forth various requirements to obtain a scholarship or grant under the Governor Guinn Millennium Scholarship Program, the Silver State Opportunity Grant Program or the Nevada Promise Scholarship Program. (NRS 396.930, 396.952, 396.956, 396.9665) Section 27.5 of this bill removes a requirement to certify that the applicant is a citizen of or legal immigrant to the United States to receive a Millennium

Scholarship. Sections 27.93 and 27.95 of this bill remove requirements to complete the Free Application for Federal Student Aid to receive a Silver State Opportunity Grant in certain circumstances. Sections 27.93 and 27.97 of this bill provide that a student may be eligible for a Silver State Opportunity Grant or a Nevada Promise Scholarship if the student graduated from a high school located in this State, regardless of whether the student is a bona fide resident.

Existing law requires the Board of Regents to distribute scholarships under the Nevada Promise Scholarship Program first to students who complete the Free Application for Federal Student Aid and then, if there is money remaining for additional distributions, to students who are prohibited by federal law from completing the Free Application for Federal Student Aid. (NRS 396.968) Section 37.99 of this bill removes this requirement.

Under existing federal law, a state may provide a qualified tuition program to help families pay for college education. (26 U.S.C. § 529) Existing state law establishes the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. (NRS 353B.010-353B.190, 353B.300-353B.370) Section 28.7 of this bill prohibits a prepaid tuition program or college savings program from excluding a person or his or her family from participating in such a program based solely on the citizenship or immigration status of the person or his or her family.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. *As used in sections 2 to 27, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.3. *“Complainant” means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute sexual misconduct.*

Sec. 2.5. *“Dating violence” has the meaning ascribed to it in 34 U.S.C. § 12291(a).*

Sec. 3. *“Domestic violence” has the meaning ascribed to it in 34 U.S.C. § 12291(a).*

Sec. 4. *“Reporting party” means a person who reports an alleged incident of sexual misconduct to the institution.*

Sec. 5. *“Respondent” means a person who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.*

Sec. 6. *“Sexual assault” has the meaning ascribed to it in 20 U.S.C. § 1092(f)(6)(A)(v).*

Sec. 7. *“Sexual harassment” means conduct on the basis of sex, whether direct or indirect, implicit or explicit, verbal or nonverbal or in person or via virtual or electronic means, that satisfies one or more of the following:*

1. *An employee of an institution within the System conditioning the provision of an aid, benefit or service of the institution or the terms, conditions or privileges of the participation of a person in the education programs or activities of the institution on the person’s participation in unwelcome sexual conduct, including, without limitation:*

- (a) A sexual advance;*
- (b) A request for sexual favors; or*
- (c) Other conduct of a sexual nature.*

2. *Unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature or evincing gender bias:*

(a) That, in the educational environment, is made a term or condition of a student’s academic status or, based on an objective standard, is sufficiently severe, persistent or pervasive that it interferes with, limits or effectively denies a student the ability to participate in or benefit from the services, activities or opportunities offered by an institution within the System.

(b) Where, in the workplace, submission to or rejection of the sexual advances, requests for sexual favors or conduct is used as a basis for decisions or evaluations related to academics or employment or permission to participate in a service, activity or opportunity offered by an institution within the System or that, based on an objective standard, is sufficiently severe, persistent or pervasive that it creates an intimidating, hostile or abusive work environment which may or may not interfere with an employee’s job performance.

3. *Sexual assault, dating violence, domestic violence or stalking.*

Sec. 8. *“Sexual misconduct” means dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.*

Sec. 9. *“Stalking” has the meaning ascribed to it in 34 C.F.R. § 106.30.*

Sec. 9.5. *“Student” includes, without limitation, a former student of an institution within the System who took a leave of absence or withdrew from the institution due to being a complainant or respondent.*

Sec. 10. *“Supportive measures” has the meaning ascribed to it in 34 C.F.R. § 106.30.*

Sec. 11. *“Trauma-informed response” means a response involving an understanding of the complexities of sexual misconduct, including, without limitation:*

- 1. Perpetrator methodology;*
- 2. Conducting an effective investigation;*
- 3. The neurobiological causes and impacts of trauma; and*

4. *The influence of social myths and stereotypes surrounding the causes and impacts of trauma.*

Sec. 12. 1. *There is hereby created the Task Force on Sexual Misconduct at Institutions of Higher Education consisting of 12 members as follows:*

- (a) The Chancellor of the System, or his or her designee;*
- (b) The Chief General Counsel of the System, or his or her designee; and*
- (c) Ten members appointed by the Board of Regents as follows:*
 - (1) One representative of a state college;*
 - (2) One representative of a community college;*
 - (3) One representative of a university;*
 - (4) One Title IX coordinator from an institution within the System;*
 - (5) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;*
 - (6) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;*
 - (7) One researcher with experience in the development of climate surveys on sexual misconduct;*
 - (8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;*
 - (9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; and*
 - (10) One person who serves as a victim's advocate, as defined in NRS 49.2545, at an institution within the System.*

2. *After the initial terms, each appointed 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. 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 once annually and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.*

5. *A majority of the members of the Task Force constitutes 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, and within the limits of available money, 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 Office of the Attorney General shall provide administrative support to the Task Force.*~~

Sec. 12.5. 1. The Task Force on Sexual Misconduct at Institutions of Higher Education created by section 12 of this act shall:

(a) Review the results of any climate survey on sexual misconduct administered at an institution within the System; and

(b) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address sexual misconduct at institutions within the System.

2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.

Sec. 13. 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on sexual misconduct designed to be administered at institutions within the System. The climate survey on sexual misconduct must:

(a) Gather institution-specific data regarding the prevalence of gender-based harassment and discrimination;

(b) Be fair and unbiased;

(c) Be scientifically valid and reliable; and

(d) Meet the highest standards of survey research.

2. If appointed to develop a climate survey on sexual misconduct, the researchers shall:

(a) Use best practices from peer-reviewed research;

(b) Consult with persons with expertise in the development and use of climate surveys on sexual misconduct at institutions of higher education;

(c) Consult with a student government association;

(d) Review climate surveys on sexual misconduct which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;

(e) Provide opportunity for written comment from organizations that assist victims of sexual misconduct to ensure the adequacy and appropriateness of any proposed content of the climate survey on sexual misconduct;

(f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on sexual misconduct; and

(g) Account for the diverse needs and differences of the institutions within the System.

3. If a climate survey on sexual misconduct is developed, the climate survey must request information on topics related to sexual misconduct. The topics may include, without limitation:

(a) The estimated number of alleged incidents of sexual misconduct, both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;

(b) When and where an alleged incident of sexual misconduct occurred;

(c) Whether an alleged incident of sexual misconduct was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;

(d) Awareness of a student of the policies and procedures related to sexual misconduct at an institution;

(e) Whether a student reported an alleged incident of sexual misconduct and:

(1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and

(2) If the incident was not reported, the reason the student chose not to report the incident;

(f) Whether a student who reported an alleged incident of sexual misconduct was:

(1) Offered supportive measures by an institution;

(2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and

(3) Informed of the prohibition against retaliation for reporting an alleged incident of sexual misconduct;

(g) Contextual factors in an alleged incident of sexual misconduct, such as the involvement of force, incapacitation or coercion;

(h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of the student taking the climate survey on sexual misconduct;

(i) Perceptions a student has of campus safety;

(j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of sexual misconduct;

(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the complainant or respondent in an alleged incident of sexual misconduct;

(l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of sexual misconduct;

(m) Whether a student experienced any financial impact as a result of an alleged incident of sexual misconduct;

(n) Whether a student experienced any negative health impacts as a result of an alleged incident of sexual misconduct, including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

(o) The perception of the participants in the survey of the attitudes of the community toward sexual misconduct, including, without limitation, the willingness of a person to intervene in an ongoing incident of sexual misconduct as a bystander; and

(p) Any other questions as determined necessary by the researchers.

4. The climate survey on sexual misconduct must provide an option for students to decline to answer a question.

5. The climate survey on sexual misconduct must be provided to the Task Force on Sexual Misconduct at Institutions of Higher Education created pursuant to section 12 of this act for comment.

Sec. 14. 1. To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on sexual misconduct at the institution biennially.

2. A climate survey on sexual misconduct conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to section 13 of this act. If an institution within the System includes additional questions on a climate survey on sexual misconduct pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of sexual misconduct.

3. If an institution within the System conducts a climate survey on sexual misconduct pursuant to subsection 1, the institution shall:

(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad;

(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on sexual misconduct;

(c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;

(d) Within 120 days after completion of the climate survey on sexual misconduct:

(1) Compile a summary of the responses to the survey; and

(2) Submit the summary of responses to the Board of Regents; and

(e) Post on the Internet website maintained by the institution in a manner that does not disclose personally identifiable information of any person, the summary of the responses to the climate survey on sexual misconduct.

3. *A climate survey on sexual misconduct must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.*

4. *An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on sexual misconduct pursuant to this section due to the financial circumstances of the institution.*

5. *An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.*

6. *Any data or reports that underlie the summaries generated pursuant to subsection 2 are confidential and are not a public record for the purposes of chapter 239 of NRS.*

Sec. 15. 1. *If the Board of Regents requires an institution within the System to conduct a climate survey on sexual misconduct pursuant to section 14 of this act, the Board of Regents shall to the extent that money is available:*

(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to section 13 of this act to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;

(b) Establish a repository for the summaries of the climate survey on sexual misconduct submitted by each institution pursuant to section 14 of this act;

(c) Post each summary of the responses to a climate survey on sexual misconduct submitted by an institution pursuant to section 14 of this act on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;

(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on sexual misconduct; and

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on sexual misconduct submitted by an institution pursuant to section 14 of this act to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

2. *Any data or reports that underlie the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.*

Sec. 16. *The Board of Regents may require an institution within the System to:*

1. *Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy on sexual misconduct adopted pursuant to section 17 of this act to receive annual training on topics related to sexual misconduct which may include, without limitation, any training required pursuant to section 23 of this act;*

2. *Provide a complainant and respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;*

3. *Except as otherwise required by federal law, within 14 business days after the conclusion of the grievance process, inform the complainant and the respondent of the result of the grievance process; and*

4. *Unless otherwise required by state or federal law, not publicly disclose the identity of a complainant or respondent.*

Sec. 17. 1. *The Board of Regents may require an institution within the System to adopt a policy on sexual misconduct consistent with applicable state and federal law.*

2. *If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, in developing the policy on sexual misconduct, an institution within the System:*

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

(I) The Title IX coordinator of the institution; and

(II) If an institution has entered into a memorandum of understanding pursuant to section 19 of this act, the organization that assists persons involved in sexual misconduct; and

(3) Engage in a culturally competent manner to reflect the diverse needs of all students; and

(b) May consider input from internal and external entities, including, without limitation:

(1) Administrators at the institution;

(2) Personnel affiliated with health care centers located on or off a campus of the institution that provide services to the institution;

(3) An advocate designated pursuant to section 20 of this act;

(4) Staff affiliated with campus housing services;

(5) Students enrolled in an institution within the System;

(6) A provider of health care;

(7) Law enforcement agencies, including, without limitation, campus police or security; and

(8) The district attorney of the county where the main campus of the institution is located.

3. *If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, an institution within the System shall provide:*

(a) Internal or external entities an opportunity to provide comment on the initial policy on sexual misconduct or any substantive change to the policy;

(b) Instructions on how an internal or external entity may provide comment on the initial policy on sexual misconduct or a substantive change to the policy; and

(c) *A reasonable length of time during which the institution will accept comment.*

4. *After an initial policy on sexual misconduct is adopted by an institution within the System, the opportunity for comment by an internal or external entity pursuant to subsection 3 applies only to a substantive change to the policy, as determined by the institution.*

5. *If the Board of Regents requires the adoption of a policy on sexual misconduct pursuant to subsection 1, an institution within the System shall make the policy on sexual misconduct publicly available not later than the start of each academic year:*

(a) *Upon request, to a prospective student, current student or employee of the institution; and*

(b) *On the Internet website maintained by the institution.*

Sec. 18. *A policy on sexual misconduct adopted pursuant to section 17 of this act must include, without limitation, information on:*

1. *The procedures by which a student or employee at an institution within the System may report or disclose an alleged incident of sexual misconduct that occurred on or off a campus of the institution;*

2. *Supportive measures, including, without limitation:*

(a) *Changing academic, living, campus transportation or work arrangements;*

(b) *Taking a leave of absence from the institution in response to an alleged incident of sexual misconduct;*

(c) *How to request supportive measures; and*

(d) *The process to have any supportive measures reviewed by the institution;*

3. *Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and*

4. *The grievance process of the institution for investigating and resolving a report of an alleged incident of sexual misconduct ~~for~~ pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.*

Sec. 18.3. (Deleted by amendment.)

Sec. 18.5. (Deleted by amendment.)

Sec. 19. 1. *The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct. The memorandum of understanding may, without limitation:*

(a) *Allow for cooperation and training between the institution and the organization that assists persons involved in sexual misconduct to establish an understanding of the:*

(1) *Responsibilities that the institution and organization that assists persons involved in sexual misconduct have in responding to a report or disclosure of an alleged incident of sexual misconduct; and*

(2) Procedures of the institution for providing support and services to students and employees;

(b) Require an organization that assists persons involved in sexual misconduct to:

(1) Assist with developing policies, programming or training at the institution regarding sexual misconduct;

(2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to an alleged incident of sexual misconduct that are located on or off a campus of the institution, including, without limitation:

(I) Access to a health care provider who specializes in forensic medical examinations; and

(II) Confidential services;

(3) Assist with the development and implementation of education and prevention programs for students of the institution; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and

(c) Include a fee structure for any services provided by the organization that assists persons involved in sexual misconduct.

2. As used in this section, “forensic medical examination” has the meaning ascribed to it in NRS 217.300.

Sec. 20. 1. The Board of Regents may require an institution within the System to designate an advocate. If the Board of Regents requires the designation of an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists persons involved in sexual misconduct to designate an advocate; or

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate an advocate.

2. An advocate designated pursuant to subsection 1:

(a) Must not be a Title IX coordinator, a member of campus police or law enforcement or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution or whose position at the institution may create a conflict of interest;

(b) Must be designated based on the training or experience of the person to effectively provide services related to sexual misconduct; and

(c) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates an advocate pursuant to subsection 1, the advocate must be trained on:

(a) The awareness and prevention of sexual misconduct;

(b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(c) Any policy on sexual misconduct adopted by the institution pursuant to section 17 of this act; and

(d) Trauma-informed responses to a report of an alleged incident of sexual misconduct.

4. An institution within the System that designates an advocate pursuant to subsection 1 shall provide for the availability of an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of an advocate in person.

Sec. 21. 1. If an advocate is designated pursuant to section 20 of this act, the advocate shall:

(a) Inform a student or employee of, or provide resources about how to obtain information on:

(1) Options on how to report an alleged incident of sexual misconduct and the effects of each option;

(2) Counseling services available on a campus of the institution and through local community resources;

(3) Medical and legal services available on or off a campus of the institution;

(4) Available supportive measures;

(5) Counseling related to student loans;

(6) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice;

(7) The role of local, state and federal law enforcement agencies;

(8) Any limits on the ability of the advocate to provide privacy or confidentiality to the student or employee; and

(9) A policy on sexual misconduct adopted by the institution pursuant to section 17 of this act;

(b) Notify the student or employee of his or her rights and the responsibilities of the institution regarding an order for protection, restraining order or injunction issued by a court;

(c) Unless otherwise required by state or federal law, not be required to report an alleged incident of sexual misconduct to the institution or a law enforcement agency;

(d) Provide confidential services to students and employees;

(e) Not provide confidential services to more than one party in a grievance process;

(f) Unless otherwise required by state or federal law, not disclose confidential information without the prior written consent of the student or employee who shared the information;

(g) Support a complainant or respondent in obtaining supportive measures to ensure the complainant or respondent has continued access to education; and

(h) Inform a student or employee that supportive measures may be available through disability services or the Title IX coordinator.

2. If an advocate is designated pursuant to section 20 of this act, the advocate may:

(a) If appropriate and if directed by a student or employee, assist the student or employee in reporting an alleged incident of sexual misconduct to the institution or a law enforcement agency; and

(b) Attend a disciplinary proceeding of the institution as the advisor or support person of a complainant.

3. Notice to an advocate of an alleged incident of sexual misconduct or the performance of services by an advocate pursuant to this section shall not constitute actual or constructive notice of an alleged incident of sexual misconduct to the institution within the System which designated the advocate pursuant to section 20 of this act.

4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or a respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for the complainant or the respondent.

Sec. 22. 1. The Board of Regents may prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports an alleged incident of sexual misconduct to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of sexual misconduct unless the institution determines that the:

(a) Report of an alleged incident of sexual misconduct was not made in good faith; or

(b) The violation of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.

2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of sexual misconduct that was reported and the misconduct that led to the reporting party or witness being disciplined.

Sec. 23. 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution ~~to appropriate employees, as determined by the Board of Regents.~~ in accordance with 34 C.F.R. § 106.45.

2. The Board of Regents may require an institution within the System to train the Title IX coordinator and members of the campus police or safety personnel of the institution in the awareness of sexual misconduct and in trauma-informed response to an alleged incident of sexual misconduct.

Sec. 24. 1. The Board of Regents may require an institution within the System to provide programming on awareness and prevention of sexual misconduct to all students and employees of the institution. If the Board of

Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming must include, without limitation:

- (a) An explanation of consent as it applies to a sexual act or sexual conduct with another person;*
- (b) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;*
- (c) Information on options for reporting an alleged incident of sexual misconduct, the effects of each option and the method to file a report under each option, including, without limitation, a description of the confidentiality and anonymity, as applicable, of a report;*
- (d) Information on the grievance process of the institution for addressing a report of an alleged incident of sexual misconduct, including, without limitation, a policy on sexual misconduct adopted pursuant to section 17 of this act;*
- (e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of sexual misconduct;*
- (f) If an advocate is designated pursuant to section 20 of this act, the name, contact information and role of the advocate;*
- (g) Strategies for intervention by bystanders;*
- (h) Strategies for reduction of the risk of sexual misconduct; and*
- (i) Any other opportunities for additional programming on awareness and prevention of sexual misconduct.*

2. If an institution provides programming on awareness and prevention of sexual misconduct pursuant to subsection 1, the institution:

- (a) Shall coordinate with the Title IX coordinator of the institution;*
- (b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists persons involved in sexual misconduct pursuant to section 19 of this act, that organization; and*
- (c) Shall require students or employees to attend the programming on the awareness and prevention of sexual misconduct.*

3. If an institution provides programming on awareness and prevention of sexual misconduct pursuant to subsection 1, the programming may be culturally responsive and address the unique experiences and challenges faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

Sec. 24.3. The Board of Regents may require an institution within the System that receives a report of an alleged incident of sexual misconduct that involves a student or employee of the institution to determine the responsibility of a respondent, if any, based on a preponderance of the evidence.

Sec. 24.5. 1. The Board of Regents may require an institution within the System to accept a request from a complainant who is 18 years of age or

older to keep the identity of the complainant confidential or take no investigative or disciplinary action against a respondent. An institution shall not grant such a request if state or federal law requires disclosure or further action. In determining whether to grant such a request, the institution shall consider whether there is a risk that the respondent may commit additional acts of sexual misconduct, violence, discrimination or harassment based on whether one or more of the following factors are present to a sufficient degree such that the request cannot be honored:

- (a) There are any previous or existing reports of an incident of sexual misconduct against the respondent, including, without limitation, records of complaints or the arrest of the respondent;*
- (b) The respondent allegedly used a weapon;*
- (c) The respondent threatened violence, discrimination or harassment against the complainant or other persons;*
- (d) The alleged incident of sexual misconduct was alleged to have been committed by two or more people;*
- (e) The circumstances surrounding the alleged incident of sexual misconduct indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;*
- (f) The circumstances surrounding the alleged incident of sexual misconduct indicate a pattern of consistent behavior at a particular location or by a particular group of people;*
- (g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the complainant; and*
- (h) There are any other factors that indicate the respondent may repeat the behavior alleged by the complainant or that the complainant or other persons may be at risk of harm.*

2. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall take reasonable steps to, without initiating formal action against the respondent:

- (a) Respond to the report of the alleged incident of sexual misconduct while maintaining the confidentiality of the complainant;*
- (b) Limit the effects of the alleged incident of sexual misconduct; and*
- (c) Prevent the recurrence of any misconduct.*

3. Reasonable steps taken pursuant to subsection 2 may include, without limitation:

- (a) Increased monitoring, supervision or security at locations or activities where the alleged incident of sexual misconduct occurred;*
- (b) Providing additional training and educational materials for students and employees; or*
- (c) Ensuring a complainant is informed of and has access to appropriate supportive measures.*

4. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection

1, the institution shall inform the complainant that the ability of the institution to respond to the report of the alleged incident of sexual misconduct will be limited by the request.

5. If an institution within the System determines that it cannot grant a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall:

(a) Inform the complainant of the determination before disclosing the identity of the complainant or initiating an investigation;

(b) Make available supportive measures for the complainant; and

(c) If requested by the complainant, inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

Sec. 24.7. 1. In conducting an investigation of an alleged incident of sexual misconduct an institution within the System shall:

(a) Provide the complainant and the respondent the opportunity to identify witnesses and other evidence to assist the institution in determining whether an alleged incident of sexual misconduct has occurred;

(b) Inform the complainant and the respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) Ensure that questions and evidence of the sexual history or sexual predisposition of a complainant are not considered relevant unless the:

(1) Questions or evidence are directly relevant to prove that the conduct alleged to have been committed by the respondent was inflicted by another person; or

(2) Questions and evidence are relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct.

2. An institution within the System shall provide periodic updates on the investigation to the complainant and the respondent regarding the timeline of the investigation.

3. An institution within the System shall notify the complainant and the respondent of the findings of an investigation simultaneously.

4. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

Sec. 24.8. (Deleted by amendment.)

Sec. 24.9. 1. An institution within the System may issue a no-contact directive prohibiting the complainant and the respondent from contacting each other. An institution may issue a no-contact directive if the directive is necessary to, without limitation:

(a) Protect the safety or well-being of either the complainant or the respondent; or

(b) Respond to interference with an investigation.

2. *A no-contact directive issued against the respondent after a decision of responsibility, if any, has been made ~~may~~ must be ~~unilateral and mutually applied only against~~ to the complainant and the respondent.*

3. *If an institution issues a mutual no-contact directive, the institution shall provide the complainant and the respondent with an explanation of the terms of the directive, including, without limitation, that a violation of the directive may subject the party to disciplinary action.*

Sec. 24.95. 1. *A student who experiences sexual misconduct may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement relating to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty member of the institution.*

2. *A student or employee who experiences sexual misconduct may be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.*

Sec. 25. 1. *The Board of Regents may require an institution within the System to prepare and submit to the Board of Regents an annual report that includes, without limitation:*

(a) *The total number of reports of alleged incidents of sexual misconduct allegedly committed by a student or employee of the institution made to the Title IX office of the institution;*

(b) *The number of students and employees found responsible for an incident of sexual misconduct by the institution;*

(c) *The number of students and employees accused of but found not responsible for an incident of sexual misconduct by the institution;*

(d) *The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of sexual misconduct; and*

(e) *The number of persons who submitted requests for supportive measures and the number of persons who received supportive measures.*

2. *A report submitted pursuant to subsection 1 must not contain any personally identifiable information of a student or employee of an institution within the System.*

3. *Information contained in a report submitted pursuant to subsection 1 must be able to be disaggregated by students and employees.*

4. *If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, an institution shall submit the report to the Board of Regents not later than October 1 of each year.*

~~4.4~~ 5. *If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board of Regents received pursuant to subsection 1 to the Director of the Department of Health and Human Services and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the*

Legislature in even-numbered years or the Legislative Committee on Education in odd-numbered years.

~~§ 6.~~ *Any data or reports that underlie the report prepared pursuant to subsection ~~§ 4~~ are confidential and are not a public record for the purposes of chapter 239 of NRS.*

Sec. 26. (Deleted by amendment.)

Sec. 27. *The Board of Regents may adopt regulations as necessary to carry out the provisions of sections 2 to 27, inclusive, of this act.*

Sec. 27.05. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) “Bona fide resident” shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification “bona fide” is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) “Matriculation” has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) “Tuition charge” means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student ~~enrolled at~~ **is admitted to** an institution of the System if such students **enroll and** maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System; ~~and~~

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart ~~and~~; and

(l) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 27.1. NRS 396.585 is hereby amended to read as follows:

396.585 1. The Board of Regents shall require each student who participates as a member of a varsity athletic team which represents ~~the University of Nevada, Reno, or the University of Nevada, Las Vegas, or an institution within the System~~ an institution within the System to make satisfactory progress toward obtaining a degree as a condition of participation as a member of the team.

2. The Board of Regents shall establish standards for determining whether a student is making satisfactory progress toward obtaining his or her degree as

required by this section. ~~The~~ *Except as otherwise provided in section 24.95 of this act, the* standards must:

(a) Include a requirement that a student enroll in a sufficient number of courses in each semester that are required to obtain the academic degree the student is seeking to allow the student to complete the requirements for obtaining the degree within a reasonable period after the student's admission.

(b) Include a requirement that a student maintain a minimum grade point average in the courses required pursuant to paragraph (a).

Sec. 27.3. NRS 396.890 is hereby amended to read as follows:

396.890 1. The Board of Regents may administer, directly or through a designated officer or employee of the System, a program to provide loans for fees, books and living expenses to students in the nursing programs of the System.

2. Each student to whom a loan is made must:

(a) Have been a "bona fide resident" of Nevada, as that term is defined in NRS 396.540, for at least 6 months prior to the "matriculation" of the student in the System, as that term is defined pursuant to NRS 396.540;

(b) Be enrolled at the time the loan is made in a nursing program of the System for the purpose of becoming a licensed practical nurse or registered nurse;

(c) ~~Fulfill~~ *Except as otherwise provided in section 24.95 of this act, fulfill* all requirements for classification as a full-time student showing progression towards completion of the program; and

(d) ~~Maintain~~ *Except as otherwise provided in section 24.95 of this act, maintain* at least a 2.00 grade point average in each class and at least a 2.75 overall grade point average, on a 4.0 grading scale.

3. Each loan must be made upon the following terms:

(a) All loans must bear interest at 8 percent per annum from the date when the student receives the loan.

(b) Each student receiving a loan must repay the loan with interest following the termination of the student's education for which the loan is made. The loan must be repaid in monthly installments over the period allowed with the first installment due 1 year after the date of the termination of the student's education for which the loan is made. The amounts of the installments must not be less than \$50 and may be calculated to allow a smaller payment at the beginning of the period of repayment, with each succeeding payment gradually increasing so that the total amount due will have been paid within the period for repayment. The period for repayment of the loans must be:

(1) Five years for loans which total less than \$10,000.

(2) Eight years for loans which total \$10,000 or more, but less than \$20,000.

(3) Ten years for loans which total \$20,000 or more.

4. A delinquency charge may be assessed on any installment delinquent 10 days or more in the amount of 8 percent of the installment or \$4, whichever is greater, but not more than \$15.

5. The reasonable costs of collection and an attorney's fee may be recovered in the event of delinquency.

Sec. 27.5. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 4, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) Except as otherwise provided in paragraph (e), maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class;

(e) Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and

(f) Except as otherwise provided in NRS 396.936 ~~†~~ **and section 24.95 of this act**, is enrolled in at least:

(1) Nine semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (f) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 4.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. If the Board of Regents requires a student to successfully complete courses in mathematics or science to be eligible for a Millennium Scholarship, a student who has successfully completed one or more courses in computer science described in NRS 389.0186 must be allowed to apply not more than one unit of credit received for the completion of such courses toward that requirement.

4. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have

been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,
→ to be eligible for Millennium Scholarships.

5. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. ~~The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.~~

Sec. 27.7. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, \$40 per credit for each lower division course and \$60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant

to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

↪ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 15 semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of \$10,000.

3. Except as otherwise provided in NRS 396.936 ~~††~~ **and section 24.95 of this act**, a student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and

(b) Maintain at least a 2.75 grade point average on a 4.0 grading scale for each semester of enrollment in the Governor Guinn Millennium Scholarship Program.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of

Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 27.9. NRS 396.945 is hereby amended to read as follows:

396.945 1. The Board shall annually award the Memorial Scholarship to:

(a) Two recipients who are students enrolled at:

(1) The University of Nevada, Reno, Great Basin College or Sierra Nevada College;

(2) A nonprofit university which awards a bachelor's degree in education to residents of northern Nevada; or

(3) Any other college or university which awards a bachelor's degree in education and which is designated by the Board as an institution representative of northern Nevada; and

(b) Two recipients who are students enrolled at:

(1) The University of Nevada, Las Vegas, or Nevada State College;

(2) A nonprofit university which awards a bachelor's degree in education to residents of southern Nevada; or

(3) Any other college or university which awards a bachelor's degree in education and which is designated by the Board as an institution representative of southern Nevada.

2. The Board shall establish additional criteria governing the annual selection of each recipient of the Memorial Scholarship, which must include, without limitation, a requirement that a recipient:

(a) Be in or entering his or her senior year at an academic institution described in subsection 1;

(b) Satisfy the eligibility requirements for a Millennium Scholarship set forth in NRS 396.930;

(c) ~~Have~~ **Except as otherwise provided in section 24.95 of this act, have** a college grade point average of not less than 3.5 on a 4.0 grading scale or, if enrolled at an academic institution that does not use a grade point system to

measure academic performance, present evidence acceptable to the Board that demonstrates a commensurate level of academic achievement;

- (d) Have a declared major in elementary education or secondary education;
- (e) Have a stated commitment to teaching in this State following graduation; and
- (f) Have a record of community service.

3. A student who satisfies the criteria established pursuant to this section may apply for a Memorial Scholarship by submitting an application to the Office of the State Treasurer on a form provided on the Internet website of the State Treasurer.

4. The State Treasurer shall forward all applications received pursuant to subsection 3 to the Board. The Board shall review and evaluate each application received from the State Treasurer and select each recipient of the Memorial Scholarship in accordance with the criteria established pursuant to this section.

5. To the extent of available money in the account established pursuant to NRS 396.940, the annual Memorial Scholarship may be awarded to each selected recipient in an amount not to exceed \$5,000 to pay the educational expenses of the recipient for the school year which are authorized by subsection 6 and which are not otherwise paid for by the Millennium Scholarship awarded to the recipient.

6. A Memorial Scholarship must be used only:

- (a) For the payment of registration fees and laboratory fees and expenses;
- (b) To purchase required textbooks and course materials; and
- (c) For other costs related to the attendance of the student at the academic institution in which he or she is enrolled.

7. As used in this section, “Board” means the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005.

Sec. 27.93. NRS 396.952 is hereby amended to read as follows:

396.952 1. The Silver State Opportunity Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college or state college within the System.

2. The Board of Regents shall administer the Program.

3. In administering the Program, the Board of Regents shall for each semester, subject to the limits of money available for this purpose, award a grant to each eligible student to pay for a portion of the cost of education at a community college or state college within the System.

4. To be eligible for a grant awarded under the Program, a student must:

- (a) Except as otherwise provided in this section, be enrolled, or accepted to be enrolled, during a semester in at least 12 credit hours at a community college or state college within the System;
- (b) Be enrolled in a program of study leading to a recognized degree or certificate;

(c) Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement;

(d) Be a bona fide resident of the State of Nevada for the purposes of determining pursuant to NRS 396.540 whether the student is assessed a tuition charge. ~~or have graduated from a high school located in this State;~~ and

(e) ~~Complete~~ **Except as otherwise provided in subsection 6, complete** the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

5. A student who is enrolled, or accepted to be enrolled, in the final semester of his or her program of study in less than 12 credit hours at a community college or state college within the System is eligible for a grant awarded under the Program.

6. To the extent money is available, the Board of Regents may prescribe an alternative determination for financial aid for a student who is prohibited by law from completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 pursuant to paragraph (e) of subsection 4. If the Board of Regents prescribes an alternative determination for financial aid, a student who is prohibited by law from completing the Free Application for Federal Student Aid shall complete the alternative determination for each semester of participation in the Program on or before the deadline prescribed by the Board of Regents.

Sec. 27.95. NRS 396.956 is hereby amended to read as follows:

396.956 1. The Board of Regents:

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) The cost of education of a student at each community college and state college within the System, which must be consistent with the provisions of 20 U.S.C. § 10871l.

(2) For each student, the amounts of the student contribution, family contribution and federal contribution to the cost of education of the student.

(3) The maximum amount of the grant for which a student is eligible.

(c) Shall adopt regulations prescribing the process by which each student may meet the credit-hour requirement described in NRS 396.952 for eligibility for a grant awarded under the Program.

(d) May adopt any other regulations necessary to carry out the Program.

2. The regulations prescribed pursuant to this section must provide that:

(a) In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college or state college within the System, including, without limitation, during breaks between semesters. This paragraph and any regulations adopted pursuant to this section

must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.

(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid or, if the student is prohibited by law from completing the Free Application for Federal Student Aid and the Board of Regents prescribes an alternative determination for financial aid pursuant to subsection 6 of NRS 396.952, the alternative determination for financial aid submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

Sec. 27.97. NRS 396.9665 is hereby amended to read as follows:

396.9665 1. To be eligible to receive a Nevada Promise Scholarship, a student must:

(a) Be a bona fide resident of this State, as construed in NRS 396.540. ~~He~~ or have graduated from a high school located in this State.

(b) Have not previously been awarded an associate's degree or bachelor's degree.

(c) Have obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.

(d) Complete the application for the Nevada Promise Scholarship Program in accordance with the regulations prescribed by the Board of Regents.

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 or, if the student is prohibited by law from completing the Free Application for Federal Student Aid, an alternative determination for financial aid prescribed by the Board of Regents for each academic year of participation in the Program on or before the deadline prescribed by the Board of Regents.

(f) Before enrolling in a community college, participate in one training meeting related to financial aid, the Free Application for Federal Student Aid and college orientation, as prescribed by the Board of Regents by regulation.

(g) Have met at least once with a mentor assigned to the student through the mentoring program established by the Board of Regents pursuant to NRS 396.965 before the first semester of enrollment at a community college and at least twice for each academic year while participating in the Program.

(h) Complete at least 8 hours of community service during the last year of high school and before the first semester of enrollment at a community college and at least 8 hours of community service each semester thereafter, not including summer academic terms, while participating in the Program. Community service performed to satisfy the requirements of this paragraph must not include religious proselytizing or service for which the student

receives any type of compensation or which directly benefits a member of the family of the student.

(i) Submit all information deemed necessary by the Board of Regents to determine the student's eligibility for gift aid.

(j) Except as otherwise provided in subsection 2, be enrolled in at least 12 semester credit hours in a program of study leading to a recognized degree or certificate at a community college for the fall semester of the academic year immediately following the school year in which the student was awarded a high school diploma or have successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(k) Except as otherwise provided in subsection 2 and this paragraph, be enrolled in at least 12 semester credit hours in a program of study leading to a recognized degree or certificate at a community college for each fall semester and spring semester beginning with the first semester for which the student received a Nevada Promise Scholarship, not including summer academic terms. A student who is on schedule to graduate at:

(1) The end of a semester may enroll in the number of semester credit hours required to graduate.

(2) The end of a fall semester is not required to enroll in credit hours for the spring semester.

(l) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the community college in which the student is enrolled.

2. The Board of Regents shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(a) The limitation on eligibility for a Nevada Promise Scholarship set forth in paragraph (b) of subsection 3; and

(b) The minimum number of credits prescribed in paragraphs (j) and (k) of subsection 1.

3. A student who meets the requirements of subsection 1 is eligible for a Nevada Promise Scholarship from the Program until the occurrence of the first of the following events:

(a) The student is awarded an associate's degree or bachelor's degree; or

(b) Except as otherwise provided in subsection 2, the student receives a Nevada Promise Scholarship from the Program for 2 academic years, not including the initial academic year.

Sec. 27.99. NRS 396.968 is hereby amended to read as follows:

396.968 1. The Board of Regents shall award Nevada Promise Scholarships in accordance with this section to students who are enrolled at a

community college and are eligible to receive such scholarships under the provisions of NRS 396.9665.

2. For each eligible student, the Board of Regents shall:

(a) Calculate the maximum amount of a Nevada Promise Scholarship which the student is eligible to receive based on criteria established by regulation pursuant to this section.

(b) Determine the actual amount of the Nevada Promise Scholarship, if any, which will be awarded to the student, which must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents receives notice from the State Treasurer pursuant to subsection 3 that the money available in the Nevada Promise Scholarship Account for any semester is insufficient to award to all eligible students the maximum amount of a Nevada Promise Scholarship which each student is eligible to receive.

(c) If the student is to receive a Nevada Promise Scholarship, award the student a Nevada Promise Scholarship in the amount determined pursuant to paragraph (b). The Board of Regents shall disburse the amount of the Nevada Promise Scholarship awarded to the student, on behalf of the student, directly to the community college in which the student is enrolled.

3. The Board of Regents shall submit a request for a disbursement from the Nevada Promise Scholarship Account created by NRS 396.9645 for the maximum amount of money that will be required to fund a scholarship for each eligible student. Within the limits of money available in the Nevada Promise Scholarship Account, the State Treasurer shall disburse the amount requested to the Board of Regents for disbursement to each community college. If there is insufficient money in the Account to disburse that amount to each community college, the State Treasurer shall provide notice that insufficient money remains in the Nevada Promise Scholarship Account to the Board of Regents. The State Treasurer shall include in the notice the amount of money available for the award of Nevada Promise Scholarships for the academic year and request that a new request be submitted.

4. The Board of Regents shall adopt regulations prescribing:

(a) The criteria for determining the maximum amount of a Nevada Promise Scholarship for an eligible student which is equal to the difference between the amount of the registration fee and other mandatory fees charged to the student by the community college in which the student is enrolled for the academic year, excluding any amount of those fees that is waived by the community college in which the student is enrolled, and the total amount of any other gift aid received by the student for the academic year.

(b) The procedures for submitting a request for disbursement from the Nevada Promise Scholarship Account.

(c) The procedures and standards for determining the actual amount of the Nevada Promise Scholarship which will be awarded to each student upon receiving notice that there is insufficient money to award all eligible students

the maximum amount of the scholarship which each student is eligible to receive. Such procedures and standards ~~are~~ ⁺

~~— (1) Must prohibit the Board of Regents from awarding any money to a student who is prohibited by law from completing the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 unless all students who have completed the Free Application for Federal Student Aid have been awarded the maximum amount calculated pursuant to paragraph (a) of subsection 2; and~~

~~— (2) May~~ **may** include, without limitation, administration of the program on a first-come, first-served basis for all students who ~~have completed the Free Application for Federal Student Aid and~~ are ~~otherwise~~ eligible to participate in the Program.

(d) Procedures to ensure that all money from a Nevada Promise Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Nevada Promise Scholarship Account and not the student.

Sec. 28. NRS 49.2545 is hereby amended to read as follows:

49.2545 “Victim’s advocate” means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which provides assistance to victims ***or who provides services to a victim of an alleged incident of sexual misconduct pursuant to sections 2 to 27, inclusive, of this act*** with or without compensation and who has received at least 20 hours of relevant training.

Sec. 28.5. 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, 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 12.5, 14, 15 and 25 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 28.6. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, **and section 12.5 of this act,** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 28.7. Chapter 353B of NRS is hereby amended by adding thereto a new section to read as follows:

A prepaid tuition program or college savings program established pursuant to this chapter must not prohibit a person or his or her family from participating in such a program based solely on the immigration or citizenship status of the person or his or her family.

Sec. 29. 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. 30. 1. This section becomes effective upon passage and approval.

2. Section 12 of this act becomes effective upon passage and approval for the purpose of appointing members to the Task Force on Sexual Misconduct at Institutions of Higher Education and on July 1, 2021, for all other purposes.

3. Sections 1 to 11, inclusive, and 12.5 to ~~130.1~~ 29, inclusive, 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, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 347 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. 347.

Bill read third time.

Roll call on Senate Bill No. 347:

YEAS—28.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Titus, Wheeler—14.

Senate Bill No. 347 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 the Assembly reconsider the action whereby Senate Bill No. 108 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 108 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 37.

The following Senate amendment was read:

Amendment No. 787.

AN ACT relating to the support of children; defining certain terms and revising certain definitions relating to the support of children; requiring the reporting and withholding of lump sum payments by income payers under certain circumstances; revising provisions relating to the amount of income that may be withheld from an obligor; making various changes relating to the withholding of income by income payers; authorizing the imposition of certain

penalties on income payers who commit certain improper acts relating to lump sum payments; expressly authorizing the assignment of money from certain lump sum payments; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires an employer, person or other entity to withhold and deliver income of an obligor to an enforcing authority for the support of a child under certain circumstances; and (2) sets forth certain procedures for the enforcement of such withholdings and deliveries. (Chapter 31A of NRS) **Section 4** of this bill defines the term “income payer” to mean any employer, person or other entity required to withhold and deliver the income of an obligor to an enforcing authority. **Section 3** of this bill defines the term “employer” to mean a person or entity that employs an obligor as an employee or independent contractor. **Sections 11-19, 21, 22 and 24-27** of this bill make various changes based on those definitions.

Existing law defines “income” to include: (1) wages, salaries, bonuses and commissions; (2) any money from certain other persons or entities from which support may be withheld; (3) any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; and (4) any compensation of an independent contractor. (NRS 31A.016) **Section 9** of this bill revises the definition of “income” to expressly include a lump sum payment. **Section 5** of this bill defines the term “lump sum payment.”

Section 7 of this bill requires certain income payers who are subject to a notice to withhold income of an obligor to inform the enforcing authority before making a lump sum payment of \$150 or more to an obligor. **Section 7** requires the income payer to inform the enforcing authority at least 10 days before the income payer intends to release the lump sum payment to the obligor. **Section 7** additionally requires the enforcing authority, within 10 days after receiving such information, to provide the income payer with a written notice from the Division of Welfare and Supportive Services of the Department of Health and Human Services specifying the amount of the lump sum payment that the income payer must withhold and deliver to the enforcing authority, if any. **Section 7** also provides the manner in which the written notice must be sent to the income payer and obligor and authorizes the obligor to contest the written notice. Finally, **section 7** prohibits the income payer from releasing the lump sum payment to the obligor before: (1) the date that the income payer intends to release the lump sum payment; or (2) the 11th day after providing the information regarding the lump sum payment or the date that the income payer receives the written notice, whichever is earlier. **Section 6** of this bill defines the term “written notice.”

Existing law sets forth certain penalties that may be imposed on an employer who wrongfully refuses to withhold income, refuses or intentionally fails to deliver money to the enforcing authority or knowingly misrepresents the income of an employee. (NRS 31A.095, 31A.120) **Sections 16 and 18** of this bill authorize a court to impose such penalties on an income payer who refuses

to withhold money from a lump sum payment or refuses or intentionally fails to deliver money from a lump sum payment to an enforcing authority.

Existing law: (1) provides immunity from civil liability to an employer who complies with a notice to withhold income; (2) discharges the liability of an employer to an obligor for the portion of the income affected by compliance with a notice to withhold income; and (3) provides immunity from civil liability to an enforcing authority for any money withheld before the implementation of a stay on an order to withhold income. (NRS 31A.100) **Section 17** of this bill extends such immunity to and discharges the liability of an income payer who complies with a written notice concerning a lump sum payment.

Existing law prescribes the amount of income that may be withheld from an obligor and places certain restrictions on the total amount that may be withheld. (NRS 31A.030) Existing law provides that: (1) not more than 50 percent of the disposable earnings of an employee may be withheld if the employee is supporting another spouse or child; or (2) not more than 60 percent of the disposable earnings of the employee may be withheld if the employee is not supporting another spouse or child. Existing law further provides that an additional 5 percent of the disposable earnings of the employee may be withheld if payments for support are more than 12 weeks in arrears. (15 U.S.C. § 1673; NRS 31.295) **Section 10** of this bill applies such restrictions on the total amount of income that may be withheld to all obligors, regardless of whether the obligor is employed as an employee or is an independent contractor and regardless of whether the income qualifies as disposable earnings of the obligor. Thus, **section 10** provides that the amount of income withheld from any obligor must not exceed: (1) 50 percent, if the obligor is supporting another child or spouse, or 60 percent, if the obligor is not supporting another child or spouse; or (2) 55 percent or 65 percent, respectively, if the obligor has been in arrears for more than 12 weeks. **Section 2** of this bill defines the term “disposable earnings.” **Sections 12 and 23** of this bill make conforming changes to reflect the calculation of income that may be withheld.

Existing law requires: (1) the State Treasurer to collect a fee of \$2 for each withholding of income made by an employer; and (2) an employer to deduct such a fee from the income of the obligor. (NRS 31A.075, 31A.080) **Sections 13 and 14** of this bill make various changes related to the deduction of the fee by an income payer.

Existing law requires: (1) person or entity for whom support is being collected to notify the enforcing authority by certified mail, return receipt requested, of a change of address; and (2) an order for an assignment to be served on an employer by certified mail, return receipt requested. (NRS 31A.140, 31A.280) **Sections 19 and 24** of this bill require the documents to be sent by first-class mail or electronically.

Existing law authorizes the withholding and assignment of certain money due to an obligor that is paid periodically or in lump sums. (NRS 31A.150,

31A.330) **Sections 20 and 27** of this bill expressly authorize the withholding and assignment of money from certain lump sum payments.

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

Section 1. Chapter 31A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *“Disposable earnings” has the meaning ascribed to it in NRS 31.295.*

Sec. 3. *“Employer” means a person or entity that employs an obligor as an employee or independent contractor.*

Sec. 4. *“Income payer” means any employer, person or other entity required to withhold and deliver income pursuant to NRS 31A.025 to 31A.190, inclusive, and section 7 of this act.*

Sec. 5. *“Lump sum payment” means:*

- 1. A commission;*
- 2. A discretionary or nondiscretionary bonus;*
- 3. A productivity or performance bonus;*
- 4. Profit sharing;*
- 5. A referral or sign-on bonus;*
- 6. An incentive payment for moving or relocation;*
- 7. An attendance award;*
- 8. A safety award;*
- 9. A cash payment award;*
- 10. Termination pay; ~~and~~*
- 11. Severance pay ~~if~~; and*
- 12. Any other one-time, unscheduled or irregular payment of compensation.*

Sec. 6. *“Written notice” means the notice issued pursuant to subsection 3 of section 7 of this act.*

Sec. 7. 1. *An income payer who has received a notice to withhold income which includes a provision for the payment of arrears shall inform the enforcing authority before making a lump sum payment to the obligor that is \$150 or more.*

2. *The information provided by the income payer pursuant to subsection 1 must be:*

(a) On a form prescribed by the Division of Welfare and Supportive Services; and

(b) Submitted to the enforcing authority at least 10 days before the date that the income payer intends to release the lump sum payment to the obligor.

3. *Within 10 days after receiving the form described in subsection 2, the enforcing authority shall provide the income payer with a written notice from the Division of Welfare and Supportive Services specifying the amount*

of the lump sum payment to be withheld and delivered to the enforcing authority.

4. The income payer shall not release the lump sum payment before:

(a) The date that the income payer intends to release the lump sum payment; or

(b) The 11th day after submitting the form described in subsection 2 or the date that the written notice is received by the income payer, whichever is earlier.

5. The written notice is binding on the income payer and must be sent by the enforcing authority to:

(a) The last known address of the obligor by first-class mail; and

(b) The income payer by first-class mail or electronically.

6. An obligor may contest a written notice in the same manner as described in NRS 31A.050.

Sec. 8. NRS 31A.010 is hereby amended to read as follows:

31A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 31A.012 to 31A.021, inclusive, **and sections 2 to 6, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 31A.016 is hereby amended to read as follows:

31A.016 “Income” includes, but is not limited to:

1. Wages, ~~and~~ salaries ~~and~~ bonuses and commissions ~~and~~, **regardless of the frequency of payment;**

2. Any money from which support may be withheld pursuant to NRS 31A.150 or 31A.330;

3. Any other money due as a pension, unemployment compensation, a benefit because of disability or retirement, or as a return of contributions and interest; ~~and~~

4. **Any lump sum payments; and**

5. Any compensation of an independent contractor ~~and~~, **including, without limitation, any compensation described in subsections 1 to 4, inclusive, as applicable.**

Sec. 10. NRS 31A.030 is hereby amended to read as follows:

31A.030 Except as otherwise provided in NRS 31A.024:

1. ~~The~~ **Except as otherwise provided in subsection 2, the** amount of income to be withheld pursuant to NRS 31A.025 to 31A.190, inclusive, ~~must be calculated in accordance with NRS 31.295 and section 7 of this act~~ must include:

(a) The amount of the current support due plus:

(1) An amount equal to 10 percent of the amount of the current periodic or other payment ordered for support, to be applied to satisfy arrearages, if any; or

(2) If the court has previously ordered the payment of arrearages in a specified manner, the amount so ordered;

(b) If the obligor is subject to a court order for the payment of current support which is not being collected pursuant to this chapter and the enforcing authority is entitled to collect any arrearages, an amount equal to 25 percent of the amount of the payment ordered for current support, to be applied to satisfy the arrearages; or

(c) If the child is emancipated, arrearages as provided in NRS 125B.100, until the arrearages are paid in full.

2. ***The amount of income withheld must be calculated in accordance with the percentages set forth in NRS 31.295, regardless of whether the income qualifies as disposable earnings.***

3. If two or more court orders for the withholding of income are being enforced against the same obligor, the amount available from withholding must be allocated among those persons entitled to it pursuant to those orders:

(a) Giving priority to an obligation for current support; and

(b) Except as otherwise provided in paragraph (a), in the proportion that the amount owed any one person bears to the total amount owed to all persons entitled to withholding pursuant to those orders.

Sec. 11. NRS 31A.040 is hereby amended to read as follows:

31A.040 1. The enforcing authority shall notify an obligor who is subject to the withholding of income by first-class mail to the obligor's last known address:

(a) That the obligor's income is being withheld;

(b) Of the amount of any arrearages;

(c) Of the amount being withheld from the obligor's income to pay current support and the amount being withheld to pay any arrearages;

(d) That a notice to withhold income applies to any current or subsequent ~~employer;~~ **income payer;**

(e) That a notice to withhold income of the obligor has been mailed to the ~~obligor's employer;~~ **income payer of the obligor;**

(f) Of the information provided to the ~~obligor's employer;~~ **income payer of the obligor** pursuant to NRS 31A.070;

(g) That the obligor may contest the withholding; and

(h) Of the grounds and procedures for contesting the withholding.

2. The provisions of this section are applicable only to an obligor against whom there is entered an order of a kind described in subsection 4 of NRS 31A.025.

Sec. 12. NRS 31A.070 is hereby amended to read as follows:

31A.070 1. The enforcing authority shall mail, by first-class mail, a notice to withhold income to an ~~obligor's employer;~~ **income payer of an obligor:**

(a) If the provisions of subsection 4 of NRS 31A.025 apply, immediately upon determining that the obligor is delinquent in the payment of support; or

(b) If the provisions of subsection 4 of NRS 31A.025 do not apply, immediately upon the entry of the order of support, unless an exception set forth in paragraph (a) or (b) of subsection 1 of NRS 31A.025 applies.

2. If an ~~employer~~ **income payer** of an obligor does not begin to withhold income from the obligor after receiving the notice to withhold income that was mailed pursuant to subsection 1, the enforcing authority shall mail, by certified mail, return receipt requested, another notice to withhold income to the ~~employer~~ **income payer**.

3. A notice to withhold income may be issued electronically and must:

(a) Contain the social security number of the obligor;
(b) Specify the amount to be withheld from the income of the obligor;
(c) Specify the amounts of the fees authorized in NRS 31A.090 and required in NRS 31A.075;

(d) Describe the limitation for withholding income prescribed in ~~NRS 31A.295~~ **subsection 2 of NRS 31A.030**;

(e) Describe the prohibition against terminating the employment of an obligor because of withholding, **if applicable**, and the penalties for wrongfully refusing to withhold pursuant to the notice to withhold income;

(f) Specify that, pursuant to NRS 31A.160, the withholding of income to enforce an order of a court for child support has priority over other proceedings against the same money; and

(g) Explain the duties of an ~~employer~~ **income payer** upon the receipt of the notice to withhold income.

Sec. 13. NRS 31A.075 is hereby amended to read as follows:

31A.075 1. The State Treasurer shall charge an obligor a fee of \$2 for each withholding of income for the payment of support made by an ~~employer~~ **income payer** pursuant to this chapter, except that the fee must not be charged to an obligor more than two times during any month.

2. All such fees received by the State Treasurer from ~~employers~~ **income payers** pursuant to NRS 31A.080 must be accounted for separately in the State General Fund.

3. The account created pursuant to subsection 2 must be administered by the Administrator of the Division of Welfare and Supportive Services. The money in the account must be distributed among each enforcing authority pursuant to regulations adopted by the Administrator of the Division of Welfare and Supportive Services pursuant to NRS 425.365.

Sec. 14. NRS 31A.080 is hereby amended to read as follows:

31A.080 1. An ~~employer~~ **income payer** who receives a notice to withhold income shall:

~~1-1~~ (a) Withhold the amount stated in the notice from the income due the obligor beginning with the first ~~pay period~~ **payment** that occurs within 14 days after the date the notice was ~~mailed~~ **sent** to the ~~employer~~ **income payer** and continuing until the enforcing authority notifies the ~~employer~~ **income payer** to discontinue the withholding; **and**

~~1-2~~ (b) Deliver the money withheld to the enforcing authority within 7 days after the date of ~~each~~ payment. ~~of the regularly scheduled payroll of the employer;~~

~~3.1~~ 2. *An income payer who receives a written notice or a notice to withhold income shall:*

(a) Deduct from the income due the obligor after the withholding , ~~pursuant to subsection 1,~~ the fee set forth in NRS 31A.075;

~~4.1~~ (b) Deliver to the State Treasurer, at least quarterly, all money deducted as fees pursuant to ~~subsection 3;~~ **paragraph (a);** and

~~5.— Notify~~

(c) **If applicable, notify** the enforcing authority and the State Treasurer when the obligor subject to withholding terminates the obligor's employment, and provide the last known address of the obligor and the name of any new employer of the obligor, if known.

Sec. 15. NRS 31A.090 is hereby amended to read as follows:

31A.090 1. A **written notice or a** notice to withhold income is binding upon any ~~employer~~ **income payer** of an obligor . ~~to whom it is mailed.~~

2. To reimburse the ~~employer~~ **income payer** for the ~~employer's~~ costs **of the income payer** in making ~~the~~ **a** withholding, the ~~employer~~ **income payer** may deduct \$3 from the amount paid the obligor each time the ~~employer~~ **income payer** makes a withholding.

~~2.1~~ 3. Except as otherwise provided in subsection ~~3.1~~ 4, if an ~~employer~~ **income payer** receives **written notices or** notices to withhold income for more than one ~~employee,~~ **obligor**, the ~~employer~~ **income payer** may consolidate the amounts of money that are payable to:

(a) The enforcing authority and pay those amounts with one check; and

(b) The State Treasurer and pay those amounts with one check,

↪ but the ~~employer~~ **income payer** shall attach to each check a statement identifying by name and social security number each obligor for whom payment is made and the amount transmitted for that obligor.

~~3.1~~ 4. If the provisions of NRS 353.1467 apply, the ~~employer~~ **income payer** shall make payment to the enforcing authority or the State Treasurer, as applicable, by way of any method of electronic transfer of money allowed by the enforcing authority or the State Treasurer. If an ~~employer~~ **income payer** has 50 or more employees, the ~~employer~~ **income payer** shall make payment to the Division of Welfare and Supportive Services by way of any method of electronic transfer of money allowed by the Division. If an ~~employer~~ **income payer** makes payment by way of electronic transfer of money pursuant to this subsection, the ~~employer~~ **income payer** shall transmit separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.

~~4.1~~ 5. An ~~employer~~ **income payer** shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

~~5.1~~ 6. As used in this section, “electronic transfer of money” has the meaning ascribed to it in NRS 353.1467.

Sec. 16. NRS 31A.095 is hereby amended to read as follows:

31A.095 1. If an ~~employer~~ **income payer**:

(a) Wrongfully refuses to withhold income as required pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** after receiving a notice to withhold income that was sent by certified mail pursuant to subsection 2 of NRS 31A.070 ~~or a written notice~~;

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~or section 7 of this act~~; or

(c) Knowingly misrepresents the income of an ~~employee~~ **obligor**,
→ the enforcing authority may apply for and the court may issue an order directing the ~~employer~~ **income payer** to appear and show cause why the ~~employer~~ **income payer** should not be subject to the penalty prescribed in subsection 2 of NRS 31A.120.

2. At the hearing on the order to show cause, the court, upon a finding that the ~~employer~~ **income payer** wrongfully refused to withhold income as required, refused or intentionally failed to deliver money to the enforcing authority as required or knowingly misrepresented ~~an employee's~~ **the income of an obligor**:

(a) May order the ~~employer~~ **income payer** to comply with the requirements of NRS 31A.025 to 31A.190, inclusive ~~or~~, **and section 7 of this act**;

(b) May order the ~~employer~~ **income payer** to provide accurate information concerning the ~~employee's~~ **income of the obligor**;

(c) May fine the ~~employer~~ **income payer** pursuant to subsection 2 of NRS 31A.120; and

(d) Shall require the ~~employer~~ **income payer** to pay the amount the ~~employer~~ **income payer** failed or refused to withhold from the obligor's income or refused or intentionally failed to deliver to the enforcing authority.

Sec. 17. NRS 31A.100 is hereby amended to read as follows:

31A.100 1. An ~~employer~~ **income payer** who complies with a **written notice or** notice to withhold income that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.

2. Compliance by an ~~employer~~ **income payer** with a **written notice or** notice to withhold income is a discharge of the ~~employer's~~ **liability of the income payer** to the obligor as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the enforcing authority may not be held liable in any civil action to the obligor for any money withheld before the stay becomes effective.

Sec. 18. NRS 31A.120 is hereby amended to read as follows:

31A.120 1. It is unlawful for an employer to use the withholding of income to collect an obligation of support as a basis for refusing to hire a potential ~~employee~~ **obligor**, discharging the ~~employee~~ **obligor** or taking disciplinary action against the ~~employee~~ **obligor**. Any employer who violates this section shall hire or reinstate the ~~employee~~ **obligor** with no loss of pay or benefits, is liable for any payments of support not withheld and shall

be fined \$1,000. If an ~~employee~~ **obligor** prevails in an action based on this section, the employer is liable, in an amount not less than \$2,500, for payment of the ~~employee's~~ costs and attorney's fees incurred **by the obligor** in that action.

2. If an ~~employer~~ **income payer**:

(a) Wrongfully refuses to withhold from the income of an obligor as required pursuant to NRS 31A.025 to 31A.190, inclusive ~~and~~, **and section 7 of this act**;

(b) Refuses or intentionally fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080 ~~and~~ **or section 7 of this act**; or

(c) Knowingly misrepresents the income of the ~~employee~~ **obligor**,
→ the ~~employer~~ **income payer** shall pay the amount the ~~employer~~ **income payer** refused to withhold or refused or intentionally failed to deliver to the enforcing authority and may be ordered to pay punitive damages to the person to whom support is owed in an amount not to exceed \$1,000 for each ~~pay period~~ **payment** the ~~employer~~ **income payer** failed to withhold income as required, refused or intentionally failed to deliver money to the enforcing authority as required or knowingly misrepresented the income of the ~~employee~~ **obligor**.

Sec. 19. NRS 31A.140 is hereby amended to read as follows:

31A.140 1. A person or other entity for whom support is being collected pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** shall notify the enforcing authority of a change of address within a reasonable time after the change. The notice must be ~~in writing and~~ sent by ~~certified mail, return receipt requested~~ **first-class mail or electronically**.

2. If payments are not deliverable for 3 consecutive months because of the failure of a person or other entity for whom payment of support has been withheld to notify the enforcing authority of a change of address, no further payments may be made and all payments not delivered must be returned to the obligor. The enforcing authority shall notify the ~~employer~~ **income payer** to discontinue withholding.

Sec. 20. NRS 31A.150 is hereby amended to read as follows:

31A.150 ~~and~~ Money may be withheld for the support of a child pursuant to NRS 31A.025 to 31A.190, inclusive, **and section 7 of this act** from any money:

~~(a)~~ 1. Due to:

~~(1)~~ (a) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause or any other benefit;

~~(2)~~ (b) The obligor as a return of contributions and interest; or

~~(3)~~ (c) Some other person because of the death of the obligor,

→ from the State, a political subdivision of the State or an agency of either, a public trust, corporation or board or a system for retirement, disability or annuity established by any person or a statute of this or any other state, whether the money is payable periodically or in a lump sum ~~or~~

~~—(b)—~~ **regardless of the frequency of payment;**

2. Due to the obligor as a judgment, a settlement or the prize from any contest or lottery, from any person or other entity, ~~whether the money is payable periodically or in a lump sum.~~

~~2. When a certified copy of a notice to withhold income is delivered by certified mail, return receipt requested, to a person or other entity described in subsection 1, the person or other entity must comply with the request and pay to the enforcing authority the amounts withheld as required in the notice to withhold income.~~ **regardless of the frequency of payment; or**

3. Due to the obligor as a lump sum payment.

Sec. 21. NRS 31A.180 is hereby amended to read as follows:

31A.180 If an order for support on which a notice to withhold income is based is amended or modified, the enforcing authority shall, upon receipt of a certified copy of the amendment or modification, notify the ~~employer~~ **income payer** of the obligor to modify the amount to be withheld accordingly.

Sec. 22. NRS 31A.190 is hereby amended to read as follows:

31A.190 An obligor may voluntarily have the payment for support withheld from the obligor's income by filing a request and a certified copy of the order for support with the enforcing authority. The enforcing authority shall send a notice to withhold income to the ~~obligor's employer,~~ **income payer of the obligor**, and the ~~employer~~ **income payer** shall withhold and pay the amount as required in the notice.

Sec. 23. NRS 31A.270 is hereby amended to read as follows:

31A.270 NRS 31A.160 applies to all assignments of income pursuant to NRS 31A.250 to 31A.330, inclusive. The assignment:

1. Must be calculated in accordance with ~~the percentages set forth in~~ NRS 31.295 ~~††~~ **, regardless of whether the income qualifies as disposable earnings.**

2. May include the amount of the current support due and a payment on the arrearages if previously ordered by a court of competent jurisdiction.

Sec. 24. NRS 31A.280 is hereby amended to read as follows:

31A.280 1. An order for an assignment issued pursuant to NRS 31A.250 to 31A.330, inclusive, operates as an assignment and is binding upon any existing or future ~~employer~~ **income payer** of an obligor upon whom a copy of the order is served by ~~certified~~ **first-class** mail ~~†, return receipt requested.~~ **or electronically.** The order may be modified or revoked at any time by the court.

2. To enforce the obligation for support, the ~~employer~~ **income payer** shall cooperate with and provide relevant information concerning the ~~obligor's employment~~ **obligor** to the person entitled to the support or that person's legal representative. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

3. If the order for support is amended or modified, the person entitled to the payment of support or that person's legal representative shall notify the

~~{employer}~~ **income payer** of the obligor to modify the amount to be withheld accordingly.

4. To reimburse the ~~{employer}~~ **income payer** for the ~~{employer's}~~ costs **incurred by the income payer** in making the payment pursuant to the assignment, the ~~{employer}~~ **income payer** may deduct \$3 from the amount paid to the obligor each time the ~~{employer}~~ **income payer** makes a payment.

5. If an ~~{employer}~~ **income payer** wrongfully refuses to honor an assignment or knowingly misrepresents the income of an ~~{employee}~~ **obligor**, the court, upon request of the person entitled to the support or that person's legal representative, may enforce the assignment in the manner provided in NRS 31A.095 for the enforcement of the withholding of income.

6. Compliance by an ~~{employer}~~ **income payer** with an order of assignment operates as a discharge of the ~~{employer's}~~ liability **of the income payer** to the ~~{employee}~~ **obligor** as to that portion of the ~~{employee's}~~ income **of the obligor** affected.

Sec. 25. NRS 31A.290 is hereby amended to read as follows:

31A.290 An employer may not use assignments of income for payments to collect an obligation of support as a basis for the discharge of an ~~{employee}~~ **obligor** or for disciplinary action against the ~~{employee}~~ **obligor**. An employer who discharges or disciplines an ~~{employee}~~ **obligor** in violation of this section shall reinstate the ~~{employee}~~ **obligor** with no loss of pay or benefits, is liable for any payments of support not paid and shall be fined \$1,000. If an ~~{employee}~~ **obligor** prevails in an action for reinstatement based on this section, the employer is liable, in an amount of not less than \$2,500, for payment of the ~~{employee's}~~ costs and attorney's fees incurred **by the obligor** in that action.

Sec. 26. NRS 31A.310 is hereby amended to read as follows:

31A.310 1. The person or other entity to whom support is ordered to be paid by assignment of income shall notify the court and the ~~{employer}~~ **income payer** of the obligor, by any form of mail requiring a return receipt, of any change of address within a reasonable time after that change.

2. If the ~~{employer}~~ **income payer** or the legal representative of the person entitled to the payment for support is unable to deliver payments as required pursuant to NRS 31A.250 to 31A.330, inclusive, within 3 months because of the failure of the person entitled to the support to notify the ~~{employer}~~ **income payer** or the person's legal representative of a change of address, the ~~{employer}~~ **income payer** or legal representative shall not make any further payments pursuant to the assignment and shall return all undeliverable payments to the ~~{employee}~~ **obligor**.

Sec. 27. NRS 31A.330 is hereby amended to read as follows:

31A.330 1. Money may be withheld for the support of a child pursuant to NRS 31A.250 to 31A.330, inclusive, from any ~~{money}~~ :

(a) **Money** due to:

~~{(a)}~~ (1) The obligor as a pension, an annuity, unemployment compensation, a benefit because of disability, retirement or other cause;

~~{(b)}~~ (2) The obligor as a return of contributions and interest; or
~~{(c)}~~ (3) Some other person because of the death of the obligor,
↪ from the State of Nevada, a political subdivision of the State of Nevada or
an agency of either, a public trust, corporation or board or a system for
retirement, disability or annuity established by a statute of this state ~~{;}~~ ; **or**

(b) Money due to an obligor as a lump sum payment.

2. When a ~~{certified}~~ copy of any order of assignment is served by
~~{certified}~~ **first-class** mail ~~{, return receipt requested,}~~ **or electronically** on any
person or entity described in subsection 1, other than the Federal Government,
~~{it}~~ **the person or entity** must comply with any request for a return of
~~{employee contributions}~~ **the income** by an ~~{employee}~~ **obligor** named in the
order by paying the ~~{contributions}~~ **income** to the person entitled to the
payment of support or that person's legal representative unless the **person or**
entity **described in subsection 1** has received a ~~{certified}~~ copy of an order
terminating the order of assignment. A court may not directly or indirectly
condition the issuance, modification or termination of, or condition the terms
or conditions of, any order for the support of a child upon the issuance of such
a request by an ~~{employee}~~ **obligor**.

Assemblyman Yeager moved that the Assembly concur in the Senate
Amendment No. 787 to Assembly Bill No. 37.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 369, consisting of the undersigned
members, has met and reports that:

It has agreed to recommend that Amendment Nos. 652 and 676 of the Assembly be
concurring in.

It has agreed to recommend that the bill be further amended as set forth in Conference
Amendment No. 3, which is attached to and hereby made a part of this report.

Assembly Conference Committee

SENATOR MELANIE SCHEIBLE

SENATOR DALLAS HARRIS

SENATOR JAMES A. SETTELMEYER

Senate Conference Committee

ASSEMBLYMAN STEVE YEAGER

ASSEMBLYWOMAN ROCHELLE T. NGUYEN

ASSEMBLYWOMAN HEIDI KASAMA

Conference Amendment No. 3.

AN ACT relating to criminal procedure; removing the requirement that an
arrested person show good cause before being released without bail; providing
that a court may only impose bail or a condition of release, or both, on a person
if the imposition is the least restrictive means necessary to protect the safety
of the community or to ensure the appearance of the person in court; requiring
prosecuting attorneys under certain circumstances to prove by clear and
convincing evidence that the imposition of bail or a condition of release, or
both, on a person is necessary to protect the safety of the community or to

ensure the appearance of the person in court; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail on the person was necessary to protect the safety of the community or to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) **Section 3** of this bill removes the provision of law that was found unconstitutional and **section 4** of this bill makes a conforming change.

Existing law sets forth separate procedures for releasing persons with bail and releasing persons without bail. (NRS 178.484, 178.4851) Specifically, existing law: (1) restricts persons from being released on bail under certain circumstances; and (2) mandates specific amounts of bail for offenses involving domestic violence and violations of certain orders for protections. (NRS 178.484) **Section 2** of this bill retains the existing restrictions and specific amounts of bail while **section 3** consolidates the existing procedures for releasing persons with bail and releasing persons without bail into a standard procedure for courts to follow in making pretrial custody determinations. **Sections 1, 5 and 6** of this bill make conforming changes to reflect the consolidation of the procedures.

Section 3 requires the court: (1) to only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to certain factors; and (2) to make certain findings of fact relating to the imposition of bail or any condition of release, or both.

Section 3 also requires a prosecuting attorney, if he or she requests the imposition of bail or a condition of release on a person, to prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure the appearance of the person in court.

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

Section 1. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a

warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS ~~178.484 or~~ 178.4851 if:

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

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

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

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

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

Sec. 2. NRS 178.484 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or

magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

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

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

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

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

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

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

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

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

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

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

- (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
- (b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or
- (c) At the time of the violation or within 2 hours after the violation, the person has:

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

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

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

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

restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

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

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~†17.† 11. As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.~~

Sec. 3. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. ~~†Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.~~

~~—2. In releasing a person without bail, the court may impose such conditions.† Except as otherwise provided in subsection 4, the court shall only~~

impose bail or a condition of release, or both, on a person as it deems *to be the least restrictive means* necessary to protect the ~~health,~~ safety ~~and welfare~~ of the community ~~and~~ *or* to ensure that the person will appear at all times and places ordered by the court, ~~including, without limitation, any condition set forth in subsection 11 of NRS 178.484.~~

~~3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.~~

~~4. Before a person may be released without bail, the~~ *with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:*

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

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

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

(d) Prohibiting the person from possessing a firearm during the pendency of the case; or

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

2. *A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.*

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

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

5. *The person must ~~file with the clerk of the court of competent jurisdiction a signed~~ sign a document before the person's release stating that:*

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

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

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

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the ~~health,~~ safety ~~and welfare~~ of the community or the person's appearance ~~to~~ **—5—**, *if applicable.*

6. The document signed pursuant to subsection 5 must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.

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

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

(b) Increase the amount of bail pursuant to NRS 178.499, if applicable;

or

(c) Revoke bail and remand the person into custody.

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

~~6.1~~ **9. An order issued pursuant to this section that imposes a condition on a person ~~who is released without bail~~ must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.**

10. Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.

Sec. 4. NRS 178.4853 is hereby amended to read as follows:

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

1. The length of residence in the community;
2. The status and history of employment;
3. Relationships with the person's spouse and children, parents or other family members and with close friends;
4. Reputation, character and mental condition;
5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

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

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

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

9. The likelihood of more criminal activity by the person after release; and

10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Sec. 5. NRS 178.498 is hereby amended to read as follows:

178.498 ~~If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:~~ ***In deciding the amount of bail to impose on a person, the court shall consider:***

1. The nature and circumstances of the offense charged;

2. The financial ability of the defendant to give bail;

3. The character of the defendant; and

4. The factors listed in NRS 178.4853.

Sec. 6. NRS 178.502 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Assemblyman Yeager moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 369.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 280.

The following Senate amendment was read:

Amendment No. 843.

AN ACT relating to public restrooms; requiring places of public accommodation, public buildings and facilities owned by a public body, certain areas leased by or on behalf of a public body and certain leased areas within a state park that provide a single-stall restroom to the public to make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression; revising provisions relating to the signage for such single-stall restrooms; requiring certain governmental entities to include in their building codes or, if applicable, adopt by ordinance a requirement that certain buildings and facilities used by the public that contain a single-stall restroom which is available to the public be as inclusive and accessible as possible to a person of any gender identity or expression and prohibiting certain signage on such restrooms; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) Existing law provides that a place of public accommodation means any establishment or place to which the public is invited or which is intended for public use, including, without limitation, inns, hotels, motels, restaurants, bars, gasoline stations, theaters, convention centers, bakeries, grocery stores, laundromats, museums, libraries, parks, zoos, nurseries, private schools or universities, day care centers, senior citizen centers, gymnasiums, health spas and bowling alleys. (NRS 651.050) If such a place of public accommodation provides a single-stall restroom to the public, **section 1** of this bill requires the single-stall restroom to be as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing: (1) a parent or guardian of a child to enter the single-stall restroom with the child; (2) a person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and (3) a person of any gender identity or expression to use the single-stall restroom as needed. **Section 1:** (1) prohibits the owner or operator of the place of public accommodation from labeling the single-stall restroom with signage that indicates the restroom is for a specific gender; and (2) authorizes the labeling of the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads “All-Gender Bathroom” or “All-Accessible Bathroom.” **Section 1** provides that a single-stall restroom is a restroom that: (1) is intended for individual use; and (2) contains a single toilet or a single urinal or contains both a toilet and a urinal ~~[]~~, **neither of which is separated from the other by enclosure within a stall. Finally, sections 1 and 6.5 of this bill provide that the provisions of sections 1 and 6.5 do not establish a private right of action or authorize the filing of a complaint with the Nevada Equal Rights Commission.**

Sections 2, 3 and 15 of this bill make conforming changes relating to the applicability of **section 1** and the placement of **section 1** in the Nevada Revised Statutes. **Section 4** of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is guilty of a misdemeanor. ~~[Section 5 of this bill provides that any person who deprives, interferes with or punishes another person for accessing such single-stall restrooms is liable to the person whose access is affected for actual damages that are recoverable by a civil action.]~~ **Section 6** of this bill authorizes any county or incorporated city of this State to adopt a local ordinance that prohibits an infringement of a person’s rights, privileges or access to such single-stall restrooms. ~~[In addition to these changes, section 1 allows any person who believes he or she has been denied full and equal use of a single-~~

~~stall restroom because of discrimination or segregation to file a complaint to that effect with the Nevada Equal Rights Commission. (NRS 651.110)]~~

Section 9 of this bill requires each county, city and any other governmental entity that adopts a building code, including school districts in larger counties, to include in its respective building code a requirement that any single-stall restroom made available to the public and contained in a permanent building or facility used by the public and that is constructed on or after October 1, 2021, comply with provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in **section 1**. **Section 9** provides that if a county or city has no building code, the county or city is required to adopt such requirements by ordinance. **Sections 7, 8 and 10** of this bill make conforming changes relating to the applicability of the requirements contained in **section 9** as well as the placement of **section 9** in the Nevada Revised Statutes.

Sections 11 and 12 of this bill also make provisions relating to the inclusivity and accessibility and signage of single-stall restrooms that are identical to the provisions that apply to places of public accommodations in **section 1** apply to: (1) a public building or facility owned by a public body that provides a single-stall restroom to the public; and (2) an area leased by or on behalf of a public body and used primarily to provide a service to the public and certain leased areas within a state park. **Section 12** provides that a contract for such a leased area that does not satisfy these requirements which is entered into on or after October 1, 2021, is void and unenforceable. **Section 13** of this bill makes a conforming change relating to the placement of **section 12** in the Nevada Revised Statutes. **Section 14** of this bill authorizes a person to report a violation of **section 12** to the Attorney General, who is required to notify the public body responsible for the alleged violation. If the public body fails to comply with the provisions of **section 12**, **section 14** requires the Attorney General to take such action as is necessary to ensure compliance.

Section 15.5 of this bill provides that **sections 4, 5 and 14**, which are the enforcement provisions of this bill, do not become effective until February 1, 2022.

Section 15.2 of this bill makes an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources for the costs of replacement signage and mounting hardware at restrooms in state parks.

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

Section 1. Chapter 651 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The owner or operator of a place of public accommodation that provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:*

(a) *A parent or guardian of a child to enter the single-stall restroom with the child;*

(b) *A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and*

(c) *A person of any gender identity or expression to use the single-stall restroom as needed.*

2. *The owner or operator of a place of public accommodation that provides a single-stall restroom to the public:*

(a) *Shall not label the single-stall restroom with gendered signage; and*

(b) *May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”*

3. *The provisions of this section do not:*

(a) *Establish a private right of action against an owner or operator described in subsection 1; or*

(b) *Authorize the filing of a complaint with the Nevada Equal Rights Commission,*

for a violation of the provisions of this section.

4. *As used in this section:*

(a) *“Caregiver” has the meaning ascribed to it in NRS 449A.306.*

(b) *“Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.*

(c) *“Single-stall restroom” means a restroom that:*

(1) *Is intended for individual use; and*

(2) *Contains:*

(I) *A single toilet or a single urinal; or*

(II) *A toilet and a urinal ~~that~~, neither of which is separated from the other by enclosure within a stall.*

Sec. 2. NRS 651.060 is hereby amended to read as follows:

651.060 The provisions of NRS 651.050 to 651.110, inclusive, *and section 1 of this act* do not apply to any private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

Sec. 3. NRS 651.065 is hereby amended to read as follows:

651.065 1. Notwithstanding any provision of NRS 651.050 to 651.110, inclusive, *and section 1 of this act*, it is not unlawful and is not a ground for a civil action for any place of public accommodation to offer differential pricing, discounted pricing or special offers based on sex to promote or market the place of public accommodation.

2. As used in this section, “place of public accommodation” has the meaning ascribed to it in NRS 651.050.

Sec. 4. NRS 651.080 is hereby amended to read as follows:

651.080 1. Any person is guilty of a misdemeanor who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right , ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~;~~ *or section 1 of this act*;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right , ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~;~~ *or section 1 of this act*; or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right , ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~;~~ *or section 1 of this act*.

2. A prosecution for violation of a local ordinance authorized by NRS 651.100 is a bar to any prosecution pursuant to this section.

Sec. 5. ~~NRS 651.090 is hereby amended to read as follows:~~

~~651.090 1. Any person who:~~

~~(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right , ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~;~~ *or section 1 of this act*;~~

~~(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right , ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~;~~ *or section 1 of this act*; or~~

~~(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right , ~~for~~ privilege *or access* secured by NRS 651.070 or 651.075 ~~;~~ *or section 1 of this act*;~~

~~is liable to the person whose rights pursuant to NRS 651.070 or 651.075 *or section 1 of this act* are affected for actual damages, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant resides.~~

~~2. In an action brought pursuant to this section, the court may:~~

~~(a) Grant any equitable relief it considers appropriate, including temporary, preliminary or permanent injunctive relief, against the defendant.~~

~~(b) Award costs and reasonable attorney's fees to the prevailing party.]~~

(Deleted by amendment.)

Sec. 6. NRS 651.100 is hereby amended to read as follows:

651.100 Any county or incorporated city of this state may adopt a local ordinance prohibiting infringement of the rights , ~~for~~ privileges *or access* secured by NRS 651.070 or 651.075 ~~;~~ *or section 1 of this act*, but such an ordinance must not apply to any establishment outside the scope of NRS 651.050 and 651.060 or impose a penalty more severe than that provided by NRS 651.075 or 651.080. A prosecution pursuant to NRS 651.075 or 651.080 is a bar to any prosecution pursuant to an ordinance authorized by this section.

Sec. 6.5. **NRS 651.110 is hereby amended to read as follows:**

651.110 ~~[Any]~~

1. Except as otherwise provided in subsection 2, any person who believes he or she has been denied full and equal enjoyment of the goods, services,

facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression may file a complaint to that effect with the Nevada Equal Rights Commission.

2. A complaint may not be filed with the Nevada Equal Rights Commission for a violation of section 1 of this act.

Sec. 7. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, **and section 9 of this act**, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 8. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.586, 444.340 to 444.430, inclusive, and 477.030, **and section 9 of this act**, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 9. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county, city and any other governmental entity that adopts a building code shall include in its respective building code a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

↪ *The owner or operator of such a permanent building or facility that contains a single-stall restroom which is available to the public shall not label the single-stall restroom with gendered signage, but may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”*

2. *If a county or a city has no building code, it shall adopt by ordinance a requirement that any single-stall restroom made available to the public which is contained in a permanent building or facility used by the public that is constructed on or after October 1, 2021, be as inclusive and accessible as possible as provided in subsection 1.*

3. *The provisions of this section apply, without limitation, to any school district for which a building code is adopted pursuant to subsection 2 of NRS 393.110.*

4. *As used in this section:*

(a) *“Caregiver” has the meaning ascribed to it in NRS 449A.306.*

(b) *“Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.*

(c) *“Single-stall restroom” means a restroom that:*

(1) *Is intended for individual use; and*

(2) *Contains:*

(I) *A single toilet or a single urinal; or*

(II) *A toilet and a urinal ~~that~~, neither of which is separated from the other by enclosure within a stall.*

Sec. 10. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 9 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 338.180 is hereby amended to read as follows:

338.180 1. The Legislature of the State of Nevada declares that:

(a) The primary purpose of this section is to provide, subject to the limitations set forth in this section, for the removal and elimination of architectural barriers to persons with a physical handicap in public buildings and facilities designed after July 1, 1973, in order to encourage and facilitate the employment of persons with a physical handicap and to make public buildings accessible to and usable by persons with a physical handicap; and

(b) It is the intent of the Legislature that insofar as possible all buildings and facilities used by the public be accessible to, and functional for, persons with a physical handicap, without loss of function, space or facility where the general public is concerned.

2. All plans and specifications for the construction of public buildings and facilities owned by a public body must, after July 1, 1973, provide facilities and features for persons with a physical handicap so that buildings which are normally used by the public are constructed with entrance ramps, toilet

facilities, drinking fountains, doors and public telephones accessible to and usable by persons with a physical handicap. In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by a public body must comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➡ The requirements of paragraph (a) of this subsection are not satisfied if the plans and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. All public bodies shall, in the design, construction and alteration of public buildings and facilities comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➡ The requirements of paragraph (a) of this subsection are not satisfied if the public body complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. In each public building and facility owned by a public body, each entrance to a corridor which leads to a toilet facility must be marked with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

5. *A public body that owns a public building or facility which provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:*

(a) *A parent or guardian of a child to enter the single-stall restroom with the child;*

(b) *A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and*

(c) *A person of any gender identity or expression to use the single-stall restroom as needed.*

↪ *The public body that owns the public building or facility which provides a single-stall restroom to the public shall not label the single-stall restroom with gendered signage and may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads “All-Gender Bathroom” or “All-Accessible Bathroom.”*

6. The Division shall verify that all public buildings and facilities owned by the State of Nevada conform with the requirements of this section. Each political subdivision shall verify that all public buildings and facilities owned by the political subdivision conform with the requirements of this section.

~~16.1~~ 7. A person may report a violation of this section to the Attorney General.

~~17.1~~ 8. Upon receiving a report pursuant to subsection ~~16.1~~ 7, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such a notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with this section; or

(b) Begin any action necessary to comply with the requirements of this section and notify the Attorney General of the date on which it will be in compliance with those requirements.

~~18.1~~ 9. If the public body responsible for the alleged violation fails to comply with this section, the Attorney General shall take such action as is necessary to ensure compliance with this section, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

10. The provisions of this section do not:

(a) Establish a private right of action against a public body described in subsection 5 or 6; or

(b) Authorize the filing of a complaint with the Nevada Equal Rights Commission.

↪ **for a violation of the provisions of subsection 5.**

11. As used in this section:

(a) “Caregiver” has the meaning ascribed to it in NRS 449A.306.

(b) “Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) “Single-stall restroom” means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal ~~that~~, neither of which is separated from the other by enclosure within a stall.

Sec. 12. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of an area that is leased by or on behalf of a public body and is used primarily to provide a service to the public and which provides a single-stall restroom to the public, or such a leased area that is part of a complex of leased areas that provides a single-stall restroom to the public within the common area of the complex, must make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

2. The owner or operator of the leased area that provides a single-stall restroom to the public:

(a) Shall not label the single-stall restroom with gendered signage; and

(b) May label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign that reads “All-Gender Bathroom” or “All-Accessible Bathroom.”

3. The provisions of this section apply to such a leased area within a state park that provides a single-stall restroom to the public.

4. A contract for such a leased area that does not satisfy the requirements of this section which is entered into on or after October 1, 2021, is void and unenforceable.

5. The provisions of this section do not:

(a) Establish a private right of action against an owner or operator described in subsection 1; or

(b) Authorize the filing of a complaint with the Nevada Equal Rights Commission,

↪ for a violation of the provisions of this section.

6. As used in this section:

(a) “Caregiver” has the meaning ascribed to it in NRS 449A.306.

(b) “Gendered signage” means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

(c) “Single-stall restroom” means a restroom that:

(1) *Is intended for individual use; and*

(2) *Contains:*

(I) *A single toilet or a single urinal; or*

(II) *A toilet and a urinal ~~that~~, neither of which is separated from the other by enclosure within a stall.*

Sec. 13. NRS 444.047 is hereby amended to read as follows:

444.047 As used in this section and NRS 444.048 and 444.049 ~~that~~ **and section 12 of this act**, unless the context otherwise requires, “public body” means a governmental body of the State of Nevada, including, without limitation, an agency, department, division or political subdivision of the State of Nevada, or a local governmental body, including, without limitation, a county, city, municipality, township, school district or quasi-municipal corporation.

Sec. 14. NRS 444.049 is hereby amended to read as follows:

444.049 1. A person may report a violation of NRS 444.048 **or section 12 of this act** to the Attorney General of the State of Nevada.

2. Upon receiving a report pursuant to subsection 1, the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with NRS 444.048 ~~that~~ **or section 12 of this act**; or

(b) Begin any action necessary to comply with the requirements of NRS 444.048 **or section 12 of this act** and notify the Attorney General of the date on which it will be in compliance with those requirements.

3. If the public body fails to comply with NRS 444.048 ~~that~~ **or section 12 of this act**, the Attorney General shall take such action as is necessary to ensure compliance with NRS 444.048 ~~that~~ **or section 12 of this act**, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

Sec. 15. NRS 447.135 is hereby amended to read as follows:

447.135 1. Each owner, lessor, lessee or operator of a public accommodation shall mark each entrance to a corridor in the public accommodation which leads to a toilet facility with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to ~~that~~ **, except as otherwise provided in section 1 of this act:**

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

2. A person may report a violation of subsection 1 to the Attorney General.

3. Upon receiving a report pursuant to subsection 2, the Attorney General shall notify the owner, lessor, lessee or operator of the public accommodation of the alleged violation. Not later than 30 days after receiving such a notification, the owner, lessor, lessee or operator of the public accommodation shall:

(a) Present evidence to the Attorney General that the public accommodation is in compliance with subsection 1; or

(b) Begin any action necessary to comply with the requirements of subsection 1 and notify the Attorney General of the date on which the public accommodation will be in compliance with those requirements.

4. If the owner, lessor, lessee or operator of the public accommodation fails to comply with subsection 1, the Attorney General shall take such action as is necessary to ensure compliance with subsection 1, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

5. As used in this section, “public accommodation” has the meaning ascribed to it in 42 U.S.C. § 12181.

Sec. 15.2. 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$40,320 for the costs of replacement signage and mounting hardware for restrooms in state parks to comply with the provisions of this bill.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 15.5. 1. This section and section 15.2 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 6 to 13, inclusive, and 15 of this act become effective on October 1, 2021.

3. Sections 4, 5 and 14 of this act become effective on February 1, 2022.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 843 to Assembly Bill No. 280.

Remarks by Assemblyman Flores.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 349.

The following Senate amendment was read:

Amendment No. 861.

AN ACT relating to motor vehicles; revising provisions that govern an owner of an Old Timer vehicle, classic rod or classic car, including providing that such vehicles are exempt from the provisions governing the control of emissions from engines as long as they are not used for general transportation and further providing that such vehicles which are used for general transportation shall not be issued special license plates, except in certain situations, and instead must comply with the provisions governing the control of emissions from engines; ~~authorizing approved inspectors to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations; authorizing~~ the Department of Motor Vehicles to ~~establish a remote sensing system to test the emissions from motor vehicles operating in certain counties;~~ **impose by regulation a fee of not more than \$2 for the issuance and renewal of a license to inspect motor vehicles and devices for the control of pollution for certain additional locations;** exempting a new motor vehicle from emissions testing for the first 3 years of the life of the motor vehicle and then requiring that emissions testing be conducted on new motor vehicles annually after the fourth registration of the motor vehicle; ~~requiring the State Environmental Commission to provide for issuing certain waivers to the owner of a motor vehicle who performs repairs on the motor vehicle under certain circumstances;~~ requiring certain fees charged for certain electronic monitoring programs to be equal in amount to the fee charged for forms certifying emission control compliance; authorizing certain boards of county commissioners to impose an additional fee for certain actions **; requiring the Department to collect the additional fee on behalf of the county and distribute to the county any money obtained as a result of the additional fee;** requiring any money received from such an additional fee to be used **by the county** to support certain programs that seek to reduce emissions from a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes special license plates and registration certificates to be issued to residents of Nevada for antique motor vehicles that qualify as Old Timer vehicles, classic rods or classic vehicles. (NRS 482.381, 482.3814, 482.3816) Existing law provides that such vehicles are exempt from certain regulations governing exhaust emissions, fuel evaporative emissions and visible emissions of smoke from certain engines if the owner of the vehicle certifies to the Department of Motor Vehicles that the vehicle was not driven more than 5,000 miles during the immediately preceding year. (NRS 445B.760) **Sections 1, 3 and 4** of this bill provide that such motor vehicles must not be used for general transportation, defined as being driven more than 5,000 miles during the immediately preceding year, but may be used for club activities, exhibitions, tours, parades or similar activities and for such other uses as are necessary for the operation and maintenance of the vehicle.

Sections 1, 3 and 4 provide that such motor vehicles not used for general transportation are exempt from the provisions governing the control of emissions from engines and that, if the owner of such a motor vehicle elects to use the motor vehicle for general transportation, he or she: (1) shall not be issued special license plates or a registration certificate; and (2) must comply with the provisions governing the control of emissions from engines. Existing law requires that such vehicles being used for general transportation and required to comply with the provisions governing the control of emissions from engines which fail the emissions test shall not be issued the special license plates for a period of 90 days after failing the emissions test. (NRS 482.2655) **Sections 1, 3 and 4** provide that this 90-day period is an exception to the prohibition for issuing a special license plate to a vehicle that is used for general transportation.

Sections 1, 3 and 4 require for the issuance of special license plates and a registration certificate for an Old Timer vehicle, classic rod or classic vehicle that the motor vehicle must have proof satisfactory to the Department that the vehicle is covered by insurance that: (1) is designed or designated specifically for classic or antique vehicles; or (2) includes an endorsement that is designed or designated specifically for classic or antique vehicles.

Existing law provides that an approved inspector is a person who is licensed by the Department to inspect motor vehicles and devices for the control of pollution for an authorized station or authorized inspection station. (NRS 445B.705) ~~Existing law provides that: (1) an authorized inspection station is a station that is licensed to inspect vehicles and devices for emissions; and (2) an authorized station is a station that is licensed to inspect vehicles and devices for emissions and is also licensed to install, repair and adjust such devices. (NRS 445B.710, 445B.720) Existing regulations provide that for an authorized inspection station or a class 1 fleet station which only tests exhaust emissions to be licensed, the station must employ at least one: (1) class 1 approved inspector who is licensed only to test exhaust emissions; or (2) class 2 approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096, 445B.4098, 445B.462) Existing regulations provide that for an authorized station or a class 2 fleet station which tests exhaust emissions and diagnoses, repairs and services devices for the control of exhaust emissions to be licensed, the station must employ at least one approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096, 445B.4098, 445B.4099, 445B.462) Sections 6 and 7 of this bill require the regulations adopted by the State Environmental Commission and the Department for the licensing of such stations to authorize any approved inspector who is licensed: (1) only to test exhaust emissions to work at any authorized inspection station, any authorized station or any class of fleet station or multiple locations of such stations, provided that the approved inspector only tests exhaust emissions; and (2) to test exhaust emissions and to diagnose, repair and service devices~~

~~for the control of exhaust emissions to work at any authorized inspection station, any authorized station or any class of fleet station or multiple locations of such stations.~~

~~Existing law authorizes the Department, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), to conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. (NRS 445B.798) Section 8 of this bill authorizes the Department, in a county whose population is 100,000 or more, to establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. If the Department establishes such a remote sensing system, section 8 requires the Department to adopt regulations: (1) to carry out the remote sensing system; (2) that provide how a person may register to participate in the remote sensing system, including requiring the person to pay a fee; and (3) that allow for the collection of data from the remote sensing system for use by the Department and other agencies of this State.] Existing law requires the Department, in cooperation with the State Environmental Commission, to adopt regulations which provide for any fee, bond or insurance which is necessary to carry out the provisions governing the control of emissions from engines. (NRS 445B.785) Existing regulations establish a \$25 fee for the initial issuance and biennial renewal of an inspector's license. If an inspector who has paid the \$25 fee wishes to be licensed at one or more locations in addition to the location for which the initial license was issued, existing regulations provide that the fee for the issuance and biennial renewal of an inspector's license for each additional location is \$10. (NAC 445B.499) Section 7 of this bill caps the fee for the issuance and renewal of an inspector's license for each additional location at \$2.~~

Existing law requires the State Environmental Commission, in cooperation with the Department and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in areas designated by the Commission that are in any county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 445B.770) Existing law also authorizes the Commission to exempt designated classes of motor vehicles, including classes based upon the year of manufacture of motor vehicles, from having to comply with the emissions standards. (NRS 445B.825) Existing regulations exempt new motor vehicles from compliance with emissions standards until the third registration of the vehicle, which is the first 2 years of the life of the motor vehicle. (NAC 445B.592) **Section 9** of this bill exempts new motor vehicles from the test of emissions conducted by the Department until the fourth registration of the vehicle, which is the first 3 years of the life of the motor vehicle, and requires the Department to conduct the test annually after the fourth registration of the motor vehicle. Finally, **section 9** makes a technical change to reference a federal regulation relating to the

exemption afforded to hybrid electric vehicles. **Sections 5 and 8** of this bill make conforming changes.

~~[Existing law requires the Commission to: (1) provide for a waiver from having to comply with the provisions governing the control of emissions from engines if compliance involves repair and equipment costs which exceed the limits set by the Commission; and (2) establish such limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. (NRS 445B.825) Section 9 requires the Commission to provide for a waiver in such situations if the vehicle is repaired by the owner of the vehicle and clarifies that such repairs include: (1) the owner purchasing parts for the repair of the vehicle; (2) the owner buying equipment for the repair of the vehicle; and (3) the owner performing labor for the repair of the vehicle.]~~

Existing law requires certain fees to be paid to the Department and accounted for in the Pollution Control Account where a program governing the control of emissions from engines is commenced. Existing law requires a fee of \$6 for each form issued to a fleet station. (NRS 445B.830) Existing law authorizes the Commission, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt regulations to establish a voluntary program of electronic monitoring of emission information from certain vehicles. Existing law requires the Department to charge an annual fee of \$6 for each vehicle electronically monitored in such a manner. (NRS 445B.767) **Section 5.5** of this bill instead requires the Department to charge an annual fee that is equal in amount to the fee for each form issued to a fleet station.

Existing law requires a board of county commissioners, if the board is authorized to impose an additional fee for each form certifying emission control compliance, to ensure that 2 percent of any such fee is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued. (NRS 445B.834) **Section 10.5** of this bill authorizes the board of county commissioners for a county whose population is 100,000 or more (currently Clark and Washoe Counties) to impose by ordinance an additional fee for ~~[(1)]~~ each form certifying emission control compliance, ~~[(2)]~~ and ~~(2) the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station.~~ **Section 10.5 requires a board that imposes such an additional fee to notify the Department for the purposes of collecting and distributing the fee. Section 10.3 of this bill requires the Department: (1) upon receiving such a notification, to collect the additional fee on behalf of the county; (2) to account separately for the additional fee in the Pollution Control Account; and (3) to make quarterly distributions to each applicable county of money equal to the amount of the additional fees that were collected on behalf of the county.** **Section 10.5** provides that, if such an additional fee is imposed, the board shall use the money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle with at

least 50 percent of such money being used to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle for the benefit of historically underserved communities. **Section 10.5 additionally removes a requirement that a board of county commissioners ensure that 2 percent of any such fee is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.**

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

Section 1. NRS 482.381 is hereby amended to read as follows:

482.381 1. Except as otherwise provided in ~~NRS 482.2655,~~ **subsection 4**, the Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which ~~is~~:

(a) *Is a model manufactured more than 40 years before the date of application for registration pursuant to this section* ~~is~~; *and*

(b) *Has proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:*

(1) *Is designed or designated specifically for a classic or antique vehicle; or*

(2) *Includes an endorsement designed or designated specifically for classic or antique vehicles.*

2. *Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:*

(a) *Club activities, exhibitions, tours, parades or similar activities; and*

(b) *Such other uses that are necessary for the operation and maintenance of the vehicle.*

3. *A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*

4. *If the owner of the vehicle elects to use the vehicle for general transportation, he or she:*

(a) *Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and*

(b) *Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.*

5. License plates issued pursuant to this section must bear the inscription “Old Timer,” and the plates must be numbered consecutively.

~~§~~ 6. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

~~§~~ 7. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance \$35

(b) For a renewal sticker \$10

~~15.1~~ **8.** In addition to the fees required pursuant to subsection ~~14.1~~ 7, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to ~~paragraph (b) of subsection 1 of NRS 445B.760~~ **subsection 3** from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

~~16.1~~ **9.** Fees paid to the Department pursuant to subsection ~~15.1~~ 8 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

10. As used in this section, “general transportation” means a vehicle that is:

(a) Driven more than 5,000 miles during the immediately preceding year;

or

(b) Used in any capacity for commercial purposes.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in ~~NRS 482.2655,~~ **subsection 4**, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer’s rated carrying capacity of 1 ton or less; ~~and~~

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department ~~1.1~~; **and**

(c) Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle; or

(2) Includes an endorsement designed or designated specifically for classic or antique vehicles.

2. Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:

(a) Club activities, exhibitions, tours, parades or similar activities; and

(b) Such other uses that are necessary for the operation and maintenance of the vehicle.

3. A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.

4. If the owner of the vehicle elects to use the vehicle as general transportation, he or she:

(a) Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. Except as otherwise provided in subsection ~~3.1~~ 6, license plates issued pursuant to this section must be inscribed with the words “CLASSIC ROD” and a number of characters, including numbers and letters, as determined necessary by the Director.

~~3.1~~ 6. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection ~~2.1~~ 5 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

~~4.1~~ 7. If, during a registration year, the holder of special plates issued pursuant to subsection ~~2.1~~ 5 or ~~3.1~~ 6 disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~5.1~~ 8. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~6.1~~ 9. In addition to the fees required pursuant to subsection ~~5.1~~ 8, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ~~paragraph (b) of subsection 1 of NRS 445B.760~~ **subsection 3** from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

~~7.1~~ 10. Fees paid to the Department pursuant to subsection ~~6.1~~ 9 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

11. As used in this section, “general transportation” means a vehicle that is:

(a) Driven more than 5,000 miles during the immediately preceding year;
or

(b) Used in any capacity for commercial purposes.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in ~~NRS 482.2655~~, **subsection 4**, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer’s rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; ~~and~~

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts ~~††~~; **and**

(d) Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle; or

(2) Includes an endorsement designed or designated specifically for classic or antique vehicles.

2. Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:

(a) Club activities, exhibitions, tours, parades or similar activities; and

(b) Such other uses that are necessary for the operation and maintenance of the vehicle.

3. A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.

4. If the owner of the vehicle elects to use the vehicle as general transportation, he or she:

(a) Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. Except as otherwise provided in subsection ~~†3†~~ **6**, license plates issued pursuant to this section must be inscribed with the words “CLASSIC VEHICLE” and a number of characters, including numbers and letters, as determined necessary by the Director.

~~†3†~~ **6.** A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection ~~†2†~~ **5** if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

~~†4†~~ **7.** If, during a registration period, the holder of special plates issued pursuant to subsection ~~†2†~~ **5** or ~~†3†~~ **6** disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~†5†~~ **8.** The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~†6†~~ **9.** In addition to the fees required pursuant to subsection ~~†5†~~ **8**, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ~~paragraph (b) of~~

~~subsection 1 of NRS 445B.760~~ **subsection 3** from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

~~17-1~~ **10.** Fees paid to the Department pursuant to subsection ~~16-1~~ **9** must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

11. As used in this section, “general transportation” means a vehicle that is:

(a) Driven more than 5,000 miles during the immediately preceding year;
or

(b) Used for any capacity for commercial purposes.

Sec. 5. NRS 482.461 is hereby amended to read as follows:

482.461 1. ~~11-1~~ **Except as otherwise provided in subsection 3 of NRS 445B.825, if** the test conducted pursuant to NRS 445B.798 indicates that a motor vehicle which is registered in a county whose population is 100,000 or more does not comply with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, the Department shall mail to the registered owner of the vehicle a notice that the vehicle has failed the test.

2. The notice must include:

- (a) The information set forth in subsection 3;
- (b) A written statement which contains the results of the test conducted pursuant to NRS 445B.798; and
- (c) Any other information the Department deems necessary.

3. The Department shall rescind and cancel the registration of any motor vehicle which fails the test conducted pursuant to NRS 445B.798, unless within 30 days after the notice is mailed by the Department pursuant to subsection 2, the registered owner of the vehicle:

(a) Has the vehicle inspected by an authorized station or authorized inspection station to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto; and

(b) Provides to the Department evidence of compliance issued by the authorized station or authorized inspection station certifying that the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.

4. The registered owner of the vehicle shall pay the cost of the inspection required pursuant to subsection 3.

5. As used in this section:

(a) “Authorized inspection station” has the meaning ascribed to it in NRS 445B.710.

(b) “Authorized station” has the meaning ascribed to it in NRS 445B.720.

Sec. 5.5. NRS 445B.767 is hereby amended to read as follows:

445B.767 1. In any county whose population is 100,000 or more, the Commission may, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations to establish a voluntary program of electronic monitoring of emission information, from vehicles equipped with onboard diagnostic equipment that permits such monitoring, for the purposes of compliance with this chapter.

2. The Department of Motor Vehicles shall charge an annual fee ~~of \$61~~ *that is equal in amount to the fee imposed pursuant to paragraph (c) of subsection 1 of NRS 445B.830* for each vehicle electronically monitored pursuant to subsection 1. Fees collected by the Department pursuant to this section must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 6. ~~NRS 445B.775 is hereby amended to read as follows:~~

~~445B.775 1. The regulations adopted by the Commission pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:~~

~~[1.] (a) Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. The regulations adopted by the Commission pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:~~

~~[(a)] (I) Except as otherwise provided in [paragraph (b)], subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions;~~

~~[(b)] (2) May perform the following activities in connection with a motor vehicle:~~

~~[(1)] (I) The changing of oil;~~

~~[(2)] (II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and~~

~~[(3)] (III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.~~

~~[2.] (b) Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.~~

~~2. The regulations adopted by the Commission pursuant to NRS 445B.770 must authorize any approved inspector who is licensed by the Department of Motor Vehicles:~~

~~(a) Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station.~~

~~(b) To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. (Deleted by amendment.)~~

Sec. 7. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall, in cooperation with the Commission, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized stations and fleet stations. The regulations adopted pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that:

(1) The equipment complies with any applicable standards of the United States Environmental Protection Agency; and

(2) Use of the equipment is specifically authorized by the Commission.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized station and fleet station.

3. ~~§The~~ If an approved inspector who has paid a fee for the initial issuance of a license to inspect motor vehicles and devices for the control of pollution wishes to be licensed at one or more locations in addition to the location for which the initial issuance of the license was applicable, the regulations adopted by the Department of Motor Vehicles pursuant to this section must authorize any approved inspector who is licensed by the Department of Motor Vehicles

~~(a) Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations~~

~~of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station.~~

~~(b) To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations, not impose a fee greater than \$2 for the issuance and renewal of the license for each additional location.~~

Sec. 8. NRS 445B.798 is hereby amended to read as follows:

445B.798 ~~§~~

~~1. Notwithstanding subsection 3 of NRS 445B.825, and except as otherwise provided in subsection 2, in a county whose population is 100,000 or more, the Department of Motor Vehicles may conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.~~

~~2. As an alternative to the test of the emissions authorized to be conducted pursuant to subsection 1, in a county whose population is 100,000 or more, the Department of Motor Vehicles may establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto. If the Department of Motor Vehicles establishes a remote sensing system pursuant to this subsection, the Department of Motor Vehicles shall adopt regulations:~~

~~(a) As necessary for carrying out the remote sensing system, including, without limitation, the implementation and enforcement of the remote sensing system and the control of quality assurance of the remote sensing system;~~

~~(b) That provide the procedure for a person to register to participate in the remote sensing system, including, without limitation, requiring the person to pay a fee that is equivalent to any fee charged by the Department of Motor Vehicles for conducting a test of the emissions from a motor vehicle pursuant to subsection 1; and~~

~~(c) That allow for the collection of data from the remote sensing system. The Department of Motor Vehicles and any other agency of this State may use the data collected from the remote sensing system, so long as the information of a person who participates in the remote sensing system is not disclosed to the public.~~

~~3. As used in this section, "remote sensing system" means an emissions profiling system that uses remote sensing devices (RSD) on a highway in a county whose population is 100,000 or more to identify the emissions from a motor vehicle.~~

Sec. 9. NRS 445B.825 is hereby amended to read as follows:

445B.825 1. The Commission may provide for exemption from the provisions of NRS 445B.770 to 445B.815, inclusive, of designated classes of

motor vehicles, including, without limitation, classes based upon the year of manufacture of motor vehicles.

2. A hybrid electric vehicle, as defined in 40 C.F.R. § ~~186.1702-99,~~ **86.1803-01**, is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive, until the model year of the vehicle is 6 years old.

3. *A new motor vehicle is exempt from the test conducted pursuant to NRS 445B.798 and the provisions of NRS 445B.770 to 445B.815, inclusive, until the fourth registration of the motor vehicle. If the Department of Motor Vehicles conducts a test pursuant to NRS 445B.798, the Department of Motor Vehicles shall conduct the test pursuant to NRS 445B.798 to determine whether the motor vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, annually after the fourth registration of the motor vehicle.*

4. The Commission shall provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if compliance ~~is~~

~~—(a) Compliance—~~ involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. ~~for~~

~~—(b) The following applies:~~

~~—(1) Compliance involves repair and equipment costs which exceed the limits established by the Commission; and~~

~~—(2) The vehicle is repaired by the owner of the vehicle. Such repairs by the owner of the vehicle include, without limitation:~~

~~—(I) The owner purchasing parts for the repair of the vehicle;~~

~~—(II) The owner buying equipment for the repair of the vehicle; and~~

~~—(III) The owner performing labor on the vehicle for the repair of the vehicle.~~

~~→ The Commission shall establish the limits referenced in this section in a manner which avoids unnecessary financial hardship to motor vehicle owners.~~

5. As used in this section, “new motor vehicle” means a motor vehicle that has never been registered with the Department of Motor Vehicles and has never been registered with the appropriate agency or authority of any other state, the District of Columbia, any territory or possession of the United States or a foreign state, province or country.

Sec. 10. (Deleted by amendment.)

Sec. 10.3. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station \$25

- (b) For each set of 25 forms certifying emission control compliance 150
- (c) For each form issued to a fleet station 6

2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to ~~subsection~~ subsections 4, 5, and 7, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.

(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) Local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.

5. Each local air pollution control agency that receives money pursuant to subsections 4 ~~and~~ 6 and 7 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1 and an amount proportionate to

the amount of fees paid in the county pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816. As used in this subsection, “excess money” means:

(a) The money in excess of \$1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to ~~subsection~~ subsections 4 and 7 and any disbursements made from the Account pursuant to subsection 2; and

(b) The money deposited in the Pollution Control Account by the Department of Motor Vehicles pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816.

7. If a board of county commissioners imposes an additional fee pursuant to subsection 1 of NRS 445B.834, the Department of Motor Vehicles shall:

(a) Upon receiving the notification pursuant to subsection 2 of NRS 445B.834, collect the additional fee on behalf of the county and account separately for money from the additional fee in the Pollution Control Account; and

(b) Make quarterly distributions of the money in the Pollution Control Account attributable to each county whose board of county commissioners imposed the additional fee. The distributions made pursuant to this subsection must be equal to the amount of money collected on behalf of the county pursuant to the additional fee imposed by the board of county commissioners of the county.

8. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Establish goals and objectives for the program for control of emissions from motor vehicles;

(b) Identify areas where funding should be made available; and

(c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770.

Sec. 10.5. NRS 445B.834 is hereby amended to read as follows:

445B.834 1. The board of county commissioners of a county whose population is 100,000 or more may by ordinance impose an additional fee for ~~for~~

~~(a) Each~~ each form certifying emission control compliance. ~~for~~ and

~~(b) The issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station.~~

2. If a board of county commissioners imposes an additional fee pursuant to subsection 1, the board of county commissioners shall notify the Department of Motor Vehicles for the purposes of collecting and distributing the additional fee pursuant to subsection 7 of NRS 445B.830.

3. If a board of county commissioners imposes an additional fee pursuant to subsection 1, the board shall:

(a) *Subject to the provisions of paragraph (b), use any money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle; and*

(b) *Allocate at least 50 percent of any money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle for the benefit of historically underserved communities.*

~~13. If the board of county commissioners of a county is authorized to impose an additional fee for each form certifying emission control compliance, or the board of county commissioners imposes an additional fee for each form certifying emission control compliance pursuant to subsection 1, as applicable, the board shall ensure that 2 percent of any such fee it imposes is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.~~

~~2.1~~ 4. As used in this section ~~1~~, “additional”:

(a) “Additional fee” does not include any fee that is imposed pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 445B.830.

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

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

(d) “Census tract” means a combination of block groups.

(e) “Historically underserved community” means:

(1) A census tract:

(I) Designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

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

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) A community in this State located on qualified tribal land, as defined in NRS 370.0325.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. 1. This section and sections 2, 5 to 9, inclusive, 10.3, 10.5 and 11 of this act, become effective on October 1, 2021.

2. Section 10 of this act becomes effective on January 1, 2022.
3. Sections 1, 3 and 4 of this act become effective on January 1, 2023.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 861 to Assembly Bill No. 349.

Remarks by Assemblymen Monroe-Moreno, Titus, and Watts.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Senate Bill No. 108.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 848.

SUMMARY—Establishes provisions relating to ~~juvenile justice;~~ **juveniles.** (BDR 5-549)

AN ACT relating to ~~juvenile justice;~~ **juveniles;** requiring any person who during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete periodic training relating to implicit bias and cultural competency; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training; authorizing the Nevada Supreme Court to adopt additional court rules concerning such training for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with such juveniles; **authorizing in certain circumstances certain institutions, agencies and facilities that serve children to waive the requirement to terminate the employment of certain employees after a background investigation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions relating to juvenile justice in this State. (Title 5 of NRS) **Section 1** of this bill requires any person who during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State to complete, in addition to any other required training and generally at least once every 2 years, training relating to implicit bias and cultural competency. **Section 1** also requires that such training include certain specific instruction relating to implicit bias and cultural competency. Additionally, **section 1:** (1) requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations concerning such training; and (2) authorizes the Division of Child and Family Services to consult with any person whose assistance the Division of Child and Family Services determines will be helpful when adopting such regulations. **Section 1** also authorizes the Nevada Supreme Court to adopt additional court rules concerning such

training for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with such juveniles.

Existing law requires public or private institutions and agencies to which a juvenile court commits a child to conduct background investigations of the employees of such institutions and agencies. (NRS 62B.270) Existing law also requires agencies which provide child welfare services to conduct background investigations of applicants for employment with, and the employees of, such agencies. (NRS 432B.198) Existing law additionally requires certain facilities which provide residential mental health treatment to children to conduct background investigations of the employees of such facilities. (NRS 433B.183) Such background investigations are conducted for the purpose of determining whether an applicant or employee has been convicted of certain specified crimes and, with respect to agencies which provide child welfare services, whether an applicant or employee has charges pending against him or her for any such crime. (NRS 62B.270, 432B.198, 433B.183) If the results of a background investigation correctly provide that an applicant or employee has been convicted of any such crime, the application for employment or the employment of the person must be denied or terminated, respectively. (NRS 62B.275, 432B.199, 433B.185) Additionally, if the results of a background investigation conducted by an agency which provides child welfare services correctly provide that an applicant or employee has charges pending against him or her for any such crime, the application for employment or the employment of the person may be denied or terminated, respectively. (NRS 432B.199)

Section 4 of Senate Bill No. 21 of this session authorizes agencies which provide child welfare services to waive the prohibition on hiring an applicant who has been convicted of a specified crime if the agency adopts and applies an objective weighing test pursuant to which certain factors are considered relating to the applicant and the crime committed. Section 4 of Senate Bill No. 21 of this session requires such an agency to track certain data regarding each applicant to whom the objective weighing test is applied and review the data at least once every 2 years to determine the efficacy of the test and whether the data indicates the presence of implicit bias. Section 4 of Senate Bill No. 21 of this session also provides that: (1) the prohibition on hiring an applicant who has been convicted of a specified crime may not be waived through the use of the objective weighing test if the specified crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; and (2) the hiring determination made by the agency after applying the objective weighing test to an applicant is final.

Sections 2.3, 2.5 and 2.7 of this bill authorize public or private institutions and agencies to which a juvenile court commits a child, agencies which provide child welfare services and certain facilities which provide residential mental health treatment to children, respectively, to

waive the requirement to terminate the employment of an employee who has been convicted of a specified crime in accordance with the provisions set forth in section 4 of Senate Bill No. 21 of this session that allow agencies which provide child welfare services to waive the prohibition on hiring an applicant who has been convicted of a specified crime. However, sections 2.3, 2.5 and 2.7 additionally provide that such a requirement can be waived only for the first background investigation concerning an employee that such an institution, agency or facility conducts.

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

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who, during the scope of his or her employment has regular and routine contact with juveniles who are involved in the juvenile justice system in this State, including, without limitation, any prosecuting attorney, public defender, peace officer, probation officer, juvenile correctional officer, employee of a state or local facility for the detention of children, employee of a regional facility for the treatment and rehabilitation of children or employee of a prosecuting attorney's office or public defender's office, shall complete, in addition to any other required training, training relating to implicit bias and cultural competency provided by his or her employer pursuant to the regulations adopted pursuant to subsection 3. Unless the regulations adopted by the Division of Child and Family Services pursuant to subsection 3 provide otherwise, such training relating to implicit bias and cultural competency must be completed at least once every 2 years.

2. The training required by subsection 1 must include, without limitation, instruction that:

(a) Explains what implicit bias is, where implicit bias comes from, the importance of understanding implicit bias and the negative impacts of implicit bias, and offers examples of actions that can be taken to reduce implicit bias;

(b) Provides information regarding cultural competency, including, without limitation, sensitivity to the needs of children, lesbian, gay, bisexual and transgender persons, racial and ethnic minorities, religious minorities and women; and

(c) Provides information regarding:

(1) Socioeconomic conditions in various areas in this State;

(2) Historical inequities in the juvenile justice and criminal justice systems; and

(3) The impact of trauma and adverse child experiences on the decision making and behaviors of children.

3. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section. When adopting such regulations, the

Division of Child and Family Services may consult with any person whose assistance the Division of Child and Family Services determines will be helpful.

4. The Nevada Supreme Court may provide by court rule for continuing appropriate training concerning implicit bias and cultural competency, incorporating the elements identified in subsection 2, for any magistrate, judge, master or employee in the juvenile court system who regularly and routinely comes into contact with juveniles who are involved in the juvenile justice system.

5. As used in this section, “cultural competency” means an understanding of how people and institutions can respond respectfully and effectively to people of all cultures, economic statuses, language backgrounds, races, ethnic backgrounds, disabilities, religions, genders, gender identities or expressions, sexual orientations, veteran statuses and other characteristics in a manner that recognizes, affirms and values the worth and preserves the dignity of people, families and communities.

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Section 2 of Senate Bill No. 21 of this session is hereby amended to read as follows:

Sec. 2. NRS 62B.275 is hereby amended to read as follows:

62B.275 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 62B.270 or evidence from any other source that an employee of a public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children:

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270:

(1) The public institution or agency may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(2) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(b) ~~Has~~ **Except as otherwise provided in subsection 4, has** been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270:

(1) The public institution or agency shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(2) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution shall terminate the employment of the employee after allowing

the employee time to correct the information as required pursuant to subsection 2.

2. If an employee believes that the information provided to the public institution or agency or the licensing authority by the Central Repository pursuant to NRS 62B.270 is incorrect, the employee must inform his or her employing institution or agency immediately. An institution or agency that is so informed shall give the employee a reasonable amount of time of not less than 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the employing institution or agency whether to allow the employee to continue to work for the institution or agency, as applicable, except that the employee shall not have contact with a child in the institution or agency without supervision during such period.

4. Except as otherwise provided in subsection 5, a public or private institution or agency to which a juvenile court commits a child may waive the requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 if the institution or agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the institution or agency will consider when making a determination as to whether to waive such a requirement, including, without limitation:

(a) The age, maturity and capacity of the employee at the time of his or her conviction;

(b) The length of time since the employee committed the crime;

(c) Any participation by the employee in rehabilitative services;
and

(d) The relevance of the crime to the position in which the employee is employed.

5. The requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 may not be waived through the use of the objective weighing test if:

(a) The crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; or

(b) The information concerning the conviction was obtained pursuant to a second or subsequent background investigation concerning the employee that is conducted by the public or private institution or agency.

6. A public or private institution or agency to which a juvenile court commits a child shall, with regard to each employee to whom the institution or agency applies the objective weighing test pursuant to subsection 4:

(a) Track the age, race and ethnicity of the employee, the position in which the employee is employed and the determination made by the institution or agency; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

7. The determination made by a public or private institution or agency to which a juvenile court commits a child with regard to an employee to whom the institution or agency applies the objective weighing test is final.

8. For the purposes of this section, the period during which criminal charges are pending against an employee for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 begins and ends as set forth in subsection 8 of that section.

Sec. 2.5. Section 4 of Senate Bill No. 21 of this session is hereby amended to read as follows:

Sec. 4. NRS 432B.199 is hereby amended to read as follows:

432B.199 1. If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection 5 of NRS 432B.198, the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 or evidence from any other source indicates that an applicant for employment with the agency, or an employee of the agency:

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, the agency may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Except as otherwise provided in subsection 6, has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 432B.198, the agency shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the agency which provides child welfare services pursuant to subsection 5 of NRS 432B.198 is incorrect, the applicant or employee must inform the agency immediately. An agency that provides child welfare services that is so informed shall give the applicant or employee

a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 is incorrect, the applicant or employee must inform the agency immediately. An agency which provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee:

(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the agency which provides child welfare services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing an agency which provides child welfare services from initiating internal disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. Except as otherwise provided in subsection 7, an agency which provides child welfare services may waive the prohibition on hiring an applicant or the requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 if the agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the agency will consider when making a determination as to whether to waive such a prohibition ~~[-]~~ or requirement, including, without limitation:

(a) The age, maturity and capacity of the applicant or employee at the time of his or her conviction;

(b) The length of time since the applicant or employee committed the crime;

(c) Any participation by the applicant or employee in rehabilitative services; and

(d) The relevance of the crime to the position for which the applicant has applied ~~[-]~~ or in which the employee is employed.

7. The ~~prohibition~~:

(a) Prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 may not be waived through the use of the objective weighing test if the crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed.

(b) Requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of

NRS 432B.198 may not be waived through the use of the objective weighing test if:

(1) The crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; or

(2) The information concerning the conviction was obtained pursuant to a second or subsequent background investigation concerning the employee that is conducted by the agency.

8. An agency which provides child welfare services shall, with regard to each applicant or employee to whom the agency applies the objective weighing test pursuant to subsection 6:

(a) Track the age, race and ethnicity of the applicant ~~[]~~ or employee, the position for which the applicant applied or in which the employee is employed and the ~~[]~~ hiring determination made by the agency; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

9. The ~~[]~~ hiring determination made by an agency which provides child welfare services with regard to an applicant or employee to whom the agency applies the objective weighing test is final.

10. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 begins and ends as set forth in subsection 7 of that section.

Sec. 2.7. Section 6 of Senate Bill No. 21 of this session is hereby amended to read as follows:

Sec. 6. NRS 433B.185 is hereby amended to read as follows:

433B.185 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 433B.183 or evidence from any other source that an employee of a division facility that provides residential treatment for children:

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 433B.183, the administrative officer may terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2; or

(b) ~~[Has]~~ Except as otherwise provided in subsection 4, has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 433B.183, the administrative officer shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2.

2. If an employee believes that the information provided to the division facility pursuant to subsection 1 is incorrect, the employee must inform the division facility immediately. A division facility that is so informed shall give the employee 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the administrative officer whether to allow the employee to continue to work for the division facility, except that the employee shall not have contact with a child in the division facility without supervision during such period.

4. Except as otherwise provided in subsection 5, a division facility that provides residential treatment for children may waive the requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 if the division facility adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the division facility will consider when making a determination as to whether to waive such a requirement, including, without limitation:

(a) The age, maturity and capacity of the employee at the time of his or her conviction;

(b) The length of time since the employee committed the crime;

(c) Any participation by the employee in rehabilitative services; and

(d) The relevance of the crime to the position in which the employee is employed.

5. The requirement to terminate the employment of an employee who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 may not be waived through the use of the objective weighing test if:

(a) The crime was sexually-related and the victim was a child who was less than 18 years of age when the crime was committed; or

(b) The information concerning the conviction was obtained pursuant to a second or subsequent background investigation concerning the employee that is conducted by the division facility.

6. A division facility that provides residential treatment for children shall, with regard to each employee to whom the division facility applies the objective weighing test pursuant to subsection 4:

(a) Track the age, race and ethnicity of the employee, the position in which the employee is employed and the determination made by the division facility; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

7. The determination made by a division facility that provides residential treatment for children with regard to an employee to whom the division facility applies the objective weighing test is final.

8. For the purposes of this section, the period during which criminal charges are pending against an employee for a crime listed in paragraph

(a) of subsection 1 of NRS 433B.183 begins and ends as set forth in subsection 8 of that section.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

(b) Nine months after the date on which the regulations adopted by the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 1 of this act become effective for all other purposes.

3. Sections 2.3, 2.5 and 2.7 of this act become effective on January 1, 2022.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 108.

Bill read third time.

Roll call on Senate Bill No. 108:

YEAS—26.

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

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 p.m.

ASSEMBLY IN SESSION

At 11:36 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 219, Amendment No. 862; Assembly Bill No. 241, Amendment No. 842; Assembly Bill No. 355, Amendment No. 840; Assembly Bill No. 441,

Amendment No. 825, and respectfully requests your honorable body to concur in said amendments.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 219.

The following Senate amendment was read:

Amendment No. 862.

AN ACT relating to criminal justice; authorizing the sealing of criminal records after a pardon; requiring the sealing of criminal records under certain circumstances; authorizing the appeal of certain petitions to seal criminal records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a comprehensive system for the sealing of criminal records. (NRS 179.2405-179.301) Under existing law there is a presumption that criminal records should be sealed when the petitioner satisfies all statutory requirements for the sealing of the records. (NRS 179.2445) This bill requires a court to seal the criminal records of a petitioner under certain circumstances and makes various other changes to provisions governing the sealing of criminal records.

Section 1 of this bill requires a court and the Central Repository for Nevada Records of Criminal History to seal the criminal records of a person upon receipt of a certified copy of the unconditional pardon of the person from the State Board of Pardons Commissioners. If the recipient of the pardon files a petition to seal his or her criminal records, **section 1** requires the court to grant the petition without review by the prosecuting attorney or agency so long as the charges that were pardoned are the same as the charges requested to be sealed.

Existing law authorizes a court to order the sealing of criminal records if a person convicted in the court submits a petition and the prosecuting attorney stipulates to the sealing of the records. If the prosecuting attorney does not stipulate to the sealing of the criminal records, existing law requires a hearing to be conducted to determine if the records should be sealed. (NRS 179.245, 179.247) ~~[Sections 3 and 4 of this bill require a court to grant the sealing of the criminal records without a hearing if: (1) the prosecuting agency stipulates to the sealing of the records; or (2) all statutory requirements are met and the prosecuting agency does not stipulate to the sealing of the records or does not file an objection to the sealing of the records.]~~ **Sections 3 and 4** require: (1) a hearing on the petition to be held to determine if the criminal records should be sealed if **the court has not otherwise ordered the sealing of the records or** the prosecuting agency files a written objection; and (2) the petition to be granted ~~[if not]~~ **unless an** objecting party ~~[attends the hearing.]~~ **presents certain evidence. Section 2.5 of this bill makes a conforming change.**

Existing law authorizes a person to petition a court to seal all records relating to an arrest if: (1) the person was never prosecuted for the crime; (2) a charge was filed against the person but later dismissed; or (3) the person was acquitted of the crime. If the prosecuting attorney stipulates to the sealing of the records relating to the arrest, existing law authorizes the court to seal the records. If the prosecuting attorney does not stipulate to the sealing of the records, existing law requires a hearing to be conducted to determine if the records should be sealed. (NRS 179.255) **Section 5** of this bill: (1) requires a court to grant a petition to seal all records relating to an arrest if the prosecuting agency stipulates to sealing the records or if there is no evidence that further action will be taken against the person and the person was acquitted of the crime; and (2) authorizes the court to seal all records relating to an arrest if there is no evidence that further action will be taken against the person and the person was never prosecuted for the crime or a charge was filed against the person but later dismissed. **Section 5** further requires: (1) that a hearing be conducted ~~[when a]~~ if the court has not otherwise ordered the sealing of the records or the prosecuting agency files a written objection to a petition to seal the records of the arrest; and (2) the court to seal the records of the arrest pursuant to the statutory presumption favoring the sealing of records ~~[if no]~~ unless an objecting party ~~[attends the hearing]~~ presents certain evidence. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection and the petitioner satisfies all statutory requirements to seal the records relating to the arrest, **section 5** requires the court to seal the records without a hearing.

Section 6 of this bill authorizes a person to appeal the denial of a petition to seal a record. **Section 7** of this bill authorizes a person to appeal the denial of a petition to seal records relating to a crime that has been decriminalized.

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

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

1. If a court and the Central Repository for Nevada Records of Criminal History receive a certified copy of an unconditional pardon from the State Board of Pardons Commissioners, the court and the Central Repository for Nevada Records of Criminal History shall seal all records of criminal history subject to the pardon.

2. If a person receives a pardon from the State Board of Pardons Commissioners, the person may submit a written petition, accompanied by proof of the pardon, to any court in which the person was convicted for the sealing of all records of criminal history in its possession and in the possession of any agency of criminal justice relating to the charges for which the person received the pardon.

3. A petition submitted to a court pursuant to this section is not subject to review by the prosecuting attorney or an agency of criminal justice.

4. The court shall grant a petition submitted to the court pursuant to this section unless the charges listed in the petition are different from the charges listed in the pardon.

5. No fee may be charged by any court or agency of criminal justice for the submission of a petition pursuant to this section.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~††~~, **and section 1 of this act.**

Sec. 2.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the filing of a petition for the sealing of records pursuant to NRS 179.245, **179.247**, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

2. The presumption set forth in subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence pursuant to NRS 200.408 or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary

or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting ~~attorney who~~ **agency that** prosecuted the petitioner for the crime stipulates ***to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may*** ~~shall~~ order the sealing of the records in accordance with subsection 5 without a hearing. If the ***court does not order the sealing of the records or the*** ~~prosecuting attorney does not stipulate to the sealing of the records;~~ ***agency files a written objection, a hearing on the petition must be conducted. If not At the hearing, unless an objecting party attends the hearing, the court shall apply*** ~~presents evidence sufficient to rebut the presumption set forth in NRS 179.2445 , the court shall apply the presumption and seal the records.~~

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are

pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
- (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (e) A violation of NRS 484C.430;
- (f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (h) A violation of NRS 488.420 or 488.425.

7. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

8. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 4. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting ~~attorney who~~ *agency that* prosecuted the petitioner for the crime stipulates *to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may ~~shall~~ vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting ~~attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits,~~ *agency files a written objection*, a hearing on the petition must be conducted. ~~If not~~ At the hearing, unless an objecting party attends the hearing, the court shall apply *presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.**

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents

relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

10. As used in this section, "crime of violence" means:

(a) Any offense involving the use or threatened use of force or violence against the person or property of another; or

(b) Any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

Sec. 5. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➡ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting ~~attorney~~ **agency that prosecuted or declined to prosecute the petitioner for the crime** stipulates **to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate** to the sealing of the records **or does not file a written objection within 30 days** after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may ~~shall~~ order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the **court does not order the sealing of the records or the prosecuting attorney does not stipulate to the sealing of the records, agency files a written objection, to a petition,** a hearing on the petition must be conducted. ~~If no~~ **At the hearing, unless an objecting party attends the**

~~hearing,]~~ presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption ~~set forth in NRS 179.2445]~~ and seal the records.

7. If the court finds ~~that~~ :

(a) ~~That there has been an acquittal, that the prosecution was declined or that the charges were dismissed]~~ and there is no evidence that further action will be brought against the person, the court ~~may]~~ **shall** order sealed all records of the arrest and of the proceedings leading to the acquittal ~~]~~ ~~declination or dismissal]~~ which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada ~~]~~; **or**

(b) ***That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.***

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 6. NRS 179.265 is hereby amended to read as follows:

179.265 1. A person whose petition is denied under NRS 179.245 or 179.255 may petition for a rehearing not sooner than 2 years after the denial of the previous petition.

2. ~~[No person may petition for more than two rehearsings.]~~ ***A person whose petition is denied may file an appeal.***

Sec. 7. NRS 179.271 is hereby amended to read as follows:

179.271 1. Except as otherwise provided in this section, if an offense is decriminalized:

(a) Any person who was convicted of that offense before the date on which the offense was decriminalized may submit a written request to any court in which the person was convicted of that offense for the sealing of any record of criminal history in its possession and in the possession of any agency of criminal justice relating to the conviction.

(b) Upon receipt of a request pursuant to paragraph (a), the court shall, as soon as practicable, send written notice of the request to the office of the

prosecuting attorney that prosecuted the offense. If the office of the prosecuting attorney objects to the granting of the request, a written objection to the request must be filed with the court within 10 judicial days after the date on which notice of the request was received. If no written objection to the request is filed, the court shall grant the request. If a written objection to the request is filed, the court must hold a hearing on the request. At the hearing, the court shall grant the request unless the prosecuting attorney establishes, by clear and convincing evidence, that there is good cause not to grant the request. The decision of the court to ~~grant or~~ deny the request is ~~not~~ subject to appeal.

2. No fee may be charged by any court or agency of criminal justice for the submission of a request pursuant to this section.

3. The provisions of this section do not apply to a traffic offense.

4. As used in this section:

(a) “Decriminalized” means that an offense is no longer punishable as a crime as the result of enactment of an act of the Legislature or the passage of a referendum petition or initiative petition pursuant to Article 19 of the Nevada Constitution.

(b) “Traffic offense” means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 862 to Assembly Bill No. 219.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 241.

The following Senate amendment was read:

Amendment No. 842.

AN ACT relating to offenders; establishing a credit against the sentence of certain offenders incarcerated during a state of emergency declared due to a communicable or infectious disease; requiring the Director of the Department of Corrections to submit a report containing a list of the offenders who have received such a credit; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law permits an offender to earn certain credits to reduce his or her sentence of imprisonment. (NRS 209.433-209.449) **Section 1** of this bill allows for an additional credit of 5 days for each month served by an offender who is incarcerated in an institution or facility of the Department of Corrections during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect. **Section 1** also: (1) limits such credits an offender may earn to not more than 60 days of credit for any state of emergency; (2) requires such credits to apply to eligibility for parole and to be deducted from the minimum

term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole, unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole; (3) requires such credits to be deducted from the maximum term or maximum aggregate term imposed by the sentence, as applicable; and (4) requires the Director of the Department, not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, to submit a report containing a list of the offenders who have received such credits to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice. **Section 2** of this bill makes a conforming change to indicate the appropriate placement of **section 1** in the Nevada Revised Statutes.

Section 2.5 of this bill: (1) requires the credits authorized by section 1 to be applied retroactively to the sentence of an offender who was incarcerated in an institution or facility of the Department of Corrections during the period in which the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in effect; and (2) specifies that the credits applied retroactively are an act of grace of the State, that no person has a right to parole and that the application of such credits is not intended to create any right or interest in liberty or property or establish a basis for any cause of action against the State or its political subdivisions, agencies, boards, commissions, departments, officers or employees. Section 2.5 also requires the Director of the Department, not later than 60 days after the effective date of this bill, to submit a report containing a list of the offenders who have received credits pursuant to the provisions of this bill for the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An offender who is actually incarcerated in an institution or facility of the Department pursuant to his or her sentence during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect must be allowed, in addition

to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 5 days from his or her sentence for each month the offender serves during the state of emergency. An offender shall not be allowed more than 60 days of credit pursuant to this section.

2. Credits earned pursuant to this section:

(a) Apply to eligibility for parole and must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole, unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole; and

(b) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

3. Not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, the Director shall submit a report containing a list of the offenders who have received credits pursuant to this section to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

4. As used in this section:

(a) “Communicable disease” means an infectious disease that can be transmitted from person to person, animal to person or insect to person.

(b) “Infectious disease” means a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious disease may or may not be transmissible from person to person, animal to person or insect to person.

Sec. 2. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.453, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. “Offender” includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. “Residential confinement” means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 2.5. 1. Subject to the provisions of subsection 2, the credits provided in section 1 of this act must be applied retroactively to reduce the term of imprisonment of an offender who was actually incarcerated in an institution or facility of the Department of Corrections during the period in which the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, was in effect.

2. The credits provided in section 1 of this act and applied retroactively pursuant to subsection 1 are an act of grace of the State. No person has a right to parole and the application of these credits is not intended to create any right or interest in liberty or property or establish a basis for any cause of action against the State or its political subdivisions, agencies, boards, commissions, departments, officers or employees.

3. Not later than 60 days after the effective date of this act, the Director of the Department of Corrections shall submit a report containing a list of the offenders who have received credits pursuant to the provisions of subsection 1 and section 1 of this act for the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Advisory Commission on the Administration of Justice.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 842 to Assembly Bill No. 241.

Remarks by Assemblyman Yeager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 355.

The following Senate amendment was read:

Amendment No. 840.

AN ACT making 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 \$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 the sum of \$350,000 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]~~ **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. 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 **the sum of \$1,084,686** 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. 8. 1. There is hereby appropriated from the State General Fund to Immunize Nevada the sum of \$1,000,000 for its activities relating to public health.

2. Upon acceptance of the money appropriated by subsection 1, Immunize Nevada 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 Immunize Nevada 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 Immunize Nevada 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 Immunize Nevada, 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. 8.}~~ **Sec. 9. {1.}** This ~~{section and sections 1, 3, 5, 6 and 7 of this}~~ act ~~{become}~~ **becomes** effective upon passage and approval.

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

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 840 to Assembly Bill No. 355.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 441.

The following Senate amendment was read:

Amendment No. 825.

AN ACT relating to legislators; authorizing the allocation of the legislative measures requested by a legislator whose office becomes vacant during a certain period; revising provisions governing the purposes for which a Legislator may use unspent campaign contributions; authorizing a legislator who is appointed to the office of a legislator under certain circumstances to solicit or accept monetary contributions during certain periods; restricting the expenses for which such contributions may be used; requiring such contributions that remain unspent after a certain period to be returned or donated for certain purposes; providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes Legislators and the chairs of each standing committee to request the drafting of a certain number of legislative measures by certain deadlines. (NRS 218D.150, 218D.155, 218D.160) **Section 1** of this bill provides that if a vacancy occurs in the office of a Legislator after the general election and before the regular session of the Legislature is convened, the caucus leader of the house and party of which the Legislator was a member is authorized to allocate all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator. **Section 1** also establishes a deadline for the submission of these requests and the details for the drafting of the request to the Legislative Counsel. Finally, **section 1** provides that a request for the drafting of a legislative measure: (1) that is allocated to a member of the Senate or Assembly is in addition to the number of requests authorized for that member by statute, joint rule or rule of either House; and (2) that is allocated to a standing committee of either House must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

~~Existing law prohibits a candidate from using campaign contributions for a personal use, and authorizes a candidate who is elected to an office to use unspent campaign contributions for expenses related to the public office to which he or she was elected. (NRS 294A.160) Existing law also provides that Legislators are entitled to an allowance of: (1) \$10,000 for each regular session for expenses related to travel to and from Carson City and additional housing during the regular session; and (2) \$1,200 for each special session for travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business. (NRS 218A.645) Section 4 of this bill excludes from the definition of "personal use" the use of unspent contributions by a Legislator to pay for expenses in excess of the amount of the allowance to which the Legislator is entitled under~~

~~existing law and, thus, specifically authorizes a Legislator to use such unspent contributions for that purpose.]~~

Existing law prohibits a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting a monetary contribution, or a commitment for such a contribution, for any political purpose during a period that begins a certain number of days before the beginning of a regular or special session of the Legislature and ends a certain number of days after the final adjournment of such a session. (NRS 294A.300) **Sections 2 and 7** of this bill: (1) authorizes a Legislator who was appointed to fill a vacancy in the office of a Legislator during this period to solicit or accept a monetary contribution during this period from another Legislator or from an organization whose primary purpose is to provide support for Legislators of a particular political party and house; (2) prohibits such a Legislator from soliciting or accept such monetary contributions in a total amount which exceeds \$10,000 for a regular session and \$1,200 for a special session; (3) limits the expenses for which the Legislator is authorized to use such contributions to those travel and housing expenses for which the Legislator receives an allowance under existing law; and (4) requires the Legislator to return or donate for certain purposes any contributions that remain unspent for an authorized purpose after a certain period. **Section 5** of this bill authorizes a Legislator to use unspent campaign contributions to make contributions to another Legislator pursuant to **section 2**. **Sections 3, 6, 8 and 9** of this bill make conforming changes to make unspent contributions received pursuant to **section 2** subject to the same reporting requirement as other unspent contributions.

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

Section 1. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, after the general election preceding a regular session and before that regular session has convened, a vacancy occurs for any reason in the office of a Legislator who is:

(a) A member of the Senate from the majority party, the Majority Leader of the Senate may allocate to a member of the Senate from the majority party or a Senate standing committee all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

(b) A member of the Assembly from the majority party, the Speaker of the Assembly may allocate to a member of the Assembly from the majority party or an Assembly standing committee all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

(c) A member of the Senate from the minority party, the Minority Leader of the Senate may allocate to a member of the Senate from the minority party all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

(d) A member of the Assembly from the minority party, the Minority Leader of the Assembly may allocate to a member of the Assembly from the minority party all, some or none of the requests for the drafting of legislative measures requested or available to be requested by the Legislator whose office became vacant.

2. The Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Assembly and Minority Leader of the Senate, respectively, shall, not later than the 8th calendar day of a regular legislative session provide the Legislative Counsel with a written list of the number of requests for the drafting of a legislative measure that may be submitted by each member and standing committee of the respective houses, within the limit provided by subsection 1. The

lists may be revised any time before the 15th calendar day of the regular legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. If, pursuant to this section, a request for the drafting of a legislative measure is submitted to the Legislative Counsel by a member of the Senate or Assembly, a standing committee of the Senate or Assembly, the Majority Leader or Minority Leader of the Senate, or the Speaker or Minority Leader of the Assembly on or before the 15th calendar day of the regular legislative session pursuant to this section, the member, chair of the standing committee or his or her designee, Majority Leader or Minority Leader of the Senate, and the Speaker and Minority Leader of the Assembly, as applicable, shall, by the 22nd calendar day of the regular legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

4. A request for the drafting of a legislative measure that is allocated to:

(a) A member of the Senate or Assembly pursuant to this section is in addition to the number of requests authorized for that member by statute, joint rule or rule of either House.

(b) A standing committee of either House pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a Legislator who was appointed to fill a vacancy in the office of a Legislator during a period described in subsection 1 of NRS 294A.300 may, during the period described in subsection 1 of NRS 294A.300 in which the Legislator was appointed, solicit or accept a monetary contribution, or solicit or accept a commitment

to make such a contribution, from another Legislator or from an organization whose primary purpose is to provide support for Legislators of a particular party and house.

2. A Legislator shall not:

(a) Solicit or accept monetary contributions pursuant to subsection 1, or solicit or accept a commitment to make such contributions, in a total amount which exceeds \$10,000 for a regular session or \$1,200 for a special session.

(b) Use any monetary contribution solicited or accepted pursuant to subsection 1 to pay any expenses other than expenses described in subsection 3 of NRS 218A.645 which are in excess of the supplemental allowance to which the Legislator is entitled pursuant to that subsection.

3. A Legislator who has received contributions pursuant to subsection 1 that were not spent or committed for expenditure before the end of the period described in subsection 1 of NRS 294A.300 in which the contributions were received shall, not later than 30 days after the end of that period, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to the contributors;

(b) Donate the money to any tax-exempt nonprofit entity; or

(c) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

Sec. 3. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 “Campaign expenses” means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(k) Fees for filing declarations of candidacy; and

(l) Repayment or forgiveness of a loan.

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.160 ~~††~~ *or section 2 of this act.*

Sec. 4. ~~NRS 204A.011 is hereby amended to read as follows:~~

~~204A.011 1. “Personal use” means any use of contributions to fulfill a commitment, obligation or expense of:~~

~~[1.] (a) A candidate that would exist irrespective of his or her campaign.~~

~~[2.] (b) A public officer that would exist irrespective of the duties of his or her public office;~~

~~as applicable.~~

~~2. The term does not include, without limitation, any use of contributions by a Legislator to pay any expenses described in subsection 3 of NRS 218.4.645 which are in excess of the supplemental allowance to which the Legislator is entitled pursuant to that subsection. (Deleted by amendment.)~~

Sec. 5. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate’s personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer’s personal use; or

(2) To pay himself or herself a salary.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate’s next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate’s next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) ***If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contribution pursuant to section 2 of this act;***

(3) A political party; or

~~[(3)]~~ (4) Any combination of persons or groups set forth in subparagraphs (1), ~~and~~ (2) ~~[(1)]~~ and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

6. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of \$5,000 to the contributor.

7. Except for a former public officer who is subject to the provisions of subsection 11, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➡ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

8. Except as otherwise provided in subsection 9, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➡ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

9. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➡ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

10. Except as otherwise provided in subsection 11, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➡ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100.

11. Every former public officer described in subsection 10 who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➡ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

12. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

13. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

14. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

15. As used in this section:

(a) “Contribution” includes, without limitation, any interest and other income earned on a contribution.

(b) “Qualifying contribution” means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.

Sec. 6. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 *or section 2 of this act* during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 *or section 2 of this act* which are \$100 or less.

2. In addition to the requirements set forth in subsection 1, every candidate for office at a primary election or general election shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ➡ report each of the campaign expenses described in subsection 1 incurred during the period.

3. Except as otherwise provided in subsections 4, 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

→ report each of the campaign expenses described in subsection 1 incurred during the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

→ report each of the campaign expenses described in subsection 1 incurred during the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each of the campaign expenses described in subsection 1 incurred during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

(b) Insufficient pursuant to chapter 306 of NRS, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

7. In addition to complying with the applicable reporting requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary election, general election or special election, he or she must, not later than January 15 of each year, report each of the campaign expenses described in subsection 1 incurred during the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this section:

(a) Requires the candidate to report a campaign expense that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term of office.

8. Except as otherwise provided in subsection 9, if a candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286 **or section 2 of this act** in any calendar year for which the candidate is not required to file a report pursuant to other provisions of this section, the candidate shall on or before

January 15 of the following year, for the period beginning January 1 and ending on December 31 of the calendar year, report:

(a) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or 294A.286 **or section 2 of this act** during the period; and

(b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or 294A.286 **or section 2 of this act** which are \$100 or less.

9. If a candidate for office at a special election to determine whether a public officer will be recalled disposes of contributions pursuant to subsection 5 of NRS 294A.160, the candidate shall, on or before the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115, report:

(a) Each amount in excess of \$100 disposed of pursuant to subsection 5 of NRS 294A.160; and

(b) The total of all amounts disposed of during the period pursuant to subsection 5 of NRS 294A.160 which are \$100 or less.

10. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

11. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 7. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. Except as otherwise provided in this section, it is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the

special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

2. Except as otherwise provided in this section, a person shall not make or commit to make a contribution or commitment prohibited by subsection 1.

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during the period set forth in subsection 1 if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

4. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a person pursuant to NRS 294A.115. The provisions of this subsection do not authorize:

(a) A person to accept or solicit a contribution, or solicit or accept a commitment to make such a contribution, other than a contribution authorized pursuant to NRS 294A.115.

(b) A person to make or commit to make a contribution other than a contribution authorized pursuant to NRS 294A.115.

5. ***This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a Legislator pursuant to section 2 of this act.***

6. As used in this section, “political purpose” includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 8. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, even though the candidate:

- (a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;
- (b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;
- (c) Receives no contributions;
- (d) Has no campaign expenses;
- (e) Is not opposed in the election by another candidate;
- (f) Is defeated in the primary election;
- (g) Is removed from the ballot by court order; or
- (h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4, 5 and 6 of NRS 294A.160 ~~or~~ **or section 2 of this act**, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 9. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee

for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

- (l) Fees for filing declarations of candidacy;
- (m) Repayments or forgiveness of loans;
- (n) The disposal of unspent contributions pursuant to NRS 294A.160 ~~to~~ **or section 2 of this act**; and
- (o) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must:

- (a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286 ~~to~~ **or section 2 of this act**, as applicable; and

- (b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 825 to Assembly Bill No. 441.

Remarks by Assemblywoman Brittney Miller.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 492.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 368.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 852 to Senate Bill No. 24; Assembly Amendment No. 853 to Senate Bill No. 96; Assembly Amendment No. 859 to Senate Bill No. 163; Assembly Amendments Nos. 603, 824 to Senate Bill No. 212; Assembly Amendments Nos. 568, 854 to Senate Bill No. 290; Assembly Amendment No. 819 to Senate Bill No. 325; Assembly Amendment No. 855 to Senate Bill No. 380; Assembly Amendment No. 831 to Senate Bill No. 448; Assembly Amendment No. 865 to Senate Bill No. 461.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Frierson:

Assembly Resolution No. 10—Expressing appreciation to certain persons and organizations who provided assistance to the Nevada Legislature with its response to the global COVID-19 pandemic during the 81st Session of the Nevada Legislature.

WHEREAS, The 81st Session of the Nevada Legislature commenced during unprecedented times in the midst of the COVID-19 global pandemic; and

WHEREAS, Richard Whitley, Director of the Department of Health and Human Services, encouraged his staff to work cooperatively with and provide assistance to the Nevada Legislature to ensure the safety of the Legislators, staff members and others meeting in the Legislative Building during the legislative session; and

WHEREAS, The assistance and guidance of the expert staff of the Department were invaluable throughout the legislative session in determining the safest way to bring Legislators, staff members and others together in the Legislative Building; and

WHEREAS, Julia Peek, Deputy Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, was instrumental in coordinating the provision of COVID-19 testing onsite at the Legislative Building throughout the legislative session so that everyone in the building could be tested quickly and easily throughout the session; and

WHEREAS, Julia Peek further assisted in coordinating vaccination events to be held at the Legislative Building so that Legislators, staff members and others could be vaccinated against COVID-19 onsite as early as possible, making it safer to work in the Legislative Building together; and

WHEREAS, Melissa Peek-Bullock, the State Epidemiologist, was available throughout the legislative session to provide expertise regarding best practices, answer questions and assist with determining the appropriate response when positive cases were found within the Legislative Building; and

WHEREAS, Victoria Sepcic, Health Facilities Inspector for the Division, provided prompt and thorough contact tracing of positive cases so that the Legislature could quickly identify any potential exposures and take appropriate action; and

WHEREAS, The State Public Health Laboratory of the University of Nevada, Reno, School of Medicine provided prompt and accurate test results when additional testing was necessary to confirm positive cases; and

WHEREAS, When it became possible to safely open the Legislative Building to members of the public, David Crowell, Interface Manager of the Division of Public and Behavioral Health, assisted by Emma Fawcett, Administrative Assistant, and other staff of the Division further stepped up by quickly verifying the vaccination status of visitors to the Legislative Building, even spending hours onsite to check the vaccination status of visitors who did not send the information in advance; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the 81st Session of the Nevada Legislature wish to specifically thank Richard Whitley, Director of the Department of Health and Human Services; Julia Peek, Deputy Administrator of the Division of Public and Behavioral Health; David Crowell, Interface Manager of the Division, Emma Fawcett, Administrative Assistant of the Division, and the other employees of the Division who assisted with verifying the vaccination status of visitors to the Legislature; Melissa Peek-Bullock, State Epidemiologist; Victoria Sepcic, Health Facilities Inspector; the entire team at the Department of Health and Human Services, who went above and beyond, working tirelessly behind the scenes to support the public health response at the Nevada Legislature, and who continue to address the public health response for the State; and Dr. Mark Pandori and his team at the State Public Health Laboratory of the University of Nevada, Reno, School of Medicine, who assisted with the needs of the Legislature; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Richard Whitley, Director of the Department of Health and Human Services and Dr. Mark Pandori, State Public Health Laboratory; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This is a resolution expressing our deepest appreciation for the assistance provided to the Nevada Legislature during the time that we were in session to make sure that we were keeping all of our members safe and healthy, as well as members of the public and our staff.

Resolution adopted.

By Assemblyman Frierson:

Assembly Resolution No. 11—Expressing appreciation to the staff of the Legislative Counsel Bureau for their service during the 81st Session of the Nevada Legislature.

WHEREAS, The Legislative Counsel Bureau was established in 1945 to provide the Nevada Legislature with independent, unbiased information and assistance to address the increasingly complex policy and fiscal issues that arise each legislative session; and

WHEREAS, The Legislative Counsel Bureau strives to meet the ever-increasing challenges of providing nonpartisan, centralized services to members of both Houses of the Legislature and their constituents in the most efficient, professional manner possible; and

WHEREAS, Through the years, the Legislative Counsel Bureau has evolved into an organization of public servants who provide a full range of services for the “people’s branch” of government; and

WHEREAS, In the Administrative Division of the Legislative Counsel Bureau, the staff of Information Technology Services and Broadcast and Production Services innovated to adapt the legislative process to new virtual technologies, the staff of the Buildings Unit, the Grounds Unit and the Janitorial Unit have meticulously maintained the beauty, safety and cleanliness of the legislative buildings and grounds, and the staff of the Accounting Unit, the General Services Unit and the Las Vegas Office have performed their roles expertly to ensure that members had access to support services and to keep the Legislature functioning smoothly; and

WHEREAS, In the Director’s Office, the Human Resources Counsel worked to keep everyone in the building safe, coordinating COVID-19 testing on-site and vaccination events for Legislators, staff and members of the press, the Legislative Police ensured the safety of the building through the implementation of a new screening process for visitors, the State Printing Office carried out the enormous task of printing bills, resolutions and other session documents and the Gift Shop stocked pandemic-related merchandise such as face masks and kept the store open through online sales despite the closure of the Legislative Building; and

WHEREAS, The Legislative Auditor and the staff of the Audit Division continued to provide the Legislature with independent and reliable information about the operations of state agencies, programs, activities and functions by conducting high-quality performance audits to promote accountability in State Government and by overseeing the annual single audit of State Government to ensure continued funding of federal programs; and

WHEREAS, The Senate and Assembly Fiscal Analysts and the staff of the Fiscal Analysis Division reviewed the Governor’s Executive Budget and related bills and amendments while maintaining their usual accuracy and efficiency, provided expenditure and revenue analyses, provided staff support for the Senate Committees on Finance and Revenue and Economic Development and the Assembly Committees on Revenue and Ways and Means and responded to the Legislators’ requests for information concerning budgets and taxation; and

WHEREAS, The Legislative Counsel and the staff of the Legal Division drafted and processed legislation and amendments to legislation with meticulous attention to detail, while also providing legal counsel to standing committees, meeting remotely and in-person, and providing legal opinions to Legislators and staff on a wide range of issues, completing a daunting quantity of work under the rigorous scheduling demands of the legislative session; and

WHEREAS, The Research Director and the staff of the Research Division, including the Research Library and Constituent Services Unit, provided research and analysis of current and proposed public programs and policies, drafted volumes of floor statements and responded promptly and thoroughly to Legislator and constituent requests for information, all while deftly navigating the logistical challenges of new remote technologies; and

WHEREAS, During the legislative session, the staff of the Legislative Counsel Bureau provided services eagerly and professionally, regardless of the time of day or number of hours required, and willingly sacrificed time with family and loved ones to ensure that legislative business could be completed in a timely and efficient manner; now, therefore be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly do hereby express their sincere appreciation to the outstanding employees of the Legislative Counsel Bureau and commend their dedication, cooperation, excellent work and willingness to serve the State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Brenda J. Erdoes, Director of the Legislative Counsel Bureau; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.
Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

It is with the deepest appreciation that we want to thank all of our staff, all of our staff, for getting us through the 81st Session, for helping us to look our best, for being smarter than we are, for being quicker than we are, for anticipating our needs, for holding up the institution of this state, we thank you immensely.

Resolution adopted.

By Assemblyman Frierson:

Assembly Resolution No. 12—Expressing appreciation to the staff of the Assembly for their service during the 81st Session of the Nevada Legislature.

WHEREAS, Each legislative session the Assembly elects an officer to serve as the Parliamentarian and Chief Administrative Officer of the Assembly; and

WHEREAS, The Assembly of the 81st Session of the Nevada Legislature elected Susan Furlong to serve as Chief Clerk for the eighth time; and

WHEREAS, The Chief Clerk has attended each daily session of the Assembly and has read each bill and resolution to the body; and

WHEREAS, The Chief Clerk is responsible for employing all of the staff of the Assembly, including the Sergeants at Arms, Front Desk Staff, Personal Attaches, Committee Services Staff, Administrative Services Staff and other attaches; and

WHEREAS, Many of the dedicated members of the staff of the Assembly return to work each legislative session, some of whom have retired from other governmental service, bringing a vast amount of knowledge and experience, while others bring talent and expertise from a myriad of diverse backgrounds; and

WHEREAS, Completing the work of the Legislature within the constitutionally mandated 120-day limit is always a daunting task, and has been especially challenging in the midst of a global pandemic; and

WHEREAS, Despite unprecedented challenges, the Chief Clerk, with her able and dedicated staff, meticulously maintained a thorough and accurate record of all of the proceedings of the Assembly and its Committees and diligently ensured that all of the needs of the members of the Assembly were met; and

WHEREAS, The extraordinary staff who served the Assembly during the 81st Session of the Nevada Legislature carried out their responsibilities with enthusiasm, resourcefulness, and perseverance, adapting to new policies and technologies necessitated by the pandemic; and

WHEREAS, Throughout the legislative session, the staff of the Assembly maintained their exemplary standards of professionalism and expertise in performing the many functions that enable the Assembly to complete its work; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly do hereby express their sincere appreciation to the Chief Clerk and all of the outstanding members of the staff of the Assembly and commend their dedication, cooperation, excellent work and willingness to serve the State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the staff of the Assembly; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

We want to thank all the staff; the ones that we see every day, the ones who are behind the scenes, the ones who are here late at night cleaning for us, the ones who are preparing our meals in the lunchroom, the ones who are doing our drafting, the ones who are the Sergeant at Arms, everyone, everyone, everyone. We want to thank you so much.

Resolution adopted.

Mr. Speaker appointed Assemblymen Benitez-Thompson, Carlton, and Ellison as a committee to wait upon His Excellency, Governor Steve Sisolak, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Monroe-Moreno, Yeager, and Titus as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Denis, Donate, and Kieckhefer appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblywoman Monroe-Moreno reported that her committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblywoman Benitez-Thompson reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblywoman Benitez-Thompson moved that the 81st Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 12:12 a.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly