THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 13, 2021

Senate called to order at 12:43 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

Lord, as we gather today, we give You thanks and call upon Your Name. Remembering what the Psalmist wrote, "The Lord is near to all who call upon Him, to all who call upon Him in truth."

We call upon You on behalf of the people of our State. We pray for good health, protection and healing from the effects of the pandemic. Lord, restore and heal our relationships and economic provisions.

We pray on behalf of our Legislators. Grant them wisdom, knowledge and discernment, especially in the shaping and drafting of legislation.

On behalf of our national leaders, give them wisdom and help them make good decisions.

On behalf of our military and first responders, protect them as they serve the people of our Country.

In Jesus Name, I pray.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 145, 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 60, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 7, 41, 72, 148, 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 268; Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 33, 54, 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 Natural Resources, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

FABIAN DONATE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 12, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 84, 217, 290, 426, 430, Assembly Joint Resolution No. 10 of the 80th Session.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 119, 182.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 8.

Resolution read.

Senator Pickard moved the adoption of the resolution.

Remarks by Senator Pickard.

Senate Concurrent Resolution No. 8 supports the Bi-State Working Group on Transportation and asks the Group to collaborate and agree on a five-year list of transportation priorities and projects in the Tahoe Basin. The list of transportation priorities and projects should include cost-benefit analyses for each project, consistency with California and Nevada's efforts to address climate change and include the identification of potential funding sources as well as equity issues and barriers to implementation.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 10 of the 80th Session.

Senator Ratti moved that the resolution be referred to the Committee on Commerce and Labor.

Motion carried.

Senator Neal has returned to full participation in the Senate Chamber, and the use of remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate is no longer necessary.

Senator Cannizzaro moved that Senate Bill No. 190 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Lange has approved the addition of Senator Spearman as a sponsor of Senate Bill No. 168.

Senator Cannizzaro moved that Senate Bills Nos. 127, 177, 269, 405 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 173 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 84.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 119.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 182.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 217.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 290.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 426.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 430.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 43.

Bill read third time.

Remarks by Senator Donate.

Senate Bill No. 43 expands the membership of the Advisory Board on Outdoor Recreation by adding one voting member and two nonvoting members. The voting member is to be appointed by the Governor from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties. The two nonvoting members must be representatives of the U.S. Department of the Interior and the U.S. Department of Agriculture, respectively.

Roll call on Senate Bill No. 43:

YEAS—21.

NAYS—None.

Senate Bill No. 43 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 45 changes the name of the Office of Ombudsman for Victims of Domestic Violence within the Office of the Attorney General to the Office of Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking to reflect the expanded scope of the Office to include the crimes of sexual assault and human trafficking and makes conforming changes to the name, duties and qualifications of the Ombudsman. In addition, the bill revises the composition and duties of the Committee on Domestic Violence.

The bill also revises the punishment imposed upon a person convicted of a first offense of domestic violence against a pregnant victim to require that the offender be imprisoned in county jail for not less than 30 days but not more than 6 months. The offender may be further punished by a fine of between $500 and $1,000 and must participate in weekly counseling for not less than 12 months at his or her expense.

Roll call on Senate Bill No. 45:

YEAS—21.

NAYS—None.

Senate Bill No. 45 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 49.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 49 makes various changes related to cannabis. It authorizes the Cannabis Compliance Board to employ the services of people it considers necessary for the purposes of hearing disciplinary proceedings. It authorizes the Executive Director of the Board to serve a complaint upon a respondent who is subject to a disciplinary proceeding. It authorizes the Chair of the Board to grant one or more extensions to the 45-day requirement within which disciplinary hearings must be held pursuant to a request of a party or an agreement of both parties. The bill removes authorization for the Board to take the testimony of a witness by deposition in hearings before the Board. It authorizes the Board to adopt policies and procedures to waive registration requirements for people who have an ownership interest of less than 5 percent in a cannabis establishment. It revises labeling requirements for all cannabis products offered for sale to include the words "THIS PRODUCT CONTAINS CANNABIS" rather than "THIS IS A MEDICAL CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT."

Conflict of interest declared by Senator Ohrenschall.

Roll call on Senate Bill No. 49:
YEAS—20.
NAYS—None.
NOT VOTING—Ohrenschall.

Senate Bill No. 49 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 84.
Bill read third time.
Remarks by Senator Ohrenschall.
Senate Bill No. 84 increases the maximum size of an election precinct from 3,000 to 5,000 registered voters.

Roll call on Senate Bill No. 84:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 84 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 123.
Bill read third time.
Remarks by Senator Spearman.
Senate Bill No. 123 revises qualifications for appointment to the Nevada Silver Haired Legislative Forum. Specifically, it reduces the State residency requirement from 5 years to 6 months and the senatorial district, residency requirement from 3 years to 30 days. In addition, the bill provides that a member of the National Silver Haired Congress from Nevada who is an *ex officio* member of the Forum may vote on a matter considered by the Forum if the person is at least 60 years of age and has been a resident of the State for 6 months immediately preceding the date of the meeting at which the vote will occur.

Roll call on Senate Bill No. 123:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 123 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 193.
Bill read third time.
Remarks by Senator Hardy.
Senate Bill No. 193 requires the Board of Regents of the University of Nevada to submit to the Legislature a report concerning student veterans. The bill also requires the Board to give preference in admission to certain veterans in each nursing program and program for the education of teachers.

Senate Bill No. 193 removes the time limitation for matriculating within the Nevada System of Higher Education for certain veterans and prohibits the assessment of tuition charges against veterans, spouses and dependents using post-9/11 Educational Assistance. It prohibits the assessment of tuition charges against students using Survivors' and Dependents' Educational Assistance.

Roll call on Senate Bill No. 193:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 193 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 237.

Bill read third time.

Remarks by Senators Harris, Pickard, Hansen and Spearman.

SENATOR HARRIS:

Senate Bill No. 237 makes a legislative declaration that LGBTQ-owned businesses are important to the welfare of this State as well as its intent to provide equal access and opportunities for the formation and growth of LGBTQ-owned businesses in Nevada in relation to the business of the Department of Transportation similar to the access and opportunities provided to other disadvantaged businesses. The bill adds these businesses to the list of disadvantaged and emerging small businesses that are entitled to receive certain business financing information through the State business portal and obtain loans through programs run by the Office of Economic Development.

Nevada's Department of Transportation, the Cannabis Advisory Commission and the Regional Business Development Advisory Council for Clark County are each directed to include LGBTQ-owned businesses in their planning and programming related to business ownership and development by disadvantaged persons, and the definition of "disadvantaged persons" is updated to include a person who identifies as LGBTQ.

SENATOR PICKARD:

I agree with the statement in the opening paragraphs of the bill that state LGBTQ-owned businesses are important to the overall panoply of businesses in Nevada.

However, in the opening paragraph of the digest for Senate Bill No. 237, the Legislative Counsel's language clearly ties this bill to federal law regarding the preferences made available to minority-, woman- or veteran-owned businesses who are certified as a disadvantaged business enterprise under 13 CFR 124 subpart 8A. It then adds to the list LGBTQ-owned businesses without a corresponding federal analog. While we, as a state, are certainly at liberty to extend whatever benefits to any particular group the majority chooses, we tinker with federal-program eligibility at our peril. Creating a disparity in law between State and federal paradigms typically results in confusion and disappointment in the citizenry that is not easily rectified.

There is currently no federal program that provides the same designation as this bill will provide in State law. Similarly, there is no way to verify a person's claim of self-inclusion in this group the same way it is possible to determine a person's race, gender or veteran status. These discrepancies are gateways to fraud and market confusion that are totally avoidable. If the $4-billion unemployment-benefit debacle has taught us anything, it is that there are many people ready and willing to try to defraud the government if it means they get a personal advantage. If nothing else, these discrepancies certainly will lead to a diffusion of the benefits currently extended to minority-, woman- or veteran-owned businesses.

While I certainly agree that LGBTQ-owned businesses should be free of governmental interference and prejudice, I do not believe this bill has properly considered the unintended

consequences such a departure from established federal law will create. I will, therefore, vote against its passage on these grounds.

SENATOR HANSEN:

I agree with the comments made by my colleague from Senate District 20. I participate in many of these types of bidding processes. Typically, there is a check-off box to see if the applicant is a minority-owner, a woman-owner or a veteran-owner of a business. By dramatically expanding who can qualify, the opportunity for those types of minorities in business is substantially diluted as related to the current advantages provided by law.

This bill is a mistake because of the definitions it includes. The bill states, "LGBTQ means lesbian, gay, bisexual, pansexual, transgender, transsexual, queer, intersex, intergender, asexual or any other non-heterosexual or non-CIS gender orientation or gender identity or expression." With that broad of a category, virtually everyone who wanted could claim to be in one of these categories. How is this going to be proven? How do you prove someone is not asexual? I encourage my colleagues, especially those who often speak about the need to protect women-businesses, veteran-businesses and minority-businesses, to vote against this bill. It is a big mistake. With that many categories, even I could quality if I wanted to. If I was challenged, I would ask them to prove me wrong. How do you prove this? I encourage the Body to vote "no" on this bill especially if you care about woman-owned businesses, minority-owned businesses and veteran-owned businesses.

SENATOR SPEARMAN:

In the 1950s, there was a book called *Native Son*. In it, the main character had skin that was black, and he spoke Spanish. To avoid being persecuted for his blackness, he presented himself as Hispanic. The LGBTQ community has had to face much persecution to date. We face disdain from many people for the fact we are even allowed to breathe or walk on the face of the Earth. I am not sure who would present themselves as a member of our community if they were not.

There is a basic reason to vote in favor of this bill. In the past years, the numbers that members of the LGBTQ community to our Gross National Product have gone up. At last look, the number was $17 trillion in the United States. People who want to do wrong will figure out a way to do wrong. This is a necessary bill because it is about many things. It is about the economy. It is about job creation. More importantly, it is another step in the direction of equality and equity. Period.

Roll call on Senate Bill No. 237:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Pickard, Settelmeyer—7.

EXCUSED—Kieckhefer.

Senate Bill No. 237 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 311.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 311 authorizes the Nevada Rural Housing Authority to create a for-profit business entity to prepare, carry out, operate and manage housing projects. It provides for the construction, reconstruction, improvement, extension, alteration, or repair of housing projects and enter into a public-private partnership to finance a housing project. The bill provides authority to construct or operate a housing project for profit. It also is to make certain payments in lieu of taxes relating to the development, operation and management of housing projects.

The bill also authorizes the business entity created by the Authority to rent or lease accommodations to persons with a higher income, provided the housing project primarily serves persons of low or moderate income.

Roll call on Senate Bill No. 311:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 311 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 352.
Bill read third time.
Remarks by Senator Denis.
Senate Bill No. 352 requires the Commission on Professional Standards in Education to adopt regulations that authorize a currently employed paraprofessional who is enrolled in a program to become a teacher to complete an accelerated student teaching program in the same or similar area in which the person is currently employed. The Commission must also adopt regulations that require Nevada's Department of Education to accept student teaching experience completed outside of Nevada if the experience substantially fulfills Nevada's requirements.

Roll call on Senate Bill No. 352:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 352 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 357.
Bill read third time.
Remarks by Senator Ohrenschall.
Senate Bill No. 357 requires the Director of Nevada's Department of Corrections to establish a system to track expenses directly related to housing youthful offenders who are under 18 years of age. Expenses to be tracked include education, communication and interaction with family members and others, health care, mental health, recreational programming and other costs the Director determines to be appropriate. The Director is required to report the expenses tracked by the system to the Legislative Committee on Child Welfare and Juvenile Justice by July 30 of each year.

Roll call on Senate Bill No. 357:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 357 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 358.
Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 358 provides an exception to the general prohibition against intercepting any wire communication for situations wherein a person has barricaded himself or herself, is not exiting or surrendering at a peace officer's lawful request, and there is imminent risk of harm to the life of another person resulting from the barricaded person's actions or the barricaded person has created a hostage situation.

Roll call on Senate Bill No. 358:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Bill No. 358 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 364 requires the State Board of Health to adopt regulations requiring a hospital or independent center for emergency medical care to provide certain training to employees who provide care to victims of sexual assault or attempted sexual assault. These facilities must inform victims of their right to receive emergency contraception and provide such contraception upon request. Failure to comply with the bill's requirements may result in disciplinary action for these facilities including administrative sanctions or the denial, suspension or revocation of a license.

Roll call on Senate Bill No. 364:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Bill No. 364 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 368.

Bill read third time.

Remarks by Senator Hansen.

Senate Bill No. 368 requires the State Board of Finance to issue not more than $4 million in general obligation bonds to fund certain environmental improvement and conservation projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin.

Roll call on Senate Bill No. 368:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Bill No. 368 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 372.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 372 limits to those caused by an open flame, explosion or flash fire the types of burn injuries for which a health-care provider is required to report to either local or State fire authorities for investigation. The bill also extends the timeline for submitting such reports from three to seven working days, requires that counties with populations under 100,000 submit reports to the State Fire Marshall on a form approved by the State Fire Marshall. It provides that a fire department may, rather than shall, investigate such a report.

Roll call on Senate Bill No. 372:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Bill No. 372 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 398 requires the Juvenile Justice Oversight Commission to submit a report to the Legislative Committee on Child Welfare and Juvenile Justice by August 1, 2022, containing an update on the progress made by the Division of Child and Family Services of the Department of Health and Human Services (DHHS) in implementing its current five-year plan as well as any recommendations for legislation relating to improvements to the upcoming five-year plan, any disparities in the juvenile-justice system related to race or ethnicity and compliance with the federal Juvenile Justice and Delinquency Prevention Act , 34 U.S.C. §§ 1110 *et seq*.

Roll call on Senate Bill No. 398:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Bill No. 398 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 400.

Bill read third time.

Remarks by Senator Hansen.

Senate Bill No. 400 revises the penalties for certain unlawful acts relating to weights and measures, public weighing, petroleum products and advertisements of motor vehicle fuel and petroleum products.

The State Sealer of Consumer Equitability is required to adopt regulations establishing a schedule of civil penalties for the commission of certain unlawful acts relating to petroleum products. The bill establishes procedures for an administrative hearing if requested by a person who is subject to such a civil penalty.

Roll call on Senate Bill No. 400:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 400 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 404.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 404 authorizes the State Sealer of Consumer Equitability to adopt and enforce regulations relating to cannabis weighing and measuring equipment. The State Sealer of Consumer Equitability must ensure through inspection and testing that such equipment is suitable for its intended use, is properly installed and accurate and maintained by its owner or user. It is prohibited for a person to have an incorrect weight or measure in his or her possession in a cannabis establishment and for a person to sell or offer to sell an incorrect weight or measure for use in a cannabis establishment. The State Sealer of Consumer Equitability may establish an annual license fee for all cannabis weighing and measuring equipment.

Roll call on Senate Bill No. 404:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Senate Bill No. 404 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 62.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 62 authorizes the State Treasurer to include certain procedures for the administration of the Nevada ABLE Savings Program in any regulations adopted to establish and carry out the Program. The bill authorizes the State Treasurer to apply for and accept any gift, grant, donation, bequest or other source of money to carry out the Program. It requires the State Treasurer to deposit any money received in the Endowment Account established for the Program. This bill authorizes money in the Endowment Account to be used for contributions to savings trust accounts.

Roll call on Assembly Bill No. 62:
YEAS—20.
NAYS—None.
EXCUSED—Kieckhefer.

Assembly Bill No. 62 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7.

Resolution read.

Remarks by Senator Dondero Loop.

Senate Joint Resolution No. 7 proposes to amend the *Nevada Constitution* to remove the constitutional provisions governing the Board of Regents of the University of Nevada. The Legislature shall provide, by law, for the governance of the University and the establishment of its various departments. In addition, the resolution stipulates that proceeds of public lands donated for the support of the institution shall be invested by the State of Nevada as required by law.

If this resolution is passed by the 2021 Legislature, it must also be passed in identical form by the next Legislature and then be approved and ratified by the voters in an election before the proposed amendments to the *Nevada Constitution* become effective.

Roll call on Senate Joint Resolution No. 7:

YEAS—20.

NAYS—None.

EXCUSED—Kieckhefer.

Senate Joint Resolution No. 7 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 25.

SUMMARY—~~[Provides that the juvenile court has exclusive]~~ Makes various changes to the jurisdiction ~~[over]~~ of certain courts relating to certain orders for protection where the adverse party is a child under 18 years of age. (BDR ~~[5-391)]~~ 1-391)

AN ACT relating to courts; providing that the ~~[juvenile]~~ district court has exclusive jurisdiction over the issuance and dissolution of certain orders for protection where the adverse party is a child under 18 years of age; providing that the juvenile court has exclusive jurisdiction over actions relating to the violation of certain orders for protection where the adverse party is a child under 18 years of age; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of orders for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, and stalking, aggravated stalking or harassment. (NRS 33.017-33.100, 33.200-33.360, 33.500-33.670, 200.378, 200.591) Existing law also provides that: (1) the family court, where established, and the justice court, with certain exceptions, have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence; and (2) the justice court has exclusive jurisdiction over actions for the issuance of orders for protection against harassment in the workplace, high-risk behavior, sexual assault, and stalking, aggravated stalking or harassment. (NRS 3.223, 4.370)

Section 1 of this bill provides that if an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or

stalking, aggravated stalking or harassment is sought against a child who is under 18 years of age, the ~~[juvenile]~~ district court has exclusive jurisdiction over ~~[the]~~ any action ~~[.]~~ relating to the issuance or dissolution of the order. However, section 1 provides that the juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party to any such order has committed a delinquent act by violating a condition of the order. Section 2 of this bill makes conforming changes to remove jurisdiction over the issuance of such orders from other courts that have jurisdiction over the issuance of those orders under existing law.

Section 3 of this bill provides that the changes in this bill apply to an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking or harassment that is issued on or after October 1, 2021, and a court that issued such an order before October 1, 2021, retains jurisdiction over the order, all persons subject to or protected by the order, and all proceedings relating to the order.

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

Section 1. Chapter ~~[62B]~~ 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[juvenile]~~ district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An ex parte or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.

(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.

2. The ~~[juvenile]~~ district court may, at its discretion, appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought.

3. If the ~~[juvenile]~~ district court issues an order listed in subsection 1, the order must be served upon:

(a) The child who is the adverse party; and

(b) The parent or guardian of the child.

~~4. [In addition to any other required transmission of an order listed in subsection 1 to the Central Repository for Nevada Records of Criminal History, the court shall transmit the order to:~~

~~(a) Any school that the child who is the adverse party attends; and~~

~~*(b) Any school that a child who is a protected party attends.*~~

~~*5.]*~~ *The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act* ~~*[, or is in contempt of court,]*~~ *by violating a condition set forth in the order.*

~~*[6.]*~~ *5. If the* ~~*[juvenile]*~~ *district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the* ~~*[juvenile]*~~ *district court.*

~~*[7.]*~~ *6. The* ~~*[juvenile]*~~ *district court shall automatically seal all records related to the application for, consideration of, and issuance of an order listed in subsection 1 as provided in NRS 62H.140 when the adverse party reaches the age of 21 years.*

7. A district court may appoint a master to conduct the proceedings described in this section.

Sec. 2. NRS 4.370 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(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 ~~[.]~~ *; or*

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(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 ~~[.]~~ *, where the adverse party against whom the order is sought is 18 years of age or older.*

(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 ~~[.]~~ *where the adverse party against whom the order is sought is 18 years of age or older.*

(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 ~~[.]~~ *where the adverse party against whom the order is sought is 18 years of age or older.*

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

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

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

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

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

4. Except as otherwise provided in subsections 5 and 6, 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. 3. The amendatory provisions of this act:

1. Apply to an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking or harassment that is issued on or after October 1, 2021.

2. Do not apply to an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault, or stalking, aggravated stalking or harassment that is issued before October 1, 2021, and a court that issued such an order before October 1, 2021, retains jurisdiction over the order, all persons subject to or protected by the order, and all proceedings relating to the order, regardless of whether the proceedings are conducted before, on or after October 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senators Scheible and Seevers Gansert.

SENATOR SCHEIBLE:

Amendment No. 25 to Senate Bill No. 7 clarifies that the District Court has general jurisdiction over any action relating to the issuance or dissolution of an order for protection against domestic violence, workplace harassment, high-risk behavior, sexual assault or stalking, aggravated stalking or harassment that is sought against a child who is under 18 years of age. However, the Juvenile Court has exclusive jurisdiction over an action in which it is alleged that a child has committed a delinquent act by violation of such an order. The amendment provides that the District Court may appoint a master to hear these matters.

SENATOR SEEVERS GANSERT:

Amendment No. 25 to Senate Bill No. 7 removes notification to the school attended by the adverse party and the protected party. In 2019, we passed legislation to ensure the response, such as in a bullying incident, is a victim-based response. This was to ensure the victim does not get removed from a class or receive sanctions. I understand why we may not be telling the school, but how do we make sure the victim is protected and not adversely effected even further if the notification is not going to the schools?

SENATOR SCHEIBLE:

After discussion with stakeholders, it was determined there were not many cases in which the notification to the school was dispositive whether the order could be enforced. This was the reason the amendment was offered. What would happen is if an order was placed against Student "A" to stay away from Student "B," and they both went to different schools, telling the school Student "A" attends that he or she is not allowed to see Student "B" would not facilitate Student "A" from seeing Student "B" because Student "B" did not attend that school. What it would do is produce negative consequences for Student "A." Student "A" would then have a school record indicating involvement in the juvenile-justice system that otherwise would not be known to the school.

SENATOR SEEVERS GANSERT:

My concern is when Student "A" and "B" go to the same school, how do we make sure the victim is protected in this situation?

SENATOR SCHEIBLE:

If they go to the same school, nothing prohibits the applicant for the order, and the person for whom the order has been granted from sharing it with school officials or anyone else they would like to inform of it. It keeps the dissemination of information in the victim's control so he or she is able to decide who to inform of the incident. For cases where both parties go to the same school, our Committee made a decision to remove that requirement for both parties. This gives the victim control over dissemination of this information. It does not prohibit them from sharing information with anyone they think might need to have it to ensure the order is respected and enforced.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 33.

Bill read second time.

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

Amendment No. 16.

SUMMARY—Revises certain provisions relating to natural resource management. (BDR 47-312)

AN ACT relating to natural resource management; replacing the term "reforestation" with "revegetation"; expanding the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing; expanding the

application of certain provisions governing forests and watersheds to include rangelands; ~~[transferring]~~ repealing the requirement to carry out certain tasks related to fire retardant roofing, fire-hazardous forested areas and ensuring consistency with fire codes, rules and regulations ; ~~[from the State Forester Firewarden to the State Fire Marshal;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Sections 3, 5 and 7 of this bill expand the types of vegetation and areas where vegetation is located that the State Forester Firewarden is responsible for conserving, protecting and enhancing. Existing law requires any state nursery to purchase forest tree seeds and conservation plant materials so that they can be distributed for planting on public or private property for a variety of purposes. (NRS 528.105) Section 7 of this bill provides that such distribution may occur for certain additional purposes, including soil erosion control, noise abatement, revegetation, greenstrips, reduction of fire hazards, xeriscaping, water conservation and providing wildlife habitats.

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

Existing law requires the State Forester Firewarden to: (1) adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire-hazardous forested areas; and (2) designate the boundaries of such fire-hazardous forested areas. Existing law additionally requires the State Forester Firewarden to assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the

Lake Tahoe Basin and the Lake Mead Basin and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations. (NRS 472.040) ~~[Sections]~~ Section 10 ~~[and 18]~~ of this bill ~~[transfer]~~ removes the requirement that the State Forester Firewarden carry out these duties. ~~[to the State Fire Marshal.~~

~~Sections 16 and]~~ Section 18 of this bill requires the State Fire Marshal to cooperate with the State Forester Firewarden concerning certain mitigation activities.

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

Section 21 of this bill ~~[transfer]~~ repeals the State Forester Firewarden's authority to enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure that is in a fire-hazardous forested area. ~~[from the State Forester Firewarden to the State Fire Marshal. Sections 9, 17 and]~~ Section 21 of this bill ~~[transfer the]~~ repeals the State Forester Firewarden's authority to enforce provisions of existing law that require fire retardant roofing material to be used in areas designated as fire-hazardous forested areas. ~~[from the State Forester Firewarden to the State Fire Marshal.]~~ Section 9 of this bill makes a conforming change by removing a reference to the repealed provision.

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

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

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

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

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

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

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

1. Well-established conservation purposes such as *xeriscaping,* windbreaks, wood lots, soil erosion control, wildlife habitation, ~~[reforestation,]~~ *revegetation,* noise abatement *, water conservation* and fire control; or

2. Beautification purposes for parks, recreation areas, *public rights-of-ways, areas that are commonly owned,* greenbelts, schools and public buildings.

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

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

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

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

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

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

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

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

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

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

2. The State Forester Firewarden may:

(a) Purchase nursery stock, seed and other conservation plant materials.

(b) Engage in seed, tree and plant development research.

(c) Demonstrate methods of conservation plant material planting, propagation and landscaping to public or private organizations or individuals.

(d) Distribute conservation plant materials for planting on public property for the purposes of soil erosion control, windbreaks, noise abatement, ~~[reforestation,]~~ *revegetation,* greenbelts, *greenstrips, reduction of fire hazards, xeriscaping,* watershed protection, *providing* wildlife ~~[protection]~~ *habitats, improving human health, sustaining local economies* and beautification.

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

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

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

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

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

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

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

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

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

2. Children committed to forestry camps may be required:

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

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

(1) Building firebreaks and fire trails;

(2) Fire suppression;

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

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

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

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

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

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

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

2. The Administrator shall appoint:

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

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

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

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

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

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

6. The Administrator must:

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

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

7. The Deputy Administrator of the:

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

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

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

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

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

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

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

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

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

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

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

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

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

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

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

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

472.040 1. The State Forester Firewarden shall:

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

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

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

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

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

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

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

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

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

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

~~(k)]~~ *this State.*

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

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

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

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

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

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States

Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and Natural Resources incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

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

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

Sec. 15. ~~[Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.]~~ (Deleted by amendment.)

Sec. 16. ~~[*1. The State Fire Marshal may, in an area designated pursuant to paragraph (a) of subsection 5 of NRS 477.030, including, without limitation, any land within the 1/2 mile radius surrounding such an area, enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.*~~

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

Sec. 17. ~~[*1. A residential or commercial building must not be constructed, altered, changed or repaired in any area designated by the State Fire Marshal as fire hazardous if the construction uses roofing materials other than fire retardant roofing materials meeting the standards set by the State Fire Marshal pursuant to paragraph (b) of subsection 5 of NRS 477.030.*~~

~~*2. The State Fire Marshal shall notify the governing body of each city or county in which a building code is in effect as soon as standards for fire retardant roofing materials have been established pursuant to paragraph (b) of subsection 5 of NRS 477.030. The governing body is responsible for the enforcement of the provisions of subsection 1 within the areas over which it exercises jurisdiction. No building permit may be issued for construction within the jurisdiction of any such governing body in violation of subsection 1.*~~

~~*3. The State Fire Marshal is responsible for the enforcement of the provisions of subsection 1 in all areas of the State in which there is no building code in effect.*~~

~~*4. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.*~~ (Deleted by amendment.)

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

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

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

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

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

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

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

(e) The maintenance and testing of:

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

(2) Smoke control systems.

➥ Except as otherwise provided in subsection 12, ~~*[14,]*~~ the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

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

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

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in ~~[the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and]~~ the mitigation of the risk of a fire hazard from vegetation in ~~[counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.]~~ *this State pursuant to paragraph (g) of subsection 1 of NRS 472.040.*

4. ~~*[The State Fire Marshal shall assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within this State, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.*~~

~~*5. The State Fire Marshal shall:*~~

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

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

~~*6.]*~~ The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.

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

6. ~~*[8.]*~~ Except as otherwise provided in subsection 10, ~~*[12,]*~~ the State Fire Marshal shall:

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

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

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

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

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

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

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

9. ~~[11.]~~ The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 ~~[14]~~ and NRS 393.110, assist in checking plans and specifications for construction;

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

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as the State Fire Marshal deems necessary.

10. ~~[12.]~~ Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

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

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

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

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code , ~~[and]~~ the International Building Code ~~[,]~~ *and the International Wildland-Urban Interface Code*, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent

as the most recently published edition of the International Fire Code , ~~[and]~~ the International Building Code *and the International Wildland-Urban Interface Code* within 1 year after publication of such an edition.

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

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

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

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

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

~~[3.]~~ *(c)* Specifications of cropping programs and tillage practices to be observed.

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

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

~~*[6.]*~~ *2. As used in this section, "revegetation" has the meaning ascribed to it in NRS 528.097.*

Sec. 20. ~~[1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.~~

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

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

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

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

TEXT OF REPEALED SECTIONS

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

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

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

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

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

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

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

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

472.105 Required consultation before adoption of regulations concerning buildings or structures. Before the State Forester Firewarden may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Forester Firewarden

shall consult with the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section for the purposes of subsection 9 of NRS 341.100.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 16 to Senate Bill No. 33 repeals the provisions of the bill that transferred certain duties to the State Fire Marshal as enforcement of the *International Wildland-Urban Interface Code* is at the local government's fire protection level, not the State. The amendment further clarifies that the Code applies to certain counties in certain counties in certain situations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 34.

Bill read second time.

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

Amendment No. 112.

SUMMARY—Makes various changes relating to agriculture. (BDR 50-330)

AN ACT relating to agriculture; revising provisions relating to certain employees of the State Department of Agriculture who have the powers of a peace officer; clarifying that certain inspections conducted by the Department are visual inspections; revising the definition of "police officer" to include agricultural police officers for purposes of certain benefits and exemptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a brand inspector or a person designated as a field agent or inspector by the Director of the State Department of Agriculture is a category II peace officer with enforcement powers related to certain provisions of law related to agriculture. (NRS 289.290, 289.470, 561.225) Section 1 of this bill authorizes the Director to, instead, appoint agricultural police officers to enforce certain provisions of law relating to agriculture. Section 12 of this bill makes an agricultural police officer a category I peace officer. Sections 2 and 7-15 of this bill make conforming changes related to the appointment of agricultural police officers in place of field agents and inspectors.

Section 11 of this bill authorizes an agricultural police officer to: (1) serve such legal process as may be required in the enforcement of various provisions of law related to agriculture; and (2) enforce all laws of the State while performing duties pursuant to various provisions of law related to agriculture.

Existing law authorizes the Director of the Department to establish brand inspection districts in this State. If such districts are established, any animal within those districts is subject to brand inspection before the animal may be consigned for slaughter, sold or removed from any of those districts. (NRS 565.040, 565.090, 565.100, 565.110) Sections 3-6 of this bill clarify that a brand inspection is a visual examination.

Existing law defines "police officer" to include various law enforcement officers of this State for the purposes of certain provisions relating to eligibility for benefits under the Nevada Occupational Diseases Act. (NRS 617.135) Section 16 of this bill expands the definition of "police officer" to include agricultural police officers. Furthermore, because various other provisions of NRS reference "police officer" as that term is defined in the Act, section 16 makes applicable to agricultural police officers: (1) the industrial insurance coverage for police officers; (2) exemption from service as grand or trial jurors; (3) the compensation for police officers with temporary disabilities; and (4) eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any child of police officers and firefighters. (NRS 6.020, 281.153, 287.021, 287.0477, chapters 616A-616D of NRS)

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

Section 1. NRS 561.225 is hereby amended to read as follows:

561.225 1. The Director shall appoint such technical, clerical and operational staff as the execution of the Director's duties and the operation of the Department may require.

2. The Director may ~~[designate such department personnel as are required to be field agents and inspectors in the enforcement of]~~ *appoint agricultural police officers for the purposes of enforcing* the provisions of Titles 49 ~~*[,]*~~ and 50 ~~*[and 51]*~~ of NRS ~~[.]~~ and chapters 581, 582, 583, 584, 586, 587, 588 and 590 of NRS.

Sec. 2. NRS 561.421 is hereby amended to read as follows:

561.421 Any ~~[field agent, inspector, or other]~~ officer or employee of the Department, who collects currency in payment of any taxes, assessments, proceeds of sale, fees or other charges imposed pursuant to the provisions of this Title in an area of the State so remote that the currency can only be transmitted to the Department by mail, may mail a check in lieu of the amount collected in currency.

Sec. 3. NRS 565.010 is hereby amended to read as follows:

565.010 As used in this chapter, unless the context otherwise requires:

1. *"Agricultural police officer" means a person appointed by the Director pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290.*

2. "Animals" means:

(a) All cattle or animals of the bovine species except dairy breed calves under the age of 1 month.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) Alternative livestock as defined in NRS 501.003.

~~[2.]~~ *3.* "Brand inspection" means a careful *visual* examination of each animal offered for such inspection and ~~[an]~~ *a visual* examination of any brands, marks or other characteristics thereon.

~~[3.]~~ *4.* "Department" means the State Department of Agriculture.

~~[4.]~~ *5.* "Director" means the Director of the Department.

Sec. 4. NRS 565.090 is hereby amended to read as follows:

565.090 1. Except as otherwise provided in subsections 3 and 6 and NRS 565.095, it is unlawful for any person to drive or otherwise remove any animals out of a brand inspection district created under the provisions of this chapter until the animals have been *visually* inspected and a brand inspection clearance certificate is issued by the Department or a written permit from the Department has been issued authorizing the movement without brand inspection.

2. Any person contemplating the driving or movement of any animals out of a brand inspection district shall notify the Department or an inspector thereof of the person's intention, stating:

(a) The place at which it is proposed to cross the border of the brand inspection district with the animals.

(b) The number and kind of animals.

(c) The owner of the animals.

(d) The brands and marks of the animals claimed by each owner and, if they are other than the brands and marks legally recorded in the name of the owner, information concerning the basis for the claim of ownership or legal possession.

(e) The date of the proposed movement across the border of the brand inspection district and the destination of the movement.

(f) If a brand inspection is required, a statement setting forth the place where the animals will be held for brand inspection.

3. The provisions of this section do not apply to animals whose accustomed range is on both sides of the boundary of any brand inspection district but contiguous to that district and which are being moved from one portion of the accustomed range to another merely for pasturing and grazing thereon.

4. Except as otherwise provided in NRS 565.095, the provisions of this section apply at all times to the movement of any animals across the Nevada state line to any point outside of the State of Nevada, except animals whose accustomed range is on both sides of the Nevada state line but contiguous thereto and which are being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon.

5. In addition to the penalty imposed in NRS 565.170, a person who violates the provisions of subsection 1 is:

(a) For the first violation, subject to an immediate brand inspection of the animals by the Department and shall reimburse the Department for its time and mileage and pay the usual fees for the brand inspection.

(b) For the second and any subsequent violation, ineligible for a permit to move any livestock without a brand inspection until the State Board of Agriculture is satisfied that any future movement will comply with all applicable statutes and regulations.

6. The Department may establish regulations specifying the circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection pursuant to this section. The circumstances may include, without limitation, the routine movement of horses and bulls within and from this State for the purpose of participating in a rodeo.

Sec. 5. NRS 565.100 is hereby amended to read as follows:

565.100 It is unlawful for any person to consign for slaughter, or slaughter at an approved plant, or transfer ownership of any animals by sale or otherwise within any brand inspection district created under the provisions of this chapter, until the animals have been *visually* inspected by an inspector of the Department and a brand inspection clearance certificate issued covering the animals.

Sec. 6. NRS 565.110 is hereby amended to read as follows:

565.110 Except as otherwise provided in NRS 565.090, a person intending to move, drive, ship or transport by common carrier, or otherwise, any animals out of any brand inspection district created under the provisions of this chapter shall assemble and hold them at some convenient and adequate place for such brand inspection as may be required until the animals have been *visually* inspected and released as provided for in this chapter.

Sec. 7. NRS 565.140 is hereby amended to read as follows:

565.140 1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any person or persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right of possession and the inspector shall be able to determine by means of the brands or brands and marks on such animal or animals, or upon other reliable evidence, the actual legal owner or owners of such animal or animals, the inspector shall immediately notify an agricultural ~~[enforcement]~~ *police* officer of the inspector's findings.

2. The inspector shall include in such notice:

(a) The date and place where such animal or animals were found.

(b) A full description of the same.

(c) The name and address of any person or persons in whose possession they were found.

(d) All other information which may aid the agricultural ~~[enforcement]~~ *police* officer or the legal owner or owners of such animal or animals in securing the return thereof or compensation therefor, or in any civil suit or criminal prosecution relating thereto.

3. Upon receipt of the notice, the agricultural ~~[enforcement]~~ *police* officer shall investigate the findings of the inspector and, as soon as practicable, provide notification of those findings to the legal owner or owners of such animal or animals.

~~[4. As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in regulations adopted by the Department.]~~

Sec. 8. NRS 565.150 is hereby amended to read as follows:

565.150 1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right to possession, and the inspector shall be unable to determine by means of the brands or brands and marks on such animals, or otherwise, the actual legal owners of the animals, or, if in the judgment of the inspector such action is necessary to safeguard the legal owners of the animals, if known to the inspector, against their loss, the inspector shall immediately *notify an agricultural police officer. The agricultural police officer shall* seize and take possession of such animals and proceed to dispose of the same, under the provisions of NRS 569.010 or 569.040 to 569.130, inclusive.

2. Such seizure and disposal by an ~~[inspector]~~ *agricultural police officer* shall in no way relieve the persons in whose possession the animals were found of any civil or criminal liability arising out of the unlawful removal of such animals from the grazing commons or the unlawful possession of the same.

Sec. 9. NRS 565.155 is hereby amended to read as follows:

565.155 In addition to enforcing the provisions of this chapter through its ~~[inspectors,]~~ *agricultural police officers,* the Department may:

1. Authorize other peace officers to enforce the provisions of this chapter; and

2. Adopt regulations specifying the procedures for the enforcement of the provisions of this chapter by ~~[the inspectors of the Department]~~ *agricultural police officers* and other peace officers.

Sec. 10. NRS 566.025 is hereby amended to read as follows:

566.025 1. It is unlawful for any person to have in his or her possession all or part of the carcass of any bovine animal unless:

(a) ~~*[1.]*~~ The animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release; or

(b) ~~*[2.]*~~ The person exhibits to any inspector or agricultural ~~[enforcement]~~ *police* officer of the Department, on demand:

(1) ~~*[(a)]*~~ The hide of the animal from which the carcass was obtained, with ears and brands attached without disfiguration or alteration; or

(2) ~~*[(b)]*~~ A certificate of inspection or release of the carcass, or of the carcass and hide, issued by an inspector of the Department.

2. As used in this section, "agricultural ~~[enforcement]~~ *police* officer" ~~[has the meaning ascribed to it in regulations adopted by the Department.]~~ *means a person appointed by the Director of the Department pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290.*

Sec. 11. NRS 289.290 is hereby amended to read as follows:

289.290 1. ~~[A person designated]~~ *An agricultural police officer appointed* by the Director of the State Department of Agriculture ~~[as a field~~

~~agent or an inspector]~~ pursuant to ~~[subsection 2 of]~~ NRS 561.225 ~~[has the powers of]~~ *is* a peace officer ~~[to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions]~~ *for the purposes of:*

(a) The service of such legal process, including warrants and subpoenas, as may be required in the enforcement of titles 49 ~~[,]~~ and 50 ~~[and 51]~~ of NRS ~~[.]~~ and chapters 581, 582, 583, 584, 586, 587, 588 and 590 of NRS.

~~[2. An officer appointed by the Nevada Junior Livestock Show Board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the Board conducts.~~

~~3. In carrying out the provisions of chapter 565]~~

(b) The enforcement of all laws of the State of Nevada while they are performing their duties pursuant to titles 49 [,] and 50 [and 51] of NRS ~~[., an inspector of the State Department of Agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure.]~~ *and chapters 581, 582, 583, 584, 586, 587, 588 and 590 of NRS.*

2. Before any officer described in subsection 1 may exercise the powers of a peace officer, he or she must be certified as a category I peace officer by the Peace Officers' Standards and Training Commission.

Sec. 12. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. ~~[The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;~~

~~7. The field agents and inspectors by the Director of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;~~

~~8.]~~ Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

~~[9.]~~ *7.* Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

~~[10.]~~ *8.* Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~[11.]~~ *9.* Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~[12.]~~ *10.* Legislative police officers of the State of Nevada;

~~[13.]~~ *11.* Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~[14.]~~ *12.* Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~[15.]~~ *13.* Field investigators of the Taxicab Authority;

~~[16.]~~ *14.* Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~[17.]~~ *15.* The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~[18.]~~ *16.* Agents of the Cannabis Compliance Board who exercise the powers of enforcement specified in NRS 289.355;

~~[19.]~~ *17.* Criminal investigators who are employed by the Secretary of State; and

~~[20.]~~ *18.* The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 13. NRS 289.480 is hereby amended to read as follows:

289.480 "Category III peace officer" means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~[20]~~ *18* of NRS 289.470.

Sec. 14. NRS 484A.205 is hereby amended to read as follows:

484A.205 "Regulatory agency" means any of the agencies granted police or enforcement powers under the provisions of subsection 1 of NRS 289.250, NRS 289.260, subsection 2 of NRS 289.270, NRS 289.280, ~~[subsection 3 of NRS]~~ 289.290 , ~~[or NRS]~~ 289.320, 289.340, 407.065, 472.040, 481.048, 501.349, 565.155 or 706.8821.

Sec. 15. NRS 584.091 is hereby amended to read as follows:

584.091 Each ~~[field agent or inspector of the Department]~~ *agricultural police officer* who has the powers of a peace officer pursuant to NRS 289.290 shall render assistance to the Director in the enforcement of the provisions of this chapter.

Sec. 16. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

11. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

12. A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

13. The State Fire Marshal and his or her assistant and deputies;

14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260; ~~[and]~~

16. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests ~~[.]~~ *; and*

17. An agricultural police officer appointed by the Director of the State Department of Agriculture pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290.

Sec. 17. This act becomes effective upon passage and approval.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 112 to Senate Bill No. 34 makes some technical corrections. Specifically, it deletes the reference to chapter 585 of NRS in sections 1 and 11 and adds the definition for "agricultural police officer" to chapter 566.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senator Donate moved that Senate Bill No. 34 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senate Bill No 41.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 43.

SUMMARY—Revises provisions relating to orders authorizing the installation and use of a pen register or trap and trace device. (BDR 14-412)

AN ACT relating to criminal procedure; revising provisions relating to orders authorizing the installation and use of a pen register or trap and trace device; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to issue an order that allows the use of a pen register or trap and trace device in accordance with the conditions provided in federal law if the request for such an order is supported by an affidavit signed by a peace officer. (NRS 179.530) This bill ~~[: (1)]~~ revises the definition of "peace officer," as used in such a context, to include federal law enforcement officers ~~[acting in their capacity as members]~~ who are members of a task force ~~[comprising]~~ comprised of federal and state or local law enforcement agencies ~~[.]~~ . This bill also: (1) prohibits, except as otherwise provided in federal law, a person from installing or using a pen register or trap and trace device without first obtaining an order from a district court of this State; (2) authorizes a peace officer to apply to a district court for an order that allows the installation and use of a pen register or trap and trace device; (3) eliminates the reference to the provisions of federal law as those provisions existed on July 1, 1989; ~~[(3)]~~ (4) authorizes the district court to accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application for an order authorizing the installation and use of a pen register or trap and trace device as an original signature to the application; ~~[(4)]~~ (5) authorizes the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance of, an order authorizing the installation and use of a pen register or

trap and trace device; and ~~[(5)]~~ (6) makes a technical, nonsubstantive, change to the statute by reorganizing the language of the statute to be consistent with the style and format of the Nevada Revised Statutes.

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

Section 1. NRS 179.530 is hereby amended to read as follows:

179.530 1. *Except as otherwise provided in 18 U.S.C. §§ 3121-3127, a person shall not install or use a pen register or trap and trace device without first obtaining an order from a district court of this State.*

2. District courts of this State may issue orders authorizing the *installation and* use of a pen register or trap and trace device upon the application of a district attorney, the Attorney General or their deputies ~~[,]~~*or of a peace officer,* supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. §§ 3121-3127 . ~~[as those provisions existed on July 1, 1989.~~

~~2.]~~ *3. The district court may accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application submitted pursuant to subsection ~~[1]~~ 2 as an original signature to the application.*

~~[3.]~~ *4. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection ~~[1]~~ 2 and for the issuance of an order authorizing the installation and use of a pen register or trap and trace device. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.*

~~[4.]~~ *5. A public utility that relies, in good faith, upon an order of a district court authorizing the installation and use of a pen register or trap and trace device is not liable in any civil or criminal action brought against the public utility for the installation and use of the pen register or trap and trace device in accordance with the order of the court.*

~~[5.]~~ *6.* As used in this section ~~[, "peace]~~ *:*

(a) "Peace officer" means:

~~[(a)]~~ *(1)* Sheriffs of counties and metropolitan police departments and their deputies;

~~[(b)]~~ *(2)* Personnel of the Department of Public Safety who have the powers of peace officers pursuant to NRS 289.270;

~~[(c)]~~ *(3)* Police officers of cities and towns;

~~[(d)]~~ *(4)* Agents of the Nevada Gaming Control Board who are investigating any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

~~[(e)]~~ *(5)* Special investigators employed by the Attorney General who have the powers of peace officers pursuant to NRS 289.170;

~~[(f)]~~ *(6)* Investigators employed by a district attorney who have the powers of peace officers pursuant to NRS 289.170; ~~[and~~

~~(g)~~ *(7)* The Inspector General of the Department of Corrections and the criminal investigators employed by the Department who have the powers of peace officers pursuant to NRS 289.220 ~~[~~.

~~3. A public utility that relies, in good faith, upon an order of a district court authorizing the use of a pen register or trap and trace device is not liable in any civil or criminal action brought against the public utility for the use of the pen register or trap and trace device in accordance with the order of the court.]~~ *; and*

(8) Federal law enforcement officers ~~[acting in their capacity as members]~~ who are members of a task force ~~[comprising]~~ comprised of federal and state or local law enforcement agencies.

(b) "Pen register" has the meaning ascribed to it in 18 U.S.C. § 3127(3).

(c) "Secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

(1) No person other than the intended recipient receives the information;

(2) The identity and signature of the sender of the information can be authenticated; and

(3) The information which is received by the intended recipient is identical to the information that was sent.

(d) "Trap and trace device" has the meaning ascribed to it in 18 U.S.C. § 3127(4).

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 43 to Senate Bill No. 41 clarifies that federal officers who are part of a task force, including State or local officers, fit the definition of "peace officer" for the provisions of this bill that prohibits a person from installing or using a pen register or trap-and-trace device without first obtaining an order from a district court. It provides that a peace officer may apply to a district court for such an order.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

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

Amendment No. 114.

SUMMARY—Revises provisions relating to the State Board of Agriculture. (BDR 50-263)

AN ACT relating to agriculture; revising the qualifications of the members of the State Board of Agriculture; increasing the membership of the Board; revising certain related provisions pertaining to the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Board of Agriculture, consisting of 11 members, and sets forth the qualifications of the members. (NRS 561.045, 561.055)

~~[Section]~~ Sections 1 and 2 of this bill increase the membership of the Board to 13 members. Section 3 of this bill makes a conforming change by increasing from six to seven the number of members of the Board that constitute a quorum. (NRS 561.095) Section 2 also revises the membership of the Board by requiring that: (1) ~~[two members are]~~ one member is actively engaged in livestock production; (2) two members are actively engaged in growing crops, at least one of which is a specialty crop harvested by mechanical cultivation; (3) one member is working in the field of supplemental nutrition distribution; ~~[and]~~ (4) one member is actively engaged in food manufacturing or animal processing ~~[.]~~ ; and (5) one member has veterinary experience in a mixed-animal or large-animal practice and is licensed to practice veterinary medicine in this State. Section ~~[1]~~ 2 ~~[also]~~ further removes the requirement that certain members be actively engaged in: (1) ~~[range or semirange cattle or sheep production; (2)]~~ general farming; and ~~[(3)]~~ (2) growing crops which are planted in rows. (NRS 561.055) Section ~~[2]~~ 4 of this bill: (1) provides that each member who is serving on the State Board on June 30, 2022, continues to serve until the expiration of his or her term or until a vacancy occurs, whichever occurs first; and (2) requires the Governor to appoint the members representing supplemental nutrition distribution , ~~[and]~~ food manufacturing or animal processing and mixed-animal or large-animal veterinary practice to terms commencing on July 1, 2022.

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

Section 1. NRS 561.045 is hereby amended to read as follows:

561.045 There is hereby created in the Department a State Board of Agriculture composed of ~~[11]~~ *13* members appointed by the Governor.

~~[Section 1.]~~ *Sec. 2.* NRS 561.055 is hereby amended to read as follows:

561.055 1. ~~[Three members]~~ *The membership* of the Board ~~[must be]~~ *consists of:*

(a) ~~*[Two members]*~~ *One member who* ~~*[are]*~~ *is* actively engaged in range or semirange cattle *production.*

(b) One member who is actively engaged in livestock production . ~~[, one in]~~

~~*[(b)]*~~ *(c) One member who is actively engaged in* dairy production . ~~[, one]~~

(d) One member who is actively engaged in range or semirange sheep production . ~~[, one in general farming, one]~~

~~*[(c)]*~~ *(e) One member who is actively engaged* in general agriculture . ~~[, one in growing crops which are planted in rows spaced to permit mechanical cultivation, one]~~

~~*[(d)]*~~ *(f) Two members who are actively engaged in growing crops, at least one of which is a specialty crop harvested by mechanical cultivation.*

~~*[(e)]*~~ *(g) One member who is actively engaged* in the control of pests . ~~[, one]~~

~~*[(f)]*~~ *(h) One member who is actively engaged* in the petroleum industry . ~~[and one]~~

~~*[(g)]*~~ *(i) One member who is actively engaged* in raising nursery stock.

~~*[(h)]*~~ *(j) One member who is working in the field of supplemental nutrition distribution.*

~~*[(i)]*~~ *(k) One member who is actively engaged in food manufacturing or animal processing.*

(l) One member who has veterinary experience in a mixed-animal or large-animal practice and is licensed to practice veterinary medicine pursuant to chapter 638 of NRS.

2. Not more than two members may be residents of the same county . ~~[,~~ ~~and the~~ range or semirange cattle production ~~members *appointed pursuant to paragraph (a) of subsection 1 and the members appointed pursuant to paragraph (d) of subsection 1* must be residents of different counties.]~~

Sec. 3. NRS 561.095 is hereby amended to read as follows:

561.095 1. The members of the Board may meet at such times and at such places as may be specified by the call of the Chair or a majority of the Board, and a meeting of the Board may be held regularly at least once every 3 months. In case of an emergency, special meetings may be called by the Chair or by the Director.

2. ~~[Six]~~ *Seven* members of the Board constitute a quorum. A quorum may exercise all the authority conferred on the Board.

3. Minutes and audio recordings or transcripts of each meeting, regular or special, must be filed with the Department and, except as otherwise provided in NRS 241.035, are public records. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

~~[Sec. 2.]~~ *Sec. 4.* The amendatory provisions of section ~~[1]~~ 2 of this act do not affect the current term of any person who, on June 30, 2022, is a member of the State Board of Agriculture, and each such member continues to serve until the expiration of his or her current term or until a vacancy occurs, whichever occurs first. On or before July 1, 2022, the Governor shall appoint to the State Board of Agriculture:

1. One person who satisfies the qualifications set forth in paragraph ~~[(h)]~~ (j) of subsection 1 of NRS 561.055, as amended by section ~~[1]~~ 2 of this act, to a term commencing on July 1, 2022; ~~[and]~~

2. One person who satisfies the qualifications set forth in paragraph ~~[(i)]~~ (k) of subsection 1 of NRS 561.055, as amended by section ~~[1]~~ 2 of this act, to a term commencing on July 1, 2022 ~~[.]~~ ; and

3. One person who satisfies the qualifications set forth in paragraph (l) of subsection 1 of NRS 561.055, as amended by section 2 of this act, to a term commencing on July 1, 2022.

~~[Sec. 3.]~~ *Sec. 5.* 1. This section and section ~~[2]~~ 4 of this act become effective upon passage and approval.

2. ~~[Section]~~ Sections 1 , 2 and 3 of this act ~~[becomes]~~ become effective on July 1, 2022.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 114 to Senate Bill No. 54 increases the number of Board members from 11 to 13. Amendment No. 114 further changes the membership by retaining one member, each representing range/semirange cattle production and range/semirange sheep production instead of removing all four such members. It deletes one of the proposed two new members to be engaged in livestock production. It adds a member who has veterinarian experience in a mixed animal or large animal practice and is a licensed veterinarian in the State of Nevada. Amendment No. 144 deletes the proposed change to require that certain members must be residents from different counties.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 168.

SUMMARY—Revises provisions governing vehicles. (BDR 43-307)

AN ACT relating to vehicles; revising provisions relating to applications for and the design of special license plates; ~~[revising provisions relating to the reissuance of license plates;]~~ requiring license plates issued for vehicles used in investigations conducted by certain governmental agencies to bear no distinguishing marks which indicate that the vehicles are owned by a governmental entity; making information related to such vehicles confidential; revising provisions governing the issuance and renewal of certain special license plates; removing provisions relating to the distribution of certain fees from the Pollution Control Account; revising provisions relating to the expiration of certain special permits for the movement of vehicles outside of the State; authorizing certain persons to operate a vehicle for a limited period of time without possessing a permit to operate a vehicle that is not currently registered; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each special license plate that is not approved by the Legislature but is instead requested by a person and that is designed, prepared and issued to be designed and prepared in such a manner that: (1) the left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia; and (2) the remainder of the plate conforms to the requirements for lettering and design that apply to license plates in general. (NRS 482.270) Section 4 of this bill removes these requirements, and section 1 of this bill instead requires that the Director of the Department of Motor Vehicles design and prepare each special license plate in such a manner that: (1) the left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia; (2) for any passenger car or light commercial vehicle, the special license plate holds five positions that include a stacked character set assigned by the Department and a combination of letters and numbers that conform to the requirements for lettering and design that

apply to license plates in general; and (3) for any motorcycle, the special license plate holds four positions that include a stacked character set assigned by the Department and a combination of letters and numbers that conform to the requirements for lettering and design that apply to license plates in general. Sections 2, 5, 7, 8, 11-14 and 16-18 of this bill make conforming changes to appropriately reference the provisions of section 1 in several sections of existing law regarding various kinds of special license plates.

~~[Existing law requires the Department to reissue a license plate every 8 years at the time of renewal of each license plate. (NRS 482.265) Section 3 of this bill: (1) instead authorizes the Department to reissue a license plate every 8 years at the time of renewal; and (2) authorizes the Department to reissue a license plate at any other time upon request of the owner or a law enforcement agency. Section 2 of this bill makes a conforming change for license plates issued for trailers.]~~

Existing law authorizes a person to request that the Department design, prepare and issue a special license plate by submitting an application to the Department. Such an application may be accompanied by suggestions for the design of and colors to be used in the special license plate. (NRS 482.367002) Section 5 instead requires an application to be accompanied by suggestions for the design of and colors to be used in the special license plate and further requires that the suggestion be made in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any. If the Department determines not to use the design or colors suggested by the person who requested the special license plate, section 5 requires: (1) the Department to notify the person and inform the person why the design or colors were not used; and (2) the person to consult with the applicable charitable organization, if any, and submit a revised suggestion within 180 days after receiving the notice from the Department. If the person does not submit the revised suggestion within 180 days, section 5 requires the Department to: (1) not issue the special license plate; and (2) notify certain persons. Once the Department determines the design of and the colors to be used in the special license plate, section 5 requires the Department to submit the design and colors to the person who requested the special license plate and to the applicable charitable organization, if any. Section 5 gives the person and the applicable charitable organization, if any, 30 days to approve or submit suggestions to revise the design of and the colors to be used in the special license plate. Section 5 deems the design and colors approved if the person and the applicable charitable organization, if any, fail to respond within 30 days. Section 5 authorizes the Department to adopt regulations to carry out the provisions relating to the submission and approval of suggestions to revise the design of and colors to be used in a special license plate.

Section 6 of this bill provides that, for a new special license plate authorized by an act of the Legislature after July 1, 2021, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless an organization associated with the special license plate submits suggestions

for the design of and colors to be used in the special license plate within 180 days after the authorization of the special license plate. Section 6 incorporates the 180-day submission period for a revised suggestion and the 30-day approval or revision period set forth in section 5.

Existing law requires the Department to provide suitable distinguishing license plates for vehicles which are exempt from the governmental services tax. Existing law provides that special license plates issued for vehicles used by certain governmental entities for certain purposes must not bear any distinguishing mark which would serve to identify the vehicles as owned by the State, county or city. Existing law requires license plates issued for such vehicles maintained for and used by investigators of certain governmental entities to not bear any distinguishing marks that would identify the vehicles as owned by the State, county or city. (NRS 482.368) Section 9 of this bill clarifies that the provisions apply to special license plates furnished for vehicles which are maintained for and used for investigations and undercover investigations conducted by investigators of certain governmental entities. Section 9 makes the information pertaining to the issuance or removal of special license plates for such vehicles confidential and requires the Department to securely maintain such information. Section 21 of this bill makes a conforming change excluding such confidential information from provisions relating to public records. Section 9 additionally: (1) makes it unlawful for a person to use such a vehicle for any purpose other than the investigation or undercover investigation for which the special license plate was issued; and (2) requires any special license plate issued for an investigation or undercover investigation to be returned immediately to the Department when the vehicle ceases to be used in the investigation or undercover investigation for which the special license plate was issued.

Existing law provides that the special license plates issued to certain governmental entities for certain purposes which do not bear any distinguishing mark which would serve to identify the vehicles as owned by the State, county or city are issued annually for $12 per plate or, if issued in sets, per set. (NRS 482.368) Section 9 requires such license plates to be renewed, rather than reissued, annually upon the payment of the same fee. Existing law requires the Department to reissue a license plate every 8 years at the time of renewal of each license plate. (NRS 482.265) Section 9 accepts the special license plates issued to certain governmental entities from the 8-year reissuance requirement. Section 3 makes a conforming change to account for this exception.

Existing law provides that the distinguishing license plates which are provided by the Department for exempt vehicles must not be confusingly similar to license plates that are generally issued. (NRS 482.369) Section 10 of this bill clarifies that this requirement does not apply to license plates issued to certain governmental entities for certain purposes that must not bear any distinguishing marks which would serve to identify the vehicles as owned by the State, county or city.

Under existing law, certain older vehicles which are eligible for certain special license plates are exempted from required emissions testing if the owner or operator of the vehicle certifies to the Department that the vehicle was not driven more than 5,000 miles during the immediately preceding year. The Department is required to collect from the person initially obtaining the special license plates for such a vehicle an additional fee which is equal to the fee the person would pay for the emissions testing form. The fees paid to the Department under such conditions must be accounted for in the Pollution Control Account. (NRS 445B.760, 445B.830, 482.381, 482.3812, 482.3814, 482.3816) During the 2019 Legislative Session, the Legislature enacted Assembly Bill No. 63 which clarified that the fees deposited in the Pollution Control Account must be distributed in the same manner and in the same proportion to the respective counties as all other excess money in the Account. (Assembly Bill No. 63, chapter 16, Statutes of Nevada 2019, at page 72) Sections 15-18 and 22 of this bill remove these provisions which were added by Assembly Bill No. 63.

Under existing law, if the Commission on Special License Plates determines that a charitable organization that benefits from additional fees charged for special license plates has failed to comply with certain laws governing such charitable organizations or the use of such fees, the Commission may recommend that the Department take certain disciplinary actions. (NRS 482.38279) Section 19 of this bill clarifies that the Department may act on such a recommendation from the Commission.

Existing law requires the Department to issue to any dealer, distributor, rebuilder or other person a special permit for the movement of any vehicle to sell outside the State of Nevada, or for the movement outside the State of any vehicle purchased by a nonresident. Such a permit is required to be affixed to the vehicle and expires 15 days after its issuance. (NRS 482.3955) Section 19.5 of this bill revises the expiration date of the permit to 30 days after its issuance.

Existing law authorizes a person who is not a dealer, manufacturer or rebuilder to apply to the Department for a permit to operate certain vehicles which: (1) are not currently registered in this State, another state or a foreign country; or (2) have been purchased by the applicant from a person who is not a dealer. (NRS 482.396) Section 20 of this bill authorizes a person to operate such a vehicle without such a permit for not more than 3 days if he or she carries in the vehicle proof of: (1) ownership or proof of purchase; and (2) liability insurance.

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:

Except as otherwise provided in NRS 482.3667, 482.369, 482.375 and 482.379, the Director shall design and prepare each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 in such a manner that:

1. The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is approved pursuant to NRS 482.367002.

2. For any passenger car or light commercial vehicle, the special license plate holds five positions to include:

(a) A stacked character set assigned by the Department; and

(b) A combination of letters and numbers selected by the Director that are:

(1) Similar to the combinations prescribed by NRS 482.270 and 482.2705; and

(2) The same size as are used on license plates issued pursuant to NRS 482.270 and 482.2705.

3. For any motorcycle, the special license plate holds four positions to include:

(a) A stacked character set assigned by the Department; and

(b) A combination of letters and numbers selected by the Director that are:

(1) Similar to the combinations prescribed by NRS 482.270; and

(2) The same size as are used on the license plates issued pursuant to NRS 482.270.

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 ~~*[may]*~~ be reissued as provided in NRS 482.265 except that such reissuance will ~~*[may]*~~ 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 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. Except as otherwise provided in NRS 482.2085 and 482.2155, upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. Except as otherwise provided in NRS 482.2065, 482.266, 482.2705, 482.274, *482.368,* 482.379 and 482.37901, every 8 years the Department shall ~~*[may]*~~ reissue a license plate or plates ~~*[:*~~

~~*(a) Every 8 years]*~~ at the time of renewal of each license plate or plates issued pursuant to this chapter . ~~*[; and*~~

~~*(b) At any other time upon request of a law enforcement agency or the owner whose vehicle is registered and which has been issued the license plate or plates pursuant to subsection 1.*~~

~~*]*~~ The Director may adopt regulations to provide procedures for such reissuance.

3. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

4. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

5. The provisions of subsection 4 do not apply to NRS 482.37901.

Sec. 4. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department may, upon the payment of all applicable fees, issue redesigned motor vehicle license plates.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.2155, 482.3747, 482.3763, 482.3783, 482.379 or 482.37901, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) Except as otherwise provided in NRS 482.2085, if issued for a registration period other than a calendar year, the month and year the registration expires.

~~[6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:~~

~~(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (g) of subsection 2 of that section; and~~

~~(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.]~~

Sec. 5. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of $5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of $20,000;

(f) Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and

(g) ~~[May]~~ *Must* be accompanied by suggestions for the design of and colors to be used in the special license plate. *The suggestion must be made in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any.*

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

➥ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a meeting of the Commission on Special License Plates, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates recommends to the Department that the Department approve the application for that plate pursuant to subsection 5 of NRS 482.367004.

5. Upon making a determination to issue a special license plate pursuant to this section, the Department shall notify:

(a) The person who requested the special license plate pursuant to subsection 1;

(b) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(c) The Commission on Special License Plates.

6. *After making a determination to issue a special license plate pursuant to this section, if the Department determines not to use the design or colors suggested pursuant to paragraph (g) of subsection 2, the Department shall notify the person who requested the special license plate pursuant to subsection 1. The notice must include, without limitation, the reasons the Department did not use the design or colors suggested pursuant to paragraph (g) of subsection 2.*

7. Within 180 days after receiving the notice pursuant to subsection 6, the person who requested the special license plate pursuant to subsection 1 shall, in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any, submit a revised suggestion for the design of and colors to be used in the special license plate. If the person does not submit a revised suggestion within 180 days after receiving the notice pursuant to subsection 6, the Department must:

(a) Not issue the special license plate; and

(b) Notify:

(1) The person who requested the special license plate pursuant to subsection 1;

(2) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(3) The Commission on Special License Plates.

8. After receiving the suggested design of and colors to be used in the special license plate pursuant to paragraph (g) of subsection 2 or subsection 7 and upon determining the design of and the colors to be used in the special license plate, the Department shall submit the design of and the colors to be used in the special license plate to the person who requested the special license plate pursuant to subsection 1 and to the charitable organization for which the special license plate is intended to generate financial support, if any. The person and the charitable organization, if any, shall respond to the Department within 30 days after receiving the design of and the colors to be used in the special license plate and shall:

(a) Approve the design of and the colors to be used in the special license plate; or

(b) Submit suggestions to revise the design of or colors to be used in the special license plate.

➥ *If the person who requested the special license plate pursuant to subsection 1 and the charitable organization for which the special license plate is intended to generate financial support, if any, fail to respond within 30 days after receiving the design of and the colors to be used in the special license plate, the person and charitable organization shall be deemed to approve the design of and the colors to be used in the special license plate. The Department may adopt regulations to carry out this subsection.*

9. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has recommended the Department approve for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of ~~[subsection 6 of NRS 482.270,]~~ *section 1 of this act,*

➥ for any *motorcycle,* 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 a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

~~[7.]~~ *10.* The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate;

(b) If the Department distributes the additional fees collected on behalf of a charitable organization to another charitable organization pursuant to

subparagraph (3) of paragraph (b) of subsection 5 of NRS 482.38279 and the surety bond has not been released to the initial charitable organization; or

(c) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

~~[8.]~~ *11.* 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.

Sec. 6. 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.

(d) In addition to the requirements set forth in paragraphs (a), (b) and (c), if a new special license plate is authorized by an act of the Legislature after July 1, 2021, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the organization meeting the requirements described in subsection 1 of NRS 482.367002 submits suggestions for the design of and colors to be used in the special license plate within 180 days after the authorization of the special license plate. The

provisions of subsections 6, 7 and 8 of NRS 482.367002 apply to suggestions submitted pursuant to this paragraph.

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.

Sec. 7. NRS 482.3672 is hereby amended to read as follows:

482.3672 1. An owner of a motor vehicle who is a resident of this State and who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A letter from the news director, editor or publisher of the periodical or station by whom the person is employed,

➥ be issued license plates upon which is inscribed PRESS with a number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.*

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section leaves the service of the newspaper or station which has provided the letter required by subsection 1, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to members of the press.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Sec. 8. NRS 482.3675 is hereby amended to read as follows:

482.3675 1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

➥ be issued a set of license plates upon which is inscribed CONSULAR CORPS with a number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.*

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Sec. 9. NRS 482.368 is hereby amended to read as follows:

482.368 1. Except as otherwise provided in subsection 2, the Department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of the plates is $5. Any license plates authorized by this section must be immediately returned to the Department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the governmental services tax.

2. License plates furnished for:

(a) Those vehicles which are maintained for and used by the Governor or under the authority and direction of the Chief Parole and Probation Officer, the State Contractors' Board and auditors, the State Fire Marshal, the Investigation Division of the Department of Public Safety and any authorized federal law enforcement agency or law enforcement agency from another state;

(b) One vehicle used by the Department of Corrections, three vehicles used by the Department of Wildlife, two vehicles used by the Caliente Youth Center and four vehicles used by the Nevada Youth Training Center;

(c) Vehicles of a city, county or the State, if authorized by the Department for the purposes of law enforcement or work related thereto *;* ~~[or such other purposes as are approved upon proper application and justification;]~~

(d) Two vehicles used by the office of the county coroner of any county which has created that office pursuant to NRS 244.163; and

(e) Vehicles maintained for and used *for investigations and undercover investigations* by investigators of the following:

(1) The Nevada Gaming Control Board;

(2) The State Department of Agriculture;

(3) The Attorney General;

(4) City or county juvenile officers;

(5) District attorneys' offices;

(6) Public administrators' offices;

(7) Public guardians' offices;

(8) Sheriffs' offices;

(9) Police departments in the State; ~~[and]~~

(10) The Securities Division of the Office of the Secretary of State ~~[,]~~ *;*

(11) The Investigation Division of the Department of Public Safety; and

(12) Any authorized federal law enforcement agency or law enforcement agency from another state,

➥ must not bear any distinguishing mark which would serve to identify the vehicles as owned by the *United States, the* State ~~[,]~~ *of Nevada, any other state or any* county or city. ~~[These]~~ *The fee to be received by the Department for the initial issuance of these* license plates ~~[must be issued annually for]~~ *is* $12 per plate or, if issued in sets, per set. *Such license plates are renewable annually upon the payment of $12.*

3. *Except as otherwise provided in NRS 239.0115, information pertaining to the issuance or renewal of a license plate pursuant to paragraph (e) of subsection 2 is confidential and must be securely maintained by the Department.*

4. It is unlawful for a person to use a vehicle furnished with a license plate pursuant to paragraph (e) of subsection 2 for any purpose other than the investigation or undercover investigation for which it was issued. Any license plate issued pursuant to paragraph (e) of subsection 2 must be returned immediately to the Department when the vehicle for which the license plate was issued ceases to be used for the investigation or undercover investigation for which it was issued.

5. The Director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular series for vehicles maintained for and used by investigators of the law enforcement agencies enumerated in paragraph (e) of subsection 2, subject to all of the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

~~[4.]~~ *6.* Applications for the ~~[licenses]~~ *license plates* must be made through the head of the *agency, division,* department, board, bureau, commission, school district or irrigation district, or through the chair of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles . ~~[, and no]~~ *No* plate or plates may be issued until ~~[a]~~ *:*

(a) A certificate has been filed with the Department showing that the name of the *agency, division,* department, board, bureau, commission, county, city, town, school district or irrigation district, as the case may be *;* ~~[,]~~ and ~~[the]~~

(b) The words "For Official Use Only" have been permanently and legibly affixed to each side of the vehicle, except those vehicles enumerated in subsection 2.

~~[5. As used in this section, "exempt vehicle" means a vehicle exempt from the governmental services tax, except a vehicle owned by the United States.~~

~~6.~~ *7. License plates issued pursuant to this section are not subject to reissue pursuant to subsection 2 of NRS 482.265.*

8. The Department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the Department of any violation of its regulations, it may revoke the violator's privilege of registering vehicles pursuant to this section.

9. As used in this section:

(a) "Exempt vehicle" means a vehicle exempt from the governmental services tax.

(b) "Undercover investigation" means an investigation that requires the use of a fictitious vehicle registration and license plate.

Sec. 10. NRS 482.369 is hereby amended to read as follows:

482.369 In providing the distinguishing plates to be issued pursuant to *subsection 1 of* NRS 482.368, the Director shall:

1. Select combinations of letters and numbers which are not confusingly similar to the combinations prescribed by NRS 482.270, 482.2705 and 482.274.

2. Employ letters and numbers of the same size as are used on license plates issued pursuant to NRS 482.270 and 482.2705.

Sec. 11. NRS 482.3755 is hereby amended to read as follows:

482.3755 1. An owner of a motor vehicle who is a resident of this State and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of membership, be issued license plates upon which is inscribed "CIVIL AIR PATROL" with a number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.* The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker is $10.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. If a member is dishonorably discharged, he or she shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 12. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this State and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the Department,

signed by the member and his or her commanding officer and accompanied by proof of enlistment, be issued license plates upon which is inscribed NAT'L GUARD with a number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.* The applicant shall comply with the laws of this State concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of $5 for the issuance of those plates.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the Adjutant General, who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. The Adjutant General shall surrender any license plates issued to him or her as Adjutant General to the Department when he or she leaves office, and may then be issued special license plates as described in subsection 1. If a member is dishonorably discharged, the member shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 13. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and a number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.*

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor and, if

applicable and subject to the provisions of NRS 417.0187, evidence of disability required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to 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 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.

7. The fee for a set of special license plates issued pursuant to this section is $25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is $5.

Sec. 14. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a qualifying service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates that must be inscribed with:

(1) The words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran;

(2) The international symbol of access, which must comply with any applicable federal standards and must be white on a blue background; and

(3) A number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.*

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and a number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.*

2. A person who qualifies for special license plates pursuant to paragraph (b) of subsection 1, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and, subject to the provisions of NRS 417.0187, evidence of disability, former imprisonment or both, as applicable, required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to 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 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.

Sec. 15. NRS 482.381 is hereby amended to read as follows:

482.381 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. 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

5. In addition to the fees required pursuant to subsection 4, 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 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.

6. Fees paid to the Department pursuant to subsection 5 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.]~~

Sec. 16. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, 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 later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and a number of characters, including numbers and letters, as determined necessary by the Director ~~[.]~~ *pursuant to section 1 of this act.*

3. If, during a registration period, the holder of special plates issued pursuant to this section 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.

4. 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.

5. In addition to the fees required pursuant to subsection 4, 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 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.

6. Fees paid to the Department pursuant to subsection 5 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.]~~

Sec. 17. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in NRS 482.2655, 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.

2. Except as otherwise provided in subsection 3, 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 ~~[.]~~ *pursuant to section 1 of this act.*

3. 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 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

4. If, during a registration year, the holder of special plates issued pursuant to subsection 2 or 3 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. 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. In addition to the fees required pursuant to subsection 5, 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 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. Fees paid to the Department pursuant to subsection 6 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.]~~

Sec. 18. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, 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.

2. Except as otherwise provided in subsection 3, 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 ~~[.]~~ *pursuant to section 1 of this act.*

3. 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 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

4. If, during a registration period, the holder of special plates issued pursuant to subsection 2 or 3 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. 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. In addition to the fees required pursuant to subsection 5, 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 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. Fees paid to the Department pursuant to subsection 6 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.]~~

Sec. 19. NRS 482.38279 is hereby amended to read as follows:

482.38279 1. If the Commission on Special License Plates determines that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or if, in a report provided to the Commission by the Legislative Auditor pursuant to NRS 482.38278 or 482.382785, the Legislative Auditor determines that a charitable organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

2. A charitable organization may request in writing a hearing, within 20 days after receiving notification pursuant to subsection 1, to respond to the determinations of the Commission or Legislative Auditor. The hearing must be held not later than 30 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

3. The Commission shall issue a decision on whether to uphold the original determination of the Commission or the Legislative Auditor or to overturn that determination. The decision required pursuant to this subsection must be issued:

(a) Immediately after the hearing, if a hearing was requested; or

(b) Within 30 days after the expiration of the 20-day period within which a hearing may be requested, if a hearing was not requested.

4. If the Commission decides to uphold its own determination that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or decides to uphold the determination of the Legislative Auditor that the organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall issue its decision in writing and may recommend that the Department:

(a) Terminate production and distribution of the particular design of the special license plate and collection of all additional fees collected on behalf of the charitable organization, and allow any holder of the special license plate to continue to renew the plate without paying the additional fee;

(b) Suspend the production and distribution of the particular design of special license plates and collection of all additional fees collected on behalf of the charitable organization, if the Department is still producing that design and allow any holder of the special license plate to renew the plate without paying the additional fee; or

(c) Suspend the distribution of all additional fees collected on behalf of the charitable organization for a specified period and allow the production and distribution of the special license plate and the collection of additional fees to continue if the Department is still producing that design, and allow holders of the special license plates to renew the plate with the payment of the additional fees.

➥ *The Department may act on such a recommendation from the Commission.*

5. If the Commission recommends that the Department take the action described in paragraph (c) of subsection 4, the Department, in consultation with the Commission, shall inform the charitable organization in writing of the corrective actions that must be taken and upon conclusion of the suspension determine whether the charitable organization completed the corrective actions. If the Department, in consultation with the Commission, determines that the charitable organization:

(a) Completed the corrective actions, the Department, in consultation with the Commission, may terminate the suspension and forward to the charitable organization any additional fees collected on behalf of the charitable organization during the suspension.

(b) Has not completed the corrective actions, the Department, in consultation with the Commission, may:

(1) Extend the period of the suspension, but not more than one time;

(2) Terminate production and distribution of the special license plate and collection of all additional fees on behalf of the charitable organization, allow any holders of the special license plate to renew the plate without paying the additional fee and distribute all fees collected during the suspension in a manner determined by the Department, in consultation with the Commission; or

(3) Continue production and distribution of the special license plate and, in consultation with the Commission, distribute all additional fees collected, including any fees held during the suspension, to another charitable organization that:

(I) Submits an application to the Department on a form prescribed and furnished by the Department;

(II) Meets all applicable requirements of subsection 1 of NRS 482.367002 for a charitable organization seeking to receive financial support from a special license plate; and

(III) Provides evidence satisfactory to the Department, in consultation with the Commission, that the additional fees collected on behalf of the charitable organization will be used for a purpose similar to the purpose for which the additional fees were intended to be used by the initial charitable organization.

6. If, in accordance with subsection 4 or paragraph (b) of subsection 5, the Commission recommends that the Department take adverse action against a charitable organization, the Commission shall notify the charitable organization, in writing, of that fact within 30 days after making the recommendation and include a description of any necessary corrective action that must be taken by the charitable organization, if applicable. A charitable organization aggrieved by a recommendation of the Commission may, within 30 days after the date on which it received notice of the recommendation, submit to the Department any facts, evidence or other information that it believes is relevant to the propriety of the Commission's recommendation. Within 30 days after receiving all facts, evidence and other relevant information submitted to the Department by the aggrieved charitable organization, the Department shall render a decision, in writing, as to whether the Department accepts or rejects the Commission's recommendation. The decision of the Department is a final decision for the purpose of judicial review.

Sec. 19.5. NRS 482.3955 is hereby amended to read as follows:

482.3955 1. The Department shall issue to any dealer, distributor, rebuilder or other person, upon request, and upon payment of a fee of $8.25, a special permit, in a form to be determined by the Department, for the movement of any vehicle to sell outside the State of Nevada, or for the movement outside the State of any vehicle purchased by a nonresident. The permit must be affixed to the vehicle to be so moved in a manner and position to be determined by the Department, and expires ~~[15]~~ *30* days after its issuance.

2. The Department may issue a permit to a resident of this State who desires to move an unregistered vehicle within the State upon the payment of a fee of $8.25. The permit is valid for 24 hours.

3. The Department shall, upon the request of a charitable organization which intends to sell a vehicle which has been donated to the organization, issue to the organization a permit for the operation of the vehicle until the

vehicle is sold by the organization. The Department shall not charge a fee for the issuance of the permit.

Sec. 20. NRS 482.396 is hereby amended to read as follows:

482.396 1. A person who is not a dealer, manufacturer or rebuilder may apply to the Department for a permit to operate a vehicle which:

(a) Is not subject to the provisions of NRS 482.390, 482.395 and 706.801 to 706.861, inclusive; and

(b) Is not currently registered in this State, another state or a foreign country, or has been purchased by the applicant from a person who is not a dealer.

2. The Department shall adopt regulations imposing a fee for the issuance of the permit.

3. Each permit must:

(a) Bear the date of expiration in numerals of sufficient size to be plainly readable from a reasonable distance during daylight;

(b) Expire at 5 p.m. not more than 60 days after its date of issuance;

(c) Be affixed to the vehicle in the manner prescribed by the Department; and

(d) Be removed and destroyed upon its expiration or the issuance of a new permit or a certificate of registration for the vehicle, whichever occurs first.

4. The Department may authorize the issuance of more than one permit for the vehicle to be operated by the applicant.

5. A person who is not a dealer, manufacturer or rebuilder who purchased a vehicle described in subsection 1 may move the vehicle without being issued a permit pursuant to this section for 3 days after the date of purchase if the person carries in the vehicle:

(a) Proof of ownership or proof of purchase; and

(b) Proof of liability insurance.

Sec. 21. 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, *482.368*, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945,

647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 22. 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 4, 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 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]~~ *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 4 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. 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. 23. This act becomes effective on July 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 168 to Senate Bill No. 60 reinstates the program for an eight-year rolling reissuance of license plates. It extends the special permit issued to car dealer or manufacturer for moving or selling a vehicle out of state from 15 to 30 days.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 27.

SUMMARY—Makes various changes relating to common-interest communities. (BDR 10-318)

AN ACT relating to common-interest communities; requiring a limited-purpose association to comply with certain requirements relating to the establishment and foreclosure of a lien for assessments; revising provisions relating to the imposition of fines that may be assessed for certain violations of the governing documents of a unit-owners' association; revising provisions relating to meetings of the executive board of a unit-owners' association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a limited-purpose association, which includes an association created for the limited purpose of maintaining the landscape of the common elements, facilities for flood control or a rural agricultural residential common-interest community, is exempt from the requirements of most of the provisions of chapter 116 of NRS, the Uniform Common-Interest Ownership Act. (NRS 116.1201) Section 1 of this bill requires a limited-purpose association to comply with the requirements of the Act pertaining to the establishment and foreclosure of a lien for assessments.

Existing law: (1) authorizes the executive board of a unit-owners' association to impose fines for violations of the governing documents of the association; and (2) provides that if the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. (NRS 116.31031) Section 2 of this bill requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the criteria used in determining whether a violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the severity of such violations and limitations on the amounts of the fines. Section 2 also provides that: (1) if the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, ~~[unless the fine includes an additional fine for a continuing violation, the amount of the fine must not exceed $1,000 for each violation or a total amount of $1,000 per hearing against each unit's owner or tenant or invitee of a unit's owner or tenant;]~~ the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents; and (2) if the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must not exceed $100 for

each violation or a total amount of $1,000 per hearing against each unit's owner or tenant or invitee of a unit's owner or tenant.

Existing law also provides that a fine may not be imposed against a unit's owner for a violation committed by an invitee of the unit's owner or the tenant unless the unit's owner: (1) participated in or authorized the violation; (2) had prior notice of the violation; or (3) had an opportunity to stop the violation and failed to do so. (NRS 116.31031) Section 2 provides that such requirements: (1) apply also to fines imposed against a tenant; and (2) do not apply if the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

Additionally, existing law provides that if a fine is imposed for a violation and the violation is not cured within 14 days or any longer period established by the executive board: (1) the violation is deemed a continuing violation; and (2) the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. (NRS 116.31031) Section 2 provides that the amount of such an additional fine for a continuing violation must not exceed the amount of the original fine for the violation.

Existing law provides that an executive board may meet in executive session to consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion are protected by the attorney-client privilege. (NRS 116.31085) Section 3 of this bill eliminates the requirement that such matters must relate to proposed or pending litigation for the executive board to meet in executive session and authorizes the executive board to meet in executive session if the contents of the discussion are protected by the attorney-client privilege.

Existing law also requires an executive board to meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board, in which case the person: (1) is entitled to attend all portions of the hearing related to the alleged violation; (2) is entitled to due process; and (3) is not entitled to attend the deliberations of the executive board. The executive board is required to maintain minutes of any decision made concerning an alleged violation and, upon request, to provide a copy of the decision to the person or the person's designated representative. (NRS 116.31085) Section 3 provides that: (1) the person is entitled to receive written notice of the decision of the executive board regarding the alleged violation within a reasonable time after the decision is made; and (2) the period to cure a violation before it becomes a continuing violation is deemed not to commence until the date on which the notice of the decision of the executive board is provided to the person.

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

Section 1. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155, except that if the limited-purpose association is created for a rural agricultural residential common-interest community, the limited-purpose association is not required to pay the fee unless the association intends to use the services of the Ombudsman;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038;

(II) NRS 116.31083 and 116.31152, unless the limited-purpose association is created for a rural agricultural residential common-interest community;

(III) NRS 116.31073, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; ~~[and]~~

(IV) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community; *and*

(V) NRS 116.3116 to 116.31168, inclusive.

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) Common-interest communities or units located outside of this State, but NRS 116.4102 and 116.4103, and, to the extent applicable, NRS 116.41035 to 116.4107, inclusive, apply to a contract for the disposition of a unit in that common-interest community signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(c) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 55,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(d) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992;

(d) Except as otherwise provided in subsection 8 of NRS 116.31105, prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives;

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan; or

(f) Prohibit a master association which governs a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted and which is exempt from the provisions of this chapter pursuant to subsection 2 of NRS 116.12077 from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 2. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or the invitee of the unit's owner or the tenant for each violation, except that:

(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305; and

(2) A fine may not be imposed against a unit's owner or a tenant or invitee of a unit's owner or a tenant for a violation of the governing documents which involves a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner or the tenant.

➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community ~~[,]~~ *as provided in the regulations adopted by the Commission,* the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents . ~~*[, but, except as otherwise provided in subsection 7, the amount of the fine must not exceed $1,000 for each violation or a total amount of $1,000 per hearing against each unit's owner or tenant or invitee of the unit's owner or tenant.]*~~ If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community ~~[,]~~ *as provided in the regulations adopted by the Commission,* the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000 ~~[, whichever is less.]~~ *per hearing against each unit's owner or tenant or invitee of the unit's owner or tenant.* The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due. *The Commission shall adopt regulations establishing the criteria used in determining whether a violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the severity of such violations and limitations on the amounts of the fines.*

(c) Send a written notice to cure an alleged violation, without the imposition of a fine, to the unit's owner and, if different, the person responsible for curing the alleged violation. Any such written notice must:

(1) Include an explanation of the applicable provisions of the governing documents that form the basis of the alleged violation;

(2) Specify in detail the alleged violation and the proposed action to cure the alleged violation;

(3) Provide a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and

(4) Provide the unit's owner or the tenant a reasonable opportunity to cure the alleged violation before the executive board may take additional actions, including, without limitation, other remedies available pursuant to this section.

2. ~~[The]~~ *Unless the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community* ~~[,]~~ as provided in the regulations adopted by the Commission, *the* executive board may not impose a fine pursuant to subsection 1 against a unit's owner *or tenant* for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner ~~[,]~~ *or tenant:*

(a) Participated in or authorized the violation;

(b) Had prior notice of the violation ~~[,]~~ *pursuant to paragraph (c) of subsection 1;* or

(c) Had an opportunity to stop the violation and failed to do so.

3. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

4. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the alleged violation; and

(b) Within a reasonable time after the discovery of the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:

(1) Written notice:

(I) Specifying in detail the alleged violation, the proposed action to cure the alleged violation, the amount of the fine, and the date, time and location for a hearing on the alleged violation; and

(II) Providing a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and

(2) A reasonable opportunity to cure the alleged violation or to contest the alleged violation at the hearing.

➥ For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.

5. The executive board must schedule the date, time and location for the hearing on the alleged violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

6. The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

(a) Executes a written waiver of the right to the hearing; or

(b) Fails to appear at the hearing after being provided with proper notice of the hearing.

7. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation *, in an amount that does not exceed the amount of the original fine,* for each 7-day period or portion thereof that the violation is not cured. Any additional fine ~~[may]~~ *:*

(a) May be imposed without providing the opportunity to cure the violation and without the notice and an opportunity to be heard required by paragraph (b) of subsection 4 ~~[.]~~ *; and*

(b) Is not subject to any limitation on the amount of fines set forth in subsection 1 ~~[.]~~ or the regulations adopted pursuant thereto.

8. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on alleged violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

9. A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

10. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

11. Any past due fine must not bear interest, but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

12. If requested by a person upon whom a fine was imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.

Sec. 3. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association ~~[on matters relating to proposed or pending litigation]~~ if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board ~~[. If the]~~ *, in which case the hearing must be held in a meeting of the executive board pursuant to NRS 116.31083. The* person who may be sanctioned for the alleged violation *:* ~~[requests in writing that an open hearing be conducted, the person:]~~

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; ~~[and]~~

(c) Is not entitled to attend the deliberations of the executive board ~~[.]~~ *; and*

(d) Is entitled to receive written notice of the decision of the executive board regarding the alleged violation within a reasonable time after the decision is

made. The period to cure a violation before it becomes a continuing violation as provided in subsection 7 of NRS 116.31031 shall be deemed not to commence until the date on which the notice of the decision of the executive board is provided to the person sanctioned for the violation.

5. The provisions of subsection 4 establish the minimum protections that the executive board must provide before it may make a decision. The provisions of subsection 4 do not preempt any provisions of the governing documents that provide greater protections.

6. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. If the executive board holds a meeting limited exclusively to an executive session pursuant to paragraph (c) or (d) of subsection 3, at the next regularly scheduled meeting of the executive board, the executive board shall acknowledge that the executive board met in accordance with paragraph (c) or (d) of subsection 3, as applicable, and include such an acknowledgment in the minutes of the meeting at which the acknowledgment was made. The executive board shall maintain minutes of any decision made pursuant to subsection 4 concerning an alleged violation . ~~[and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.]~~

7. Except as otherwise provided in subsection 4, a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 4. This act becomes effective upon passage and approval.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 27 to Senate Bill No. 72 requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing criteria for determining if a violation of a community's governing documents pose an imminent threat to the health, safety or welfare of the units' owners or residents of the community, the severity of the violations and limitations on the amounts of fines that may be imposed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 105.

SUMMARY—Revises provisions relating to financial institutions. (BDR 55-481)

AN ACT relating to financial institutions; requiring ~~[a]~~ certain financial ~~[institution]~~ institutions to notify the Commissioner of Financial Institutions once a certain rating of the financial institution is publicly available; requiring certain financial institutions to conduct and report to the Commissioner certain

training sessions for community-based organizations; requiring the Division of Financial Institutions of the Department of Business and Industry to post the rating of certain financial institutions on its Internet website; requiring the Commissioner to submit ~~[an annual]~~ a biennial report to the ~~[Legislature or]~~ Legislative Commission relating to such ratings ~~[.]~~ and such training sessions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Community Reinvestment Act of 1977 (CRA) requires certain financial institutions to provide certain information to the relevant federal financial supervisory agency in order to assess the performance of the financial institution. (12 U.S.C. § 2903) An overall CRA rating is then assigned using a four-tiered system. (12 U.S.C. § 2906)

This bill requires a financial institution subject to the CRA to notify the Commissioner of Financial Institutions of the public availability of the current CRA rating of the financial institution as soon as the rating becomes publicly available. This bill requires the Division of Financial Institutions of the Department of Business and Industry to post the CRA rating for every financial institution subject to the CRA on its Internet website. This bill further requires each such financial institution to conduct training sessions concerning the CRA for persons and organizations, including faith-based and consumer advocacy organizations, that operate within the community served by the financial institution. This bill also requires each such financial institution to report to the Commissioner the number of such training sessions conducted by the financial institution each year. Finally, this bill requires the Commissioner to submit ~~[an annual]~~ a biennial report to the ~~[Legislature, if the Legislature is in session, or the]~~ Legislative Commission ~~[, if the Legislature is not in session,]~~ that includes : (1) the name and CRA rating of each financial institution ~~[.]~~ ; and (2) the number of training sessions concerning the CRA conducted by the financial institution each year.

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

Section 1. Chapter 665 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A financial institution subject to the Community Reinvestment Act of 1977, 12 U.S.C. §§ 2901 to 2905, inclusive, shall ~~[notify]~~ :

(a) Notify the Commissioner of the public availability of the current CRA rating of the financial institution as soon as the CRA rating becomes publicly available.

(b) Conduct training sessions to provide information concerning the obligations imposed on the financial institution by the CRA for persons and organizations, including, without limitation, faith-based and consumer advocacy organizations, that operate within the community served by the financial institution. The financial institution must report to the Commissioner the number of such training sessions conducted by the financial institution each year.

2. The Division of Financial Institutions shall post the current CRA rating for every financial institution subject to the Community Reinvestment Act of 1977, 12 U.S.C. §§ 2901 to 2905, inclusive, on the Internet website of the Division.

3. Each even-numbered year, the Commissioner shall submit a report that includes ~~[the]~~ :

(a) The name of each financial institution subject to the Community Reinvestment Act of 1977, 12 U.S.C. §§ 2901 to 2905, inclusive, and the current CRA rating of each such financial institution ~~[:~~

~~(a) To the Legislature, if the Legislature is in session; or~~

~~(b) To~~] ; and

(b) The number of training sessions required by this section that are conducted by each such financial institution each year.

4. The report required pursuant to subsection 3 must be submitted to the Legislative Commission . ~~[, if the Legislature is not in session.]~~

~~[4.]~~ 5. As used in this section, "CRA rating" means the rating assigned to a financial institution pursuant to 12 U.S.C. § 2906.

Sec. 2. ~~[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.]~~ (Deleted by amendment.)

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 105 makes two changes to Senate Bill No. 145. The amendment changes the frequency of the report submitted by the Commissioner of Financial Institutions from annually to biennially in an even-numbered year. It requires financial institutions operating in this State to conduct training to persons and organizations in the community, including, without limitation, faith-based and other consumer advocate organizations, to educate Nevada's residents about the obligations of the federal Community Reinvestment Act and report to the Commissioner the number of training sessions conducted each year, which must be included in the report to the Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 45.

SUMMARY—Establishes provisions regarding the reporting of hate crimes. (BDR 15-715)

AN ACT relating to crimes; requiring law enforcement agencies to ~~[maintain]~~ submit records of hate crimes ~~[and submit such records]~~ on a ~~[quarterly]~~ monthly basis to the Central Repository for Nevada Records of Criminal History ; ~~[and the Attorney General;]~~ imposing certain duties on the ~~[Attorney General]~~ Central Repository relating to the submission of such records; revising provisions concerning the guidelines required to be adopted

by the Director of the Department of Public Safety regarding the reporting of hate crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Public Safety to: (1) establish within the Central Repository for Nevada Records of Criminal History a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression that is designed to collect, compile and analyze statistical data regarding such crimes; and (2) adopt guidelines for the collection of such statistical data. (NRS 179A.175)

Section 1 of this bill requires each state or local law enforcement agency in this State to ~~[maintain]~~ submit on a monthly basis a record of all such crimes to the Central Repository in accordance with the guidelines adopted by the Director . ~~[and submit the records on a quarterly basis to the Central Repository and the Attorney General. Section 1 also requires the Attorney General to: (1) adopt guidelines for the submission of such records to the Attorney General; (2) ensure that all submitted records are provided to the Federal Bureau of Investigation for inclusion in its annual Hate Crime Statistics report; and (3) issue a detailed annual report regarding the reported crimes.]~~ Section 1 additionally requires that any data acquired be used only for research or statistical purposes and not contain any information that may reveal the identity of an individual victim of a crime. Section 2 of this bill requires : (1) the Director to adopt guidelines regarding the manner in which statistical data must be reported to the Central Repository ~~[.]~~ ; (2) the Central Repository to make all such data available to the public; and (3) the Central Repository to ensure that such data is provided to the Federal Bureau of Investigation for inclusion in the annual Hate Crime Statistics report of the Uniform Crime Reporting Program.

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

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each state or local law enforcement agency in this State shall ~~[maintain]~~ submit on a monthly basis a record of all crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, including, without limitation, the basis on which any such crime occurred, ~~[in accordance with the guidelines adopted by the Director pursuant to subsection 2 of NRS 179A.175.~~

~~2. Each state or local law enforcement agency in this State shall submit on a quarterly basis all records maintained pursuant to subsection 1 to:~~

~~(a) The]~~ to the Central Repository for Nevada Records of Criminal History, in accordance with the guidelines adopted by the Director of the Department of Public Safety pursuant to subsection 2 of NRS 179A.175 . ~~[; and~~

~~*(b) The Attorney General, in accordance with the guidelines adopted by the Attorney General pursuant to paragraph (a) of subsection 3.*~~

~~*3. The Attorney General shall:*~~

~~*(a) Adopt guidelines for the submission of records maintained pursuant to subsection 1 to the Attorney General;*~~

~~*(b) Ensure that all records submitted pursuant to paragraph (b) of subsection 2 are provided to the Federal Bureau of Investigation for inclusion in its annual Hate Crime Statistics report; and*~~

~~*(c) Issue a detailed annual report regarding crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, including, without limitation, data regarding any prosecution of a violation of NRS 207.185 and any sentence imposed pursuant to NRS 193.1675.*~~

~~*4.]*~~ *2. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.*

~~*[5. As used in this section, "Director" means the Director of the Department of Public Safety.]*~~

Sec. 2. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

2. The program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice ~~[.]~~ *and the manner in which the data must be reported to the Central Repository.*

3. The Central Repository shall include in any appropriate report an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. *The Central Repository shall make all data acquired pursuant to this section and data regarding any prosecution of a violation of NRS 207.185 and any sentence imposed pursuant to NRS 193.1675 available to the public.*

6. The Central Repository shall ensure that the data acquired pursuant to this section is provided to the Federal Bureau of Investigation for inclusion in the annual Hate Crime Statistics report of the Uniform Crime Reporting Program.

7. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

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 guidelines and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 45 to Senate Bill No. 148 removes references to the Office of the Attorney General from the bill and replaces them with the Central Repository for Nevada Records of Criminal History regarding the reporting and publication of hate-crime data. It provides that law enforcement agencies must "submit" rather than "maintain" records of hate crimes. It also revises the timeframe for submittal of information related to hate crimes from quarterly to monthly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 139.

SUMMARY—Revises provisions relating to the use of force by peace officers. (BDR 14-215)

AN ACT relating to peace officers; revising provisions relating to the use of force by peace officers; requiring certain law enforcement agencies to submit to the ~~[Office of the Attorney General]~~ 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; ~~[prohibiting]~~ imposing certain restrictions and requirements regarding the use of restraint chairs; prohibiting peace officers from using certain forms of force in response to protests and demonstrations; 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 ~~[provides that before resorting to a higher level of force,]~~ requires a peace officer ~~[is required]~~ to use de-escalation techniques and alternatives to ~~[higher levels]~~ the use of force that are consistent with the training of the peace officer ~~[.]~~ whenever possible or appropriate. If the peace officer uses ~~[a higher level of]~~ 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. 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 of this bill requires : (1) each law enforcement agency to make available to the public and submit to the ~~[Office of the Attorney General]~~ Central Repository for Nevada Records of Criminal History annually a report containing certain information relating to incidents involving the use of force that occurred during the previous calendar year ~~[.]~~ ; and (2) the Central Repository to make the use-of-force data available to the public on its Internet website. Section 3 also requires the Office of the Attorney General to: (1) review the ~~[reports submitted by law enforcement agencies;]~~ 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: (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 in any way against a peace officer during any criminal proceeding.

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 ~~[prohibits]~~ 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 ~~[back]~~ 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, 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 ~~[,~~ ~~except as otherwise provided in NRS 171.1455,]~~ 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. ~~[Before a]~~ A peace officer ~~[resorts to using a higher level of force, a peace officer must]~~ shall use de-escalation techniques and alternatives to ~~[a higher level of]~~ the use of force, including, without limitation, advisements, warnings, verbal persuasion and other tactics consistent with his or her training whenever possible or appropriate. If it is necessary for the peace officer to use ~~[a higher level of]~~ 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:

(1) Must be balanced against the level of force or resistance exhibited by the person; and

(2) Must , to the extent feasible, be carefully controlled.

2. A peace officer may, after giving a warning, if feasible, use deadly force to effect the ~~*[lawful detention or]*~~ arrest of a person only if there is probable cause to believe that the person:

~~[1.]~~ *(a)* Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or

~~[2.]~~ *(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 not armed with a deadly weapon; and

(b) Appears to the peace officer or is known 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.

➥ *The written policy adopted and training provided pursuant to this subsection must reflect the best practices with respect to the use of force on the persons described in this subsection.*

4. 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 a new section to read as follows:

1. On or before ~~[March 1]~~ July 1 of each year, each law enforcement agency shall make available to the public and submit to the ~~[Office of the Attorney General]~~ Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the previous calendar year, 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. To the extent of legislative appropriation, the Office of the Attorney General shall:

(a) Review the ~~[reports submitted by law enforcement agencies pursuant to this section;]~~ 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).

~~[3.]~~ 5. Each law enforcement agency in this State shall participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

~~[4.]~~ 6. 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.

~~[5.]~~ 7. 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.

~~[(b)]~~ *(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. 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* ~~[not]~~ *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 ~~[back]~~ *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* ~~[a]~~ *an immediate threat of physical harm or death to a person or of immediate harm to property, then only one order to disperse must be provided.*

~~[5.]~~ *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.

~~[4. 6.]~~ *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.

~~[(c)]~~ *(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. 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, 4, 5 and 6 of this act become effective on October 1, 2021.

3. Section 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 October 1, 2022, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 139 to Senate Bill No. 212 removes references to the Attorney General from the bill regarding law enforcement agencies reporting use of force data and replaces those with appropriate references to the Central Repository for Nevada Records of Criminal History. It removes the prohibition on the use of restraint chairs and instead places restrictions on their use and procedures to be followed both before and during the use of a restraint. The bill removes

language concerning a peace officer aiming at a person's "back" and instead inserts "spine or other vital areas" of "the body of" a person.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 165.

SUMMARY—Revises provisions relating to governmental administration. (BDR 18-245)

AN ACT relating to governmental administration; requiring a state agency to collaborate with minority groups and provide certain information to minority groups; requiring , with certain exceptions, a state agency to designate a diversity and inclusion liaison and provide the contact information for the designated diversity and inclusion liaison; requiring the Office of Minority Health and Equity of the Department of Health and Human Services , the Nevada Commission on Minority Affairs of the Department of Business and Industry and the Office for New Americans in the Office of the Governor to facilitate an annual meeting between diversity and inclusion liaisons and minority groups and submit a report to the Governor and the Legislative Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Minority Health and Equity within the Department of Health and Human Services [. (NRS 232.474) The purpose of the Office of Minority Health and Equity is to improve the quality of and access to health care for certain minority groups and to disseminate information to educate the public on certain health care issues relating to these minority groups. (NRS 232.474)] , the Nevada Commission on Minority Affairs of the Department of Business and Industry and the Office for New Americans in the Office of the Governor to study and work on issues affecting minorities and immigrants. (NRS 223.900-223.930, 232.467-232.484, 232.850-232.866)

Section 9 of this bill requires [a] each state agency to collaborate with minority groups on policies [, agreements] and programs that affect minority groups and ensure that programs and services are accessible and inclusive. Section 10 of this bill requires [a] each state agency , to the extent practicable, to designate a diversity and inclusion liaison and sets forth the duties of such a liaison. Section 11 of this bill requires a state agency to post on its Internet website the name and contact information of its diversity and inclusion liaison , if one has been designated, and provide that information to the Office of Minority Health and Equity [.] , the Nevada Commission on Minority Affairs and the Office for New Americans. Section 12 of this bill requires the Office of Minority Health and Equity , the Nevada Commission on Minority Affairs

and the Office for New Americans to collaborate to facilitate a meeting between diversity and inclusion liaisons and representatives of minority groups at least once a year. Section 12 also requires the Office of Minority Health and Equity , the Nevada Commission on Minority Affairs and the Office for New Americans to compile and submit a report to the Governor and the Director of the Legislative Counsel Bureau on the findings and recommendations from the meeting.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~*["Agreement"]*~~ *"Commission on Minority Affairs" means* ~~*[a written agreement or a written contract of a state agency.]*~~ *the Nevada Commission on Minority Affairs of the Department created by NRS 232.852.*

Sec. 4. *1. "Minority group" means:*

(a) A racial or ethnic minority group;

(b) A group of persons with disabilities;

(c) A group of persons that share the same sexual orientation; or

(d) A group of persons whose gender-related identity, appearance, expression or behavior is different than that assigned at birth.

2. As used in this section, "sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 4.5. "Office for New Americans" means the Office for New Americans created in the Office of the Governor by NRS 223.910.

Sec. 5. *"Office of Minority Health and Equity" means the Office of Minority Health and Equity created within the Department of Health and Human Services by NRS 232.474.*

Sec. 6. *"Policy" means an official public policy of a state agency that creates a common practice relating to a class of issues.*

Sec. 7. *"Program" means an official program of a state agency.*

Sec. 8. *"State agency" means every agency,* ~~*[bureau, board, commission,]*~~ *department or division of the Executive Department of State Government.*

Sec. 9. ~~*[A]*~~ *Each state agency shall make a reasonable effort to:*

1. Collaborate with members of minority groups in the development and implementation of policies ~~*[, agreements]*~~ *and programs of the state agency that directly affect minority groups.*

2. Ensure that programs and services offered by the state agency are accessible to and inclusive of minority groups.

3. Communicate effectively with minority groups by making information about programs and services available in multiple languages whenever possible.

Sec. 10. *Each state agency that interacts or communicates with minority groups or offers programs and services that affect minority groups shall , to the extent practicable, designate a diversity and inclusion liaison . ~~[who reports directly to the head of the state agency.]~~ The diversity and inclusion liaison shall:*

1. Assist the ~~[head of the]~~ state agency with:

(a) Promoting effective communication with minority groups;

(b) Promoting cultural competency in providing effective services to minority groups; and

(c) Establishing a method for notifying employees of a state agency of the provisions of sections 1 to 12, inclusive, of this act.

2. Serve as a contact person who shall maintain ongoing communication between the state agency and members of minority groups.

3. ~~[Collect and incorporate feedback]~~ Provide technical assistance to the state agency on new programs and services offered by the state agency ~~[to minority groups]~~ that are intended to increase accessibility and inclusivity for members of minority groups.

4. ~~[To the extent possible, collaborate]~~ Collaborate with diversity and inclusion liaisons designated by other state agencies to increase the accessibility and inclusivity of services to members of minority groups.

Sec. 11. *A state agency ~~[required to designate]~~ that designates a diversity and inclusion liaison pursuant to section 10 of this act shall:*

1. Publish on its Internet website the name and contact information of the state agency's diversity and inclusion liaison.

2. Provide the name and contact information of the state agency's diversity and inclusion liaison to the Office of Minority Health and Equity ~~[.]~~ , the Commission on Minority Affairs and the Office for New Americans.

Sec. 12. *1. At least once each year, the Office of Minority Health and Equity , the Commission on Minority Affairs and the Office for New Americans shall collaborate to facilitate a meeting between diversity and inclusion liaisons designated pursuant to section 10 of this act and representatives of various minority groups to make recommendations regarding and address:*

(a) Matters of mutual concern between state agencies and minority groups;

(b) Opportunities to collaborate and increase the accessibility and inclusivity of services delivered to minority groups;

(c) The need for state agencies to eliminate systemic racism and structures of racial discrimination within the State of Nevada; and

(d) Strategies for ensuring that members of minority groups are able to access programs and services offered by the state agency and interact with the State Government.

2. On or before January 1 of each year, the Office of Minority Health and Equity , the Commission on Minority Affairs, and the Office for New

Americans shall collaborate on and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report on the findings and recommendations from the meeting required by subsection 1.

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. This act becomes effective on January 1, 2022.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 165 makes the following change to Senate Bill No. 222. It requires the Office of Minority Health and Equity of the DHHS to coordinate with the Nevada Commission on Minority Affairs of the Department of Business and Industry and the Office for New Americans in the Office of the Governor to facilitate an annual meeting between diversity and inclusion liaisons and minority groups and submit a report to the Governor and the Legislative Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 107.

SUMMARY—Makes changes regarding employment. (BDR 53-829)

AN ACT relating to employment; establishing provisions governing the exercise of jurisdiction by the Labor Commissioner over certain claims that arise under certain collective bargaining agreements; revising the definition of "wages" to include amounts due to certain former employees by employers who fail to pay certain wages within the periods required by law; ~~[requiring the Labor Commissioner to take certain actions regarding amounts due to certain former employees by employers who fail to pay certain wages within the periods required by law;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge become due and payable immediately. (NRS 608.020) Whenever an employee resigns or quits his or her employment, the wages and compensation earned and unpaid at the time of the employee's resignation or quitting must be paid no later than the day on which the employee would have regularly been paid or 7 days after the employee resigns or quits, whichever is earlier. (NRS 608.030) If the employer fails to pay the money earned by the employee within the periods established by statute, the former employee is entitled to continue to receive his or her customary compensation until he or she is paid in full or for 30 days, whichever is less. (NRS 608.040)]~~ the Labor Commissioner is required to enforce all the labor laws of this State.

(NRS 607.160) This includes laws governing the payment of wages, commissions and other benefits. (NRS 607.170, 608.180) Section 1 of this bill provides, with certain exceptions, that if a person who files a complaint with the Labor Commissioner is covered by a collective bargaining agreement that provides the claimant with a remedy or other relief for a violation of its terms, the Labor Commissioner is required to decline jurisdiction of the claim until the remedies, other relief and appeals, if any, provided to the claimant by the terms of the agreement are exhausted. Section 1 requires the Labor Commissioner to take jurisdiction of such a claim if he or she determines that the remedies or other relief provided to the claimant by the terms of the collective bargaining agreement are inadequate, unavailable or non-binding, and thereafter determine compliance with the labor laws of this State.

Section ~~[1]~~ 1.5 of this bill revises the definition of "wages" in existing law to include amounts owed to a discharged employee or an employee who resigns or quits and whose former employer fails to pay the employee by the statutory deadlines. (NRS 608.012)

~~[Section 2 of this bill authorizes a discharged employee or an employee who resigns or quits and believes that he or she is owed wages by a former employer who has failed to pay those wages within the existing statutory deadlines to file a claim for wages or a complaint with the Labor Commissioner. Section 2 also requires the Labor Commissioner to take appropriate administrative action to determine the amount of any wages or compensation to which the employee is entitled and to collect that amount for the benefit of the employee.]~~

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

Section 1. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a claimant is covered by the terms of a collective bargaining agreement that provides the claimant with an exclusive remedy or other relief for a violation of its terms, the Labor Commissioner shall decline to take jurisdiction of the claim or complaint until the remedies, other relief and appeals, if any, provided to the claimant by the terms of the agreement are exhausted.

2. The Labor Commissioner shall take jurisdiction of a claim or complaint described in subsection 1 if the Labor Commissioner determines that the remedies or other relief provided to the claimant by the terms of the collective bargaining agreement are inadequate, unavailable or non-binding.

3. Upon taking jurisdiction pursuant to subsection 2, the Labor Commissioner shall determine compliance with all labor laws of this State, including, without limitation, the provisions of chapter 608 of NRS.

4. As used in this section, "claimant" means a person who files a claim for wages or other complaint with the Labor Commissioner.

~~[Section 1.]~~ *Sec. 1.5.* NRS 608.012 is hereby amended to read as follows:

608.012 "Wages" means:

1. The amount which an employer agrees to pay an employee for the time the employee has worked, computed in proportion to time; ~~[and]~~

2. Commissions owed the employee ~~[,]~~ *; and*

3. Amounts due to a discharged employee or to an employee who resigns or quits pursuant to NRS 608.040,

➥ but excludes any bonus or arrangement to share profits.

Sec. 2. ~~[NRS 608.040 is hereby amended to read as follows:~~

~~608.040 1. If an employer fails to pay:~~

~~(a) Within 3 days after the wages or compensation of a discharged employee becomes due; or~~

~~(b) On the day the wages or compensation is due to an employee who resigns or quits,~~

~~➥ the wages or compensation of the employee continues at the same rate from the day the employee resigned, quit or was discharged until paid or for 30 days, whichever is less.~~

~~2. Any employee who secretes or absents himself or herself to avoid payment of his or her wages or compensation, or refuses to accept them when fully tendered to him or her, is not entitled to receive the payment thereof for the time he or she secretes or absents himself or herself to avoid payment.~~

~~*3. Except as otherwise provided in subsection 2, a discharged employee or an employee who resigns or quits and who believes that he or she is entitled to be paid wages or compensation from a former employer pursuant to this section may file a claim for wages or a complaint with the Labor Commissioner. Upon receipt and review of the claim or complaint, the Labor Commissioner shall take appropriate administrative action, including, without limitation, holding a hearing in the manner set forth in NRS 607.207, to determine the amount of any wages or compensation to which the employee is entitled and to collect that amount for the benefit of the employee.*~~ ~~]~~ (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 107 makes three changes to Senate Bill No. 245. The amendment deletes provisions authorizing an employee, who believes that he or she is entitled to wages or compensation from a former employer who fails to pay within the required time, to file a claim or complaint with the Nevada Labor Commissioner. It adds a new section to clarify when the Commissioner is required to take jurisdiction of a claim or complaint if the employee is subject to a collective bargaining agreement. It also changes the effective date of this bill to July 1, 2021.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 268.

Bill read second time and ordered to third reading.

Senate Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 167.

SUMMARY—Provides for the regulation of certain suppliers that provide an inmate calling service. (BDR 58-1015)

AN ACT relating to telecommunication service; providing for the regulation of certain suppliers that provide an inmate calling service by the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate certain utilities. (Chapter 704 of NRS) Under existing law, all telecommunication providers, with the exception of certain small-scale providers of last resort, are classified as competitive suppliers and subject to reduced regulation by the Commission. (NRS 704.68861-704.68887) Existing federal regulations adopted by the Federal Communications Commission establish rate caps and certain other limitations on charges that may be imposed by a provider of an inmate calling service for interstate or international calls. (47 C.F.R. §§ 64.6000 et seq.)

Section 3 of this bill defines "inmate calling service" to mean a calling service that allows a person confined in a correctional facility to make intrastate calls to persons outside the correctional facility in which the person is being confined. Section 2 of this bill defines "correctional facility" to include a public or private correctional facility.

Section 5 of this bill requires the Commission to adopt by regulation procedures to: (1) establish rate caps and certain limitations on charges for an inmate calling service; and (2) approve a schedule or tariff that exceeds such a rate cap or fails to comply with a limitation prescribed by the Commission. Section 5 also requires the Commission to review annually, and, if necessary, revise such a rate cap or limitation established or imposed by the Commission.

Section 4 of this bill requires a competitive supplier to file with the Commission, and obtain approval for, a schedule or tariff that specifies the rates, terms and conditions applicable to an inmate calling service before providing the service. Section 4 requires the Commission to approve any schedule or tariff that specifies rates, terms and conditions that do not exceed a rate cap ~~[or fail to]~~ prescribed by the Commission and that comply with ~~[a]~~ any limitation prescribed by the Commission. Section 4 authorizes the Commission to approve a schedule or tariff that exceeds a rate cap or fails to comply with a limitation prescribed by the Commission pursuant to the procedure adopted pursuant to section 5. Section 4 also requires a competitive supplier to submit a revised schedule or tariff if the Commission revises a rate cap or limitation and the schedule or tariff on file with the Commission exceeds the revised rate cap or fails to comply with the revised limitation. Section 12 of this bill authorizes a competitive supplier who provides an inmate calling service before October 1, 2021, to continue to provide such service if the

competitive supplier files with the Commission the tariff or schedule required by section 4 by a certain date. Sections 10 and 11 of this bill make conforming changes to remove certain exemptions from regulation by the Commission for competitive suppliers that provide an inmate calling service. Section 11 of this bill requires a competitive supplier that provides an inmate calling service to publish the rates, terms and conditions of the inmate calling service. Sections 6-9 of this bill make conforming changes to indicate the proper placement of sections 2-5 in the Nevada Revised Statutes.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Correctional facility" means a local detention facility, county, city or town jail, state prison, reformatory or other correctional facility, including, without limitation, a facility where a prisoner is housed by a private entity with which the Department of Corrections has contracted to perform core correctional services pursuant to NRS 208.175.*

Sec. 3. *"Inmate calling service" means a calling service that allows a person confined in a correctional facility to make intrastate calls to persons outside the correctional facility in which the person is being confined, regardless of the technology used to deliver the service.*

Sec. 4. *1. Before providing an inmate calling service, a competitive supplier must file with the Commission, for its approval, a schedule or tariff that specifies the rates, terms, and conditions applicable to the inmate calling service to be provided.*

2. The Commission:

(a) Shall approve any schedule or tariff that specifies rates, terms and conditions that ~~[do]~~ :

(1) Do not exceed a rate cap ~~[or fail to comply]~~ prescribed by the Commission; and

(2) Comply with ~~[a]~~ any limitation prescribed by the Commission.

(b) May approve a schedule or tariff that specifies rates, terms and conditions that exceed a rate cap or fail to comply with a limitation prescribed by the Commission pursuant to the procedure for approval prescribed by regulations adopted by the Commission pursuant to section 5 of this act.

3. A competitive supplier that files with the Commission a schedule or tariff that exceeds a rate cap or fails to comply with a limitation prescribed by the Commission shall submit with the schedule or tariff:

(a) A statement that demonstrates that the rate cap or limitation is not a just or reasonable rate or limitation for the competitive supplier; and

(b) Proof that the competitive supplier participated in a public hearing conducted by the Commission for the purposes of establishing the rate cap or limitation.

4. A competitive supplier shall submit a revised schedule or tariff within 30 days after the date on which the Commission revises a rate cap or limitation

if the schedule or tariff on file with the Commission for the competitive supplier exceeds the revised rate cap or fails to comply with the revised limitation.

Sec. 5. *1. The Commission shall adopt regulations governing the provision of an inmate calling service, which must prescribe a procedure for:*

(a) Establishing rate caps for inmate calling services in an amount that does not exceed any rate caps prescribed by the Federal Communications Commission for providers of interstate or international inmate calling services;

(b) Defining and limiting ancillary service charges that providers may charge users of inmate calling services in a manner consistent with any limitations on such charges prescribed by the Federal Communications Commission for providers of interstate or international inmate calling services;

(c) Limiting the taxes or fees that providers may charge users of inmate calling services in a manner consistent with any limitations on the collection of any taxes or fees prescribed by the Federal Communications Commission for providers of interstate or international inmate calling services; and

(d) Approving a schedule or tariff that exceeds a rate cap or fails to comply with a limitation established by the Commission in accordance with this subsection.

2. The Commission shall annually review and, if necessary, revise a rate cap or limitation established by the Commission pursuant to the procedure required by regulations adopted pursuant to subsection 1.

3. As used in this section, "ancillary service charge" means a charge relating to the use of inmate calling services that is not included in the per-minute charge assessed for a call.

Sec. 6. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.006 to 704.028, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 704.390 is hereby amended to read as follows:

704.390 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, *and sections 4 and 5 of this act*, it is unlawful for any public utility to discontinue, modify or restrict service to any city, town, municipality, community or territory theretofore serviced by it, except upon 30 days' notice filed with the Commission, specifying in detail the character and nature of the discontinuance or restriction of the service intended, and upon order of the Commission, made after hearing, permitting such discontinuance, modification or restriction of service.

2. Except as otherwise provided in subsection 3, the Commission, in its discretion and after investigation, may dispense with the hearing on the application for discontinuance, modification or restriction of service if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the application has been filed by or on behalf of any interested person.

3. The Commission shall not dispense with the hearing on the application of an electric utility.

Sec. 8. NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ *, and sections 4 and 5 of this act.*

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, *and sections 4 and 5 of this act,* unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 9. NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, *and sections 4 and 5 of this act* do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 10. NRS 704.68871 is hereby amended to read as follows:

704.68871 1. ~~[A]~~ *Except as otherwise provided by section 4 of this act, a* competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ *, and sections 4 and 5 of this act.*

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. ~~[A]~~ *Except as otherwise provided by section 4 of this act, a* competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 11. NRS 704.68875 is hereby amended to read as follows:

704.68875 1. ~~[A]~~ *Except as otherwise provided by section 4 of this act, a* competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. For any area in which a competitive supplier is a provider of last resort, the competitive supplier:

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

3. A competitive supplier that provides an inmate calling service shall publish the rates, terms and conditions of the inmate calling service by:

(a) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(b) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; and

(c) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 12. A competitive supplier who, before October 1, 2021, provides an inmate calling service may, on or after October 1, 2021, continue to provide an inmate calling service, if the competitive supplier files with the Commission the tariff or schedule required by section 4 of this act not later than 30 days after the effective date of the regulations adopted by the Commission pursuant to section 5 of this act.

Sec. 13. 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. 14. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 167 to Senate Bill No. 387 changes the terminology for limitations on ancillary service charges on inmate phone calls from "must not exceed" to "must comply with." Calling services cannot exceed rate caps and must comply with limitations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Revenue and Economic Development, 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.

DINA NEAL, *Chair*

Senator Cannizzaro moved that the Senate adjourn until Wednesday, April 14, 2021, at 1:00 p.m.

Motion carried.

Senate adjourned at 1:51 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate