THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 15, 2021

Senate called to order at 11:59 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

Thank You, Lord, for this day and for Your many blessings in our lives. May we be reminded of the words of the Prophet Micah found in the Holy Scriptures: "He has shown you, O man, what is good; and what does the Lord require of you but to do justly, to love mercy, and to walk humbly with your God."

Lord, please bless the men and women of this Senate, their families, and staff.

In the Name of our Lord, Jesus,

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 Growth and Infrastructure, to which were referred Assembly Bills Nos. 12, 26, 41, 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DALLAS HARRIS, *Chair*

Madam President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 61, 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 284, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 14, 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. 19, 412.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 4, 6, 18, 31, 34; Assembly Joint Resolution No. 2.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Pursuant to Senate Standing Rule No. 134.1(a), Senate Majority Leader Cannizzaro has authorized Senator Cannizzaro to use remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate.

Senator Spearman 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.

Senate Concurrent Resolution No. 5.
Resolution read.
Senator Spearman moved the adoption of the resolution.
Remarks by Senators Spearman, Donate, Hansen and Hardy.

SENATOR SPEARMAN:

Senate Concurrent Resolution No. 5 declares that systemic racism and structures of racial discrimination constitute a public-health crisis magnified by the disproportionately high impact of the Coronavirus Disease of 2019 on communities of color. The resolution affirms a commitment to incorporate issues related to systemic racism and structures of racial discrimination into the regular business of the Legislature. It requests that federal funding be distributed equitably based on the percentage of members of black, indigenous and other persons of color communities to address issues that disproportionately affect such persons in direct proportion to their disadvantages by individual racial category. It urges support for local, State, regional, and federal initiatives to understand, address and dismantle systemic racism and its impact on economic development, public safety and the delivery of human and social services.

SENATOR DONATE:

I would like to commend my colleague from Senate District 1 for bringing this resolution forward. Systemic racism is a public-health crisis. Senate Concurrent Resolution No. 5 reestablishes an observation we have known for many years and that lies with the negative implications that have resulted in society through the presence of racism, xenophobia and discrimination.

COVID-19 has magnified the disparities that affect marginalized communities and the injustices that thrive amongst Nevada families who have been ignored for far too long. We need to do everything we can to limit the progression of disease. That means bringing to light the barriers that have existed for centuries in our governmental institutions. To eliminate systems of oppression, we need to prioritize efforts and policies that will reduce racial hierarchies, most of which were established through colonization. This means standing up against the vilification of others and removing barriers that stand in the way for access to health care.

This resolution clarifies that Nevada stands together to defeat racism in the public-health sector. I urge my colleagues to support this resolution.

SENATOR HANSEN:

I am going to vote against Senate Concurrent Resolution No. 5. I wish I could go back and change my vote on another bill, S.C.R. No. 1, which was in the 2020 Special Session, where we are claiming the health-care system of Nevada, and apparently across the United States, is systemically racist. That is absurd. My son is a doctor. My mom was a nurse and a close friend of Bernice Martin Mathews. The whole concept that there is a form of systemic racism in the health-care industry is total nonsense. For decades, they have gone out of their way to try to help everyone, irrespective of race, creed or color. This is an insult to all of those who work in our health-care industry. It says they are all a bunch of racists. They came up with statistics that seem to point out our health-care system in Nevada has been forever discriminating against everybody. I have watched people in this industry and know a bunch of them. Three of my four daughters are nurses as is one of my daughters-in-law. This is an insult to that entire industry. I am tired of

everything, from the HOAs to the food-distribution industry, being seen as inherently biased and racist. I do not buy it and am voting "no."

SENATOR SPEARMAN:

Senate Concurrent Resolution No. 5 does not say the system is racist. It does say, however, that there is structural racism in the system. I have family and friends in the health-care system, so I would not dare denigrate the work they do. I applaud the efforts of health-care systems across the world who have helped us get through most of the pandemic. We still have a ways to go.

A doctor in Indiana went into a hospital and knew exactly what was wrong, she had COVID-19. The medical staff, primarily the attending physician, did not listen to her. This doctor, who had a medical degree, died because they did not listen to her.

I could go on and on about this, but we do not have that many days left in the Session. This does not say the system is racist. It says structural racism occurs. It may be difficult for some who have not experienced the cold-hard reality of racism to see that. We all learn, and we all grow. I was not born with privilege, and I have lived with structural racism all of my life. Last week, the Director of the CDC said the same thing. Racism is a public- health crisis. That is why Senate Concurrent Resolution No. 5 is necessary.

SENATOR HARDY:

Individually, we have relationships with people who come from different backgrounds. We pride ourselves on the reality that we are friends. We enjoy their company, and we do things with them. It is sometimes difficult to extrapolate our individual experiences to the grander society. I remember Senator Washington, who served in this Body, talking to us privately about giving a lecture to her children. It was about how to behave when going out and how to comport themselves to stay out of trouble. For me, it was an insight that helped me realize there are people who suffer and who do not understand why someone looks at them differently.

I go back to the reality of demographic changes including where one lives, where one is from or what one's job is. Demographism and racism are closely linked to the process of how we deal with one another. Individually, we can feel good about how we feel about one another. Institutionally, we would not be able to see clearly that some do not see others as we do.

I would be supportive of Senate Concurrent Resolution No. 5 to the point where, when talking about COVID-19, we know some people were at higher risk than others. One of the things I regret is we did not say those who are at higher risk should be vaccinated first. We missed an opportunity to do that.

When we start looking at others and ourselves, we have to look at others through their eyes instead of our own. If someone else perceives it, that is their reality. I hope I would be sensitive enough to see life through other people's eyes and be able to appreciate where they are coming from and treat them appropriately. One blood is as precious in the eyes of my Heavenly Father as any other is. I hope I can portray that, and that I can learn how to do that in a way that will lift everyone and help everyone be able to see themselves in the mirror of life as one Eternal Father in heaven.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 2.

Senator Ratti moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

Senator Ohrenschall has approved the addition of Senator Spearman as a sponsor of Senate Bill No. 96.

Senator Ratti moved that Senate Bill No. 5 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. 4.

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

Motion carried.

Assembly Bill No. 6.

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

Motion carried.

Assembly Bill No. 18.

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

Motion carried.

Assembly Bill No. 19.

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

Motion carried.

Assembly Bill No. 31.

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

Motion carried.

Assembly Bill No. 34.

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

Motion carried.

Assembly Bill No. 412.

Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 100.

SUMMARY—Makes various changes relating to the statute of limitations for certain causes of action. (BDR 2-872)

AN ACT relating to civil actions; establishing ~~[a 4-year]~~ provisions relating to the statute of limitations for commencing an action in tort for common-law wrongful termination of employment; revising provisions relating to the

default statute of limitations for certain causes of action whose statute of limitations is not otherwise expressly prescribed by law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a 2-year statute of limitations for commencing an action to recover damages for personal injury. (NRS 11.190) By default, existing law also applies a 4-year statute of limitations to certain causes of action whose statute of limitations is not otherwise expressly prescribed by law. (NRS 11.220) Existing law does not expressly prescribe a statute of limitations for commencing actions in tort for common-law wrongful termination of employment, and the Nevada Supreme Court has held that such actions are governed by the 2-year statute of limitations for commencing actions to recover damages for personal injury. (*Patush v. Las Vegas Bistro, LLC*, 135 Nev. 353 (2019)) Section ~~[1]~~ 1.5 of this bill expressly establishes a ~~[4-year]~~ 2-year statute of limitations for commencing an action in tort for common-law wrongful termination of employment. However, section 1.5 provides that the statute of limitations for such an action is tolled from the date that an administrative complaint relating to the termination of employment is filed with a federal or state agency until 93 days after the conclusion of the administrative proceedings concerning the complaint. Section 2 of this bill requires the default statute of limitations to apply to certain causes of action whose statute of limitations is not otherwise prescribed by law, regardless of whether the underlying cause of action is analogous to any other cause of action with a statute of limitations expressly prescribed by law. Section 3 of this bill provides that the amendatory provisions of this bill apply to an action commenced on or after the effective date of this bill.

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

Section 1. ~~[NRS 11.190 is hereby amended to read as follows:~~

~~"11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:~~

~~1. Within 6 years:~~

~~(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.~~

~~(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.~~

~~2. Within 4 years:~~

~~(a) An action on an open account for goods, wares and merchandise sold and delivered.~~

~~(b) An action for any article charged on an account in a store.~~

~~(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.~~

~~(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.~~

~~*(e) An action for wrongful termination of employment.*~~

~~3. Within 3 years:~~

~~(a) An action upon a liability created by statute, other than a penalty or forfeiture.~~

~~(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.~~

~~(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.~~

~~(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.~~

~~(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.~~

~~4. Within 2 years:~~

~~(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.~~

~~(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.~~

~~(c) An action for libel, slander, assault, battery, false imprisonment or seduction.~~

~~(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.~~

~~(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to~~

~~an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.~~

~~(f) An action to recover damages under NRS 41.740.~~

~~5. Within 1 year:~~

~~(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.~~

~~(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.~~] (Deleted by amendment.)

Sec. 1.5. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An action in tort for common-law wrongful termination of employment must be commenced within 2 years after the date of the termination of employment.

2. The time limitation set forth in subsection 1 is tolled from the date that an administrative complaint relating to the termination of employment is filed with a federal or state agency until 93 days after the conclusion of the administrative proceedings concerning the complaint.

Sec. 2. NRS 11.220 is hereby amended to read as follows:

11.220 An action for relief, not hereinbefore provided for, must be commenced within 4 years after the cause of action shall have accrued ~~[.]~~ *, regardless of whether the underlying cause of action is analogous to that of any other cause of action with a statute of limitations expressly prescribed by law.*

Sec. 3. The amendatory provisions of this act apply to an action commenced on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 100 to Senate Bill No. 107 provides for a two-year statute of limitations to commence an action for wrongful termination. The statute of limitation is tolled during consideration of any pending related State or federal administrative charge on the matter and begins 93 days after the exhaustion of any such claim if that exhaustion occurs after two years from the date the claim accrues.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 16.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 19.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 19 establishes provisions in accordance with federal law that allow certain qualified entities to obtain information on the records of criminal history of employees, volunteers, applicants and other covered individuals of the entity who have access to children, elderly persons or disabled persons. Such a qualified entity must create an account with the Central Repository for Nevada Records of Criminal History, Repository, provide any person subject to these requirements written notification of his or her rights and obtain a signed waiver prior to conducting a records screening. The person's fingerprints must be submitted to the Repository and forwarded to the Federal Bureau of Investigation as part of this process. Qualified entities must determine, after receiving information under these provisions, whether the person is fit to have access to vulnerable persons.

The bill contains certain liability protections for the qualified entity and the State, its political subdivisions, agencies and employees regarding this process and authorizes the Repository to audit any qualified entity that submits a request for screening for compliance with all applicable State and federal laws.

Roll call on Senate Bill No. 19:

YEAS—21.

NAYS—None.

Senate Bill No. 19 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 179 be taken from the Secretary's desk and placed on the General File on the third Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 66.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 66 requires the Office of Science, Innovation and Technology in the Office of the Governor to develop a Statewide system of gathering data relating to residential internet service and telecommunications technology accessibility. The bill also requires the Office to collaborate with various entities to ensure pupils have access to Internet and technology. It recommends minimum standards for devices and provides to conduct a gap analysis regarding the lack of pupil connectivity. A plan is to be developed concerning such gaps and report on these responsibilities to the Governor, the State Board of Education and the Legislature.

Furthermore, Senate Bill No. 66 requires school districts and the State Public Charter School Authority to report related information to the Office of Science, Innovation and Technology, and it authorizes the Office and Nevada's Department of Education to adopt any necessary regulations.

Roll call on Senate Bill No. 66:

YEAS—21.

NAYS—None.

Senate Bill No. 66 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 71.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 71 revises various portions of the Uniform Unclaimed Property Act. Among other things, the bill defines "virtual currency" to exclude "game-related digital content" such as digital tokens or points that cannot be used outside of a game or game platform or otherwise monetized. It allows the unclaimed property administrator to initiate and facilitate the payment or delivery of property to an owner without the owner filing a claim in certain circumstances upon review and confirmation of the identity of the apparent owner. It revises provisions concerning a property holder's domicile, shortens the timeline for a holder to deliver property to the administrator, and it requires a person making a claim on behalf of an estate to prove that they are affiliated with the estate. Documents generated in connection with such a claim are confidential and requires the administrator to make a "good faith" effort to notify persons who have a statutory duty with respect to unclaimed property that the administrator intends to examine pertinent records. It allows the administrator to require that records be furnished in certain formats and authorizes the administrator to issue and enforce administrative subpoenas to obtain such records. It requires a property holder to maintain any records used to justify excluding certain information from a report required to be filed with the administrator. The bill increases from 10 percent to 20 percent the maximum percentage of the value of property that a firm hired to locate, deliver, recover or assist in the recovery of property may charge the property owner as a commission under certain circumstances.

Roll call on Senate Bill No. 71:

YEAS—21.

NAYS—None.

Senate Bill No. 71 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 95.

Bill read third time.

Remarks by Senators Ohrenschall and Pickard.

SENATOR OHRENSCHALL:

Senate Bill No. 95 is an omnibus measure that revises various provisions governing Nevada business entities. Among other things, the bill transfers, from the clerk of the court to the party who serves the document, responsibility for mailing certain documents to a company's management. It moves the definition of "publicly traded corporation" to a different section of statute to make it more generally applicable. It allows a corporation to include a federal forum selection clause in its articles of incorporation or bylaws. It clarifies a corporation's fiduciary duties and expands the definition of "distribution" regarding classes or series of shares. The bill revises provisions concerning the ability of a corporation to hold virtual meetings and who may attend such meetings.

Senate Bill No. 95 revises provisions concerning the applicability of certain voting agreements and time limits placed on such agreements as well as clarifying the voting requirements for certain types of business entities. It expands a corporation's ability to indemnify managers in certain circumstances. It clarifies that certificate of membership interest requirements for some associations do not apply to common-interest communities. It clarifies the terms "distribution" and "in interest" as it relates to limited-liability companies and their members. It revises provisions concerning the notification of stockholders concerning actions that create dissenter's rights. The bill clarifies provisions governing a stockholder's demand for payment of shares and requires a stockholder to file a statement of intent under certain circumstances.

SENATOR PICKARD:

I want to commend my colleague from Senate District 21 for his work, particularly with Mr. Robert Kim from the Business Law section of the Nevada State Bar. They worked long hours to hone Senate Bill No. 95 and resolve some discrepancies and problems.

Roll call on Senate Bill No. 95:

YEAS—21.

NAYS—None.

Senate Bill No. 95 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108.

Bill read third time.

Remarks by Senators Harris and Hansen.

SENATOR HARRIS:

Senate Bill No. 108 requires instruction relating to implicit bias and cultural competency be provided to any person who is employed in the juvenile-justice system and who has routine contact with juveniles in their work, including employees of regional facilities for treatment and rehabilitation. The impact of trauma and adverse childhood experiences on decision making and behavior must be included in the training. Regulations governing the implementation of such training must be developed by the Division of Child and Family Services of the Department of Health and Human Services. The responsibility for providing the training rests with an individual's employer. The Nevada Supreme Court is authorized to provide by rule for training for any magistrate, judge, master or employee in the juvenile court system who routinely interacts with system-involved juveniles.

SENATOR HANSEN:

Senate Bill No. 108 is redundant; they are already doing that. After working for a decade with the fine people in the juvenile-justice system, I have a hard time accepting there is systemic racism there and that they all need to take re-education courses in implicit bias theory every two years. It is an insult to all of the people who have worked hard to help these almost disproportionately minority kids, based on numerous discussions I have had with them on these issues. My vote is symbolic because they are already doing it. It is wrong to tell the people who have dedicated their lives to helping all children, of all ethnic backgrounds, work their way through the criminal-justice system and, in effect, claim that even though they did not realize it, they all have some systemic racism and need to take re-education courses. I am a "no" on this bill. I salute the criminal-justice people for all the great work they have done for decades for all of the children of the State of Nevada.

Roll call on Senate Bill No. 108:

YEAS—20.

NAYS—Hansen.

Senate Bill No. 108 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109.

Bill read third time.

Remarks by Senators Spearman and Hansen.

SENATOR SPEARMAN:

Senate Bill No. 109 requires a governmental agency that collects demographic information related to a person's race or ethnicity to also request information related to a person's sexual orientation and gender identity or expression. The bill provides, with limited exception, that such information is confidential. It authorizes the agency to use such information only for certain purposes. It provides that no person shall be required to provide information related to the person's sexual orientation and gender identity or expression. The bill requires a governmental agency to submit to the Director of the Legislative Counsel Bureau an annual report regarding information received regarding sexual orientation and gender identity or expression.

Agencies without the necessary funding and resources to begin implementing the collection of sexual orientation and gender identity or expression data are not required to collect such data until January 1, 2024. Agencies that have not implemented collection of the data on or before January 1, 2022, must submit a progress report by December 31, 2022, and annually thereafter, setting forth reasons for not implementing the data collection and the actions taken by the agency toward the data collection.

SENATOR HANSEN:

It amazes me how much we have changed in Nevada. There was a time when the idea of asking about someone's sexuality or race was forbidden, and it was none of our business. People have an inherent right to privacy regarding certain things. I realize this bill is supposedly going to be voluntary, but the reality is that if any of this data is collected, it must have some level of compliance to be of any value. This is incredibly invasive. It is none of our business to be asking people about their sexual preferences. The idea that we will create a database based on highly invasive questions about people's rights to complete privacy is wrong. It is none of our business what others do sexually. I am amazed at the transition we have had to where we now want the government to ask about people's race, ethnicity and even personal things regarding their sexuality.

I urge my colleagues to recognize that all Nevadans have an inherent right to privacy. It is not the government's business to be asking these types of questions or to be collecting data on the answers. Many people will be highly offended to be asked these questions, therefore skewing the data so it has no value in the real world. I urge my colleagues to vote for privacy and to keep the government out of our bedrooms and racial backgrounds. Vote "no" on Senate Bill No. 109.

Roll call on Senate Bill No. 109:

YEAS—14.

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

Senate Bill No. 109 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 156.

Bill read third time.

Remarks by Senators Ratti, Seevers Gansert, Scheible and Spearman:

SENATOR RATTI:

Senate Bill No. 156 expands the authority of the Division of Public and Behavioral Health of the Department of Health and Human Services (DHHS) to issue an endorsement as a crisis-stabilization center not only to a psychiatric hospital but also to any licensed hospital that meets certain requirements. The bill expands the list of organizations by which a hospital may be accredited to qualify for renewal of an endorsement, and it exempts rural hospitals from the accreditation requirement.

Senate Bill No. 156 expands the existing requirement that DHHS take any action necessary to ensure crisis-stabilization services provided at a psychiatric hospital with a crisis-stabilization center endorsement are reimbursable under Medicaid to include such services provided at any hospital with this endorsement.

Finally, the bill makes conforming changes to existing law requiring health-maintenance organizations or managed-care organizations that provide services through Medicaid or the Children's Health Insurance Program to negotiate in good faith to include a hospital with an endorsement as a crisis-stabilization center in their provider network.

SENATOR SEEVERS GANSERT:

I urge support of Senate Bill No. 156. I agree with my colleague from Sparks. We need to be able to provide greater access. The funding mechanism from Medicaid in this bill will help that, as will availability throughout the State. I would also like to thank those who have been on the frontlines for so long. They are finally getting more support. I urge your support.

SENATOR SCHEIBLE:

I want to express my support for Senate Bill No 156. I encounter many people in the criminal-justice system who will be affected by this bill. I am heartened to see that throughout the process, there are many people who would rather utilize a mental-health response to those crises. This will help everybody.

It will allow first responders to have additional tools in their tool belt. It will give them options and keep people safe who are experiencing a mental-health crisis. I hope we see fewer of them in our jails and courtrooms and more of them getting the treatment they need.

SENATOR SPEARMAN:

I strongly support Senate Bill No. 156. Although it is not explicitly stated, this will help veterans who have not received the kind of medical attention for their mental-health issues they should have. Until we get to the place where we are properly funding the Veteran's Administration, this is one way we can ensure our veterans get the help they need.

Roll call on Senate Bill No. 156:

YEAS—21.

NAYS—None.

Senate Bill No. 156 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 247.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 247 revises existing requirements regarding registered apprenticeship programs to conform to federal laws and regulations. The bill prohibits the State Apprenticeship Council from approving a program proposed for a skilled trade when there is already a program approved for that skilled trade unless the new program requires the same hours and quality skills as all existing programs. Finally, the bill prescribes elements the Council is required to consider when determining whether to approve or reject such a program.

Roll call on Senate Bill No. 247:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Senate Bill No. 247 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 344.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 344 makes it unlawful for a person, unless he or she meets one of several exemptions, to import, possess, sell, transfer or breed a dangerous, wild animal or allow any member of the public to come in direct contact with a dangerous, wild animal. Among the exemptions are certain resort hotels and qualified visual-media productions. Veterinarians and certain law enforcement personnel are authorized to deal with dangerous, wild animals in carrying out their duties. A person who possesses a dangerous, wild animal before July 1, 2021, is allowed to keep that animal if the person meets certain requirements, including registering with the sheriff or metropolitan police department, as applicable, and the local animal-control authority with jurisdiction over the premises where the dangerous, wild animal is located within two months after July 1, 2021, and annually thereafter.

A law enforcement officer or an animal-control agent may seize a dangerous, wild animal if the agent believes the owner of the animal has violated certain provisions. A person or entity given temporary custody of a dangerous, wild animal may petition a court to gain compensation from the person from whom the animal was seized.

Lastly, this bill provides that a violation of the provisions regarding the breeding, importation, possession, sale or transfer of dangerous, wild animals is punishable as a misdemeanor. This bill provides that its provisions must not be construed as prohibiting a county or a city from adopting or enforcing any rule of law that places additional restrictions or requirements on the breeding, importation, possession, sale or transfer of a dangerous wild animal.

Roll call on Senate Bill No. 344:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Senate Bill No. 344 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 371.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 371 makes three changes to the vehicle-miles-traveled pilot study currently being conducted by the Department of Motor Vehicles (DMV). The changes remove recreational vehicles from the list of vehicles for which odometer readings must be submitted to the DMV. It directs the DMV to exclude odometer readings from the vehicle information reports provided to an insurer or self-insurer, and it authorizes the DMV to adopt regulations providing for an administrative fine for failure to report an odometer reading in a timely manner.

Roll call on Senate Bill No. 371:

YEAS—21.

NAYS—None.

Senate Bill No. 371 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 12, 57, 110, 360, 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 Judiciary, to which were referred Senate Bills Nos. 6, 359, 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*

SECOND READING AND AMENDMENT

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 176.

SUMMARY—Revises provisions governing the program for the operation of vending facilities by licensees who are blind. (BDR 38-320)

AN ACT relating to persons with disabilities; providing for the training of licensees under the program for the operation of vending facilities by licensees who are blind; establishing procedures for the resolution of certain disputes related to the program; revising certain terminology related to the program; revising provisions establishing a priority of right for the operation by licensees of vending facilities in or on certain public buildings and properties; authorizing the operation of vending facilities by licensees in or on the buildings and properties of certain agencies; providing for the election of the Nevada Committee of Vendors Who Are Blind and prescribing certain duties of the Committee; authorizing contracts under which a licensee operates a vending facility on certain private property to provide for the payment of an incentive to the owner of the property; making certain other revisions relating to the operation of the program; adding exceptions to criminal provisions governing certain unauthorized sales, solicitations of orders and deliveries in or on public buildings or property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a program to establish vending stands on public property to be operated by persons who are blind. (NRS 426.630-426.720) Sections 5-19 of this bill revise certain terminology, including: (1) substituting the term "vending facility" for "vending stand"; (2) using the term "licensee" to describe a person who is blind and who is licensed by the Bureau of Services to Persons Who Are Blind or Visually Impaired in the Department of Employment, Training and Rehabilitation to operate a vending facility; and (3) using the standard term ~~["department or agency]~~ "public entity that has care, custody and control of a public building or property" to refer to the governmental agency in charge of a public building or property. Section 2 of this bill requires the Bureau to provide certain training and assistance for licensees and persons who wish to become licensees.

Existing law: (1) defines the term "public building" or "property" to mean any building, land or real property owned, leased or occupied by a department or agency of the State or its political subdivisions, except for public elementary

and secondary schools, the Nevada System of Higher Education, the Nevada State Park System and the Department of Corrections; and (2) provides that licensees have priority of right to operate vending stands in or on any such public buildings or properties with suitable locations for a vending stand. (NRS 426.630, 426.640) Section 6 of this bill expands the definition to include an airport authority operating in this State and a department of aviation which is operated by a political subdivision of this State, excluding certain building, land or other real property that is leased or operated for the purposes of live entertainment. Section 7 of this bill grants the Bureau the right of first refusal, on behalf of licensees, with regard to the operation of a vending facility in or on a public building or property. Section 11 of this bill: (1) removes authorization for the Bureau to establish a vending facility in or on a public building or property with the consent of the head of a department or agency responsible for the maintenance of a public building or property; and (2) if the Bureau has determined that the public building or property is a suitable site for a vending facility, instead requires the ~~[department or agency]~~ public entity having care, custody and control of a public building or property to cooperate with the Bureau to discuss options for a vending facility and, upon reaching agreement, cooperate to establish a vending facility . ~~[if the Bureau has determined that the public building or property is a suitable site for a vending facility.]~~ Section 3 of this bill provides for the resolution of a dispute between the Bureau and a ~~[department or agency]~~ public entity that has care, custody and control of a public building or property by the Hearings Division of the Department of Administration. Section 24 of this bill makes a conforming change to remove a provision establishing procedures for resolving a dispute when a department or agency rejects establishment of a vending facility.

Section 7 authorizes the operation of vending facilities by licensees in or on buildings or properties of an airport authority or department of aviation, under certain conditions, the Nevada System of Higher Education, the Nevada State Park System and the Department of Corrections with the approval of the Bureau and the applicable state agency.

Existing law requires a state or local department or agency to notify the Bureau at least 30 days before reactivation, leasing, releasing, licensing or issuing a permit for the operation of a vending facility in or on a public building or property. (NRS 426.650) Section 8 of this bill: (1) moves back the deadline for such notification to at least ~~[90]~~ 60 days before the planned action; and (2) additionally requires a state or ~~[local department or agency]~~ public entity to notify the Bureau at least ~~[90]~~ 60 days before requesting proposals for, or occupying, a vending facility in or on a public building or property. Section 9 of this bill removes a requirement for annual notification of the Bureau concerning new construction, remodeling, leasing, acquisition or improvement of public buildings or properties at certain airports and instead requires notice to be provided within 30 days after the commencement of planning and design of the project, as is required by existing law for such a project on any other public building or property. (NRS 426.660)

Existing federal regulations: (1) require the state agency in charge of licensing blind vendors to provide for the biennial election of a State Committee of Blind Vendors; and (2) prescribe the duties of the Committee. (34 C.F.R. § 395.14) Existing regulations create the Nevada Committee of Vendors Who Are Blind. (NAC 426.080) Section 11 requires the Bureau to provide for the election of the Nevada Committee of Vendors Who Are Blind and provides for the active participation of the Committee in administrative decisions concerning the Vending Facility Program.

Section 11 also authorizes the Bureau to: (1) adopt certain regulations relating to the operation of the Vending Facility Program; and (2) enter into certain contracts relating to the operation of vending facilities. ~~[Section 11 authorizes a licensee, with the approval of the Bureau, to utilize a third-party vendor to carry out any responsibilities relating to the operation of a vending facility.]~~ Section 12 of this bill authorizes the Bureau to use certain money it receives pursuant to the Vending Facility Program for services related to the management of the Program.

Existing law: (1) authorizes the Bureau to establish a checking account for the interim operation of a vending facility if the licensee who operates the facility is unavailable; and (2) requires the Bureau to close such an account and make a check payable to the licensee for the remaining balance of the account if the licensee returns after a temporary disability. (NRS 426.677) Section 13 of this bill requires the Bureau to make a check payable to the licensee for the remaining balance of the account if the licensee is unable to return to operating the vending facility within 6 months after becoming unable to work.

Existing law authorizes the Bureau to establish a vending facility on private property if the property owner consents and enters into a contract with the Bureau. (NRS 428.685) Section 14 of this bill authorizes the Bureau to enter into such a contract pursuant to which the licensee may pay an incentive to the property owner for certain locations. Section 18 of this bill: (1) authorizes the Bureau, after actively consulting with the Committee of Vendors Who Are Blind, to utilize a nonprofit organization to manage any portion of the operations of the Vending Facility Program; and (2) requires any such arrangement to comply with certain federal regulations. Section 19 of this bill adds further exceptions from the existing criminal penalties for certain sales, solicitations of orders for or deliveries of commodities authorized for sale in or on any public building or property.

Sections 8 and 24 of this bill eliminate certain obsolete provisions.

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

Section 1. Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. The Bureau shall establish a training program for persons who wish to become licensees. The training must include, without limitation,*

a standard curriculum and on-the-job training while working for a vending facility.

2. The Bureau may designate not more than two vending facilities as training sites to be operated by the Bureau or a third-party vendor.

3. The Bureau may waive any training required pursuant to this section for a person who is blind and is otherwise qualified to operate a vending facility.

4. The Bureau shall:

(a) Provide licensees with upward mobility training; and

(b) Assist the Nevada Committee of Vendors Who Are Blind in sponsoring meetings and training conferences for licensees.

Sec. 3. *1. Except as otherwise provided in subsection 2, if a dispute arises between a ~~[department or agency]~~ public entity that has care, custody and control of a public building or property and the Bureau concerning any matter related to the Vending Facility Program, either party may file a complaint describing the dispute with the Hearings Division of the Department of Administration.*

2. The Hearings Division may not:

(a) Hear a complaint concerning the status of a licensee or third-party vendor operating a vending facility under an agreement with the Bureau; or

(b) Award damages as a result of a hearing on a complaint filed pursuant to this section.

3. Not later than 30 days after a complaint is filed pursuant to subsection 1:

(a) The Hearings Division shall appoint a hearing officer; and

(b) The hearing officer shall set a date for a hearing.

4. Except as otherwise provided in this section, a hearing must be conducted in accordance with NRS 233B.121 to 233B.150, inclusive. The hearing officer may issue a ruling based on the briefs submitted by the parties without hearing additional evidence.

5. A decision of the hearing officer made pursuant to this section is a final decision for purposes of judicial review ~~[.]~~ and may be appealed to the district court pursuant to the provisions of chapter 233B of NRS. Any such appeal must be filed not later than 30 days after the date of service of the final decision of the hearing officer.

Sec. 4. NRS 426.563 is hereby amended to read as follows:

426.563 Costs of administration of NRS 426.517 to ~~[426.720,]~~ *426.715*, inclusive, *and sections 2 and 3 of this act* shall be paid out on claims presented by the Bureau in the same manner as other claims against the State are paid.

Sec. 5. NRS 426.590 is hereby amended to read as follows:

426.590 The Bureau is hereby designated as the licensing agency for the purposes of 20 U.S.C. §§ 107a to 107f, inclusive, and acts amendatory thereto, and the Bureau is authorized to comply with such requirements as may be necessary to qualify for federal approval and achieve maximum federal participation in the Vending ~~[Stand]~~ *Facility* Program *established by*

NRS 426.630 to 426.715, inclusive, and sections 2 and 3 of this act under such federal statutes.

Sec. 6. NRS 426.630 is hereby amended to read as follows:

426.630 As used in NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act,* unless the context otherwise requires:

1. ~~["Operator"]~~ *"Licensee"* means ~~[the individual]~~ *a* person who is blind *and* who is *licensed by the Bureau to operate a vending facility in or on a public building or property or on federal property.*

2. "Nevada Committee of Vendors Who Are Blind" means the Committee of Vendors Who Are Blind elected pursuant to NRS 426.670 and 34 C.F.R. § 395.14.

3. "Operate" means to be responsible for the day-to-day operation of ~~[the]~~ *a* vending ~~[stand.]~~ *facility, including, without limitation, purchasing products for resale, hiring employees and performing other duties associated with managing a vending facility.*

~~[2.]~~ *4.* "Public ~~[building" or "property"]~~ *building or property" :*

(a) Except as otherwise provided in paragraph (b), means *any portion of* any building, land or other real property, owned, leased or occupied by any ~~[department or agency of the State or any of its political subdivisions]~~ *public entity* except public elementary and secondary schools, the Nevada System of Higher Education, the Nevada State Park System *,* ~~[and]~~ the Department of Corrections ~~[.~~ ~~=3.]~~ *, an airport authority operating in this State and a department of aviation which is operated by a political subdivision of this State.*

(b) Does not include any building, land or other real property that is:

(1) Leased to a private entity; or

(2) Operated pursuant to an operating agreement,

for the purposes of live entertainment, as defined in NRS 368A.090.

5. "Public entity" means any department, agency or political subdivision of the State, any department or agency of a political subdivision of the State or any public or quasi-public corporation that is supported in whole or in part by public money. The term includes, without limitation, a regional transportation commission, an irrigation district or water district created under the laws of the State of Nevada, and all boards, commissions and committees created by a public entity or the Legislature.

6. "Vending ~~[stand"]~~ *facility"* means ~~[:~~

~~(a) Such buildings, shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles or the provision of such services as may be approved by the Bureau and the department or agency having care, custody and control of the building or property in or on which the vending stand is located;~~

~~(b) Manual or coin operated vending machines or similar devices for vending such articles, operated in a particular building, even though no person is physically present on the premises except to service the machines;~~

~~(c) A cafeteria or snack bar for the dispensing of foodstuffs and beverages; or~~

~~(d) Portable shelters which can be disassembled and reassembled, and the equipment therein, used for the vending of approved articles, foodstuffs or beverages or the provision of approved services.]~~ *an automatic vending machine, cafeteria, snack bar, cart service, shelter, counter and other appropriate auxiliary equipment that is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages and other articles or services dispensed or provided automatically or manually. The term includes, without limitation, the vending or exchange of tickets or similar items for participation in any lottery that is authorized under the laws of this State and is conducted by an agency of this State within this State.*

7. "Vending Facility Program" means the program established by NRS 426.630 to 426.715, inclusive, and sections 2 and 3 of this act to provide for the operation of vending facilities by licensees.

Sec. 7. NRS 426.640 is hereby amended to read as follows:

426.640 *1.* For the purposes of providing persons who are blind with remunerative employment, enlarging the economic opportunities of persons who are blind and stimulating persons who are blind to greater efforts to make themselves self-supporting with independent livelihoods, such persons licensed under the provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act* by the Bureau:

~~[1. Have]~~

(a) Except as otherwise provided in subsection 2, have ~~*[exclusive]*~~ priority of right to operate vending ~~[stands]~~ *facilities* in or on any public buildings or properties where the locations are determined *by the Bureau* to be suitable, pursuant to the procedure provided in NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive ~~[.]~~ *, and sections 2 and 3 of this act. The Bureau, on behalf of licensees, has the right of first refusal with regard to the operation of any vending facility in or on any public building or property. Any agreement to operate a vending facility entered into on or after July 1, 2021, by a* ~~*[department or agency]*~~ *public entity that has care, custody and control of a public building or property with an entity other than the Bureau is void if the Bureau notifies the* ~~*[department or agency]*~~ *public entity that it intends to exercise the priority established by this paragraph.*

~~[2.]~~ *(b)* May operate vending ~~[stands]~~ *facilities* in or on buildings or properties of the Nevada State Park System, with the approval of the *Bureau and the* Administrator of the Division of State Parks . ~~[, on a parity with any other vendor.]~~

(c) May operate vending facilities in or on buildings or properties of the Department of Corrections:

(1) If the Director of the Department of Corrections voluntarily chooses to have the Department of Corrections participate in the Vending Facility Program; and

(2) With the approval of the Bureau and the Department of Corrections.

(d) May operate vending facilities in or on buildings or properties of the Nevada System of Higher Education, including, without limitation, in or on buildings or properties of a university, state college or community college within the System, with the approval of the Bureau and the System or the university, state college or community college having care, custody and control of the building or property.

(e) May operate vending facilities in or on a public building or property of an airport authority operating in this State or a department of aviation operated by a political subdivision of this State if:

(1) The airport authority or department of aviation, as applicable, chooses to participate in the Vending Facility Program; and

(2) That participation complies with all local, state and federal statutes and regulations that govern the operations of the public building or property of the airport authority or department of aviation, as applicable.

2. Upon determining that a location is not suitable for a vending facility to be operated by a licensee, the Bureau may waive the ~~[exclusive]~~ priority established by paragraph (a) of subsection 1. The waiver must ~~[be]~~ :

(a) Be in writing ~~[and]~~ ;

(b) Set forth the conditions under which the waiver may be revoked or modified; and

(c) Be signed by the Administrator of the Division or his or her designee.

Sec. 8. NRS 426.650 is hereby amended to read as follows:

426.650 Each head of the ~~[department or agency in charge of the maintenance]~~ *public entity that has care, custody and control* of public buildings or properties shall:

1. ~~[Not later than July 1, 1959, notify the Bureau in writing of any and all existing locations where vending stands are in operation or where vending stands might properly and satisfactorily be operated.~~

~~2.]~~ Not less than ~~[30 90]~~ *60* days prior to the *request for proposals concerning, occupation of,* reactivation ~~[,]~~ *of,* leasing ~~[,]~~ *of,* re-leasing ~~[,]~~ *of,* licensing *of* or issuance of *a* permit for operation of any vending ~~[stand,]~~ *facility in or on a public building or property,* inform the Bureau of such contemplated action.

~~[3.]~~ *2.* Inform the Bureau of any locations where such vending ~~[stands]~~ *facilities* are planned ~~[or might properly and satisfactorily be operated]~~ in or about other public buildings or properties as may now or thereafter come under the jurisdiction of ~~[the department or agency for maintenance,]~~ *a public entity,* such information to be given not less than ~~[30 90]~~ *60* days prior to *the request for proposals concerning, occupation of, reactivation of,* leasing ~~[,]~~ *of,* re-leasing ~~[,]~~ *of,* licensing *of* or issuance of permit for operation of any vending ~~[stand]~~ *facility* in *or on* such public building or ~~[on such]~~ property.

Sec. 9. NRS 426.660 is hereby amended to read as follows:

426.660 To effectuate further the purposes of NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act,* when new construction, remodeling, leasing, acquisition or improvement of public buildings or

properties is authorized, consideration must be given to planning and making available suitable space and facilities for *the establishment of at least one* vending ~~[stands]~~ *facility* to be operated by ~~[persons who are blind.]~~ *a licensee.* Written notice must be given to the Bureau by the person or agency having charge of the planning and design of any such project ~~[:~~

~~1. At least once each year in the case of projects proposed for a municipal airport or air navigation facilities owned or operated under the provisions of chapter 496 of NRS or an airport owned or operated by the Reno Tahoe Airport Authority.~~

~~2. Within]~~ *within* 30 days after the commencement of the planning and design of the project . ~~[for all other projects.]~~

Sec. 10. NRS 426.665 is hereby amended to read as follows:

426.665 If a suitable location is available for a vending ~~[stand]~~ *facility* which requires the construction of a permanent building, the Bureau may construct such building, but only after obtaining approval of the Legislature.

Sec. 11. NRS 426.670 is hereby amended to read as follows:

426.670 1. The Bureau shall:

(a) Make surveys of public buildings ~~[or]~~ *and* properties to determine their suitability as locations for vending ~~[stands]~~ *facilities* to be operated by ~~[persons who are blind]~~ *licensees* and advise the heads of ~~[departments or agencies charged with the maintenance]~~ *the public entities that have care, custody and control* of the *public* buildings or properties of its findings.

(b) ~~[With the consent of the respective heads of departments or agencies charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Bureau has determined to be suitable. Except as otherwise provided in subsection 4, the Bureau may enter into leases, licensing agreements or other contracts or agreements therefor.~~

~~(c)]~~ Select, train, license and assign qualified persons who are blind to ~~[manage or]~~ operate vending ~~[stands or do both.]~~ *facilities.*

~~[(d)]~~ *(c)* Except as otherwise provided in this paragraph, execute ~~[contracts or]~~ agreements with ~~[persons who are blind]~~ *licensees* to ~~[manage or]~~ operate vending ~~[stands or do both.]~~ *facilities.* The agreements ~~[may concern finances, management, operation and other matters concerning the stands.]~~ *must prescribe the responsibilities of the licensee and the Bureau to ensure the efficient operation of the vending facility.* The Bureau shall not execute ~~[a contract or]~~ *an* agreement which obligates the Bureau, under any circumstances, to make payments on a loan to a ~~[person who is blind.~~

~~(e) When the Bureau deems such action appropriate, impose and collect license fees for the privilege of operating vending stands.]~~ *licensee.*

~~[(f)]~~ *(d) Provide for the election of the Nevada Committee of Vendors Who Are Blind by licensees in this State in accordance with 34 C.F.R. § 395.14.*

(e) Establish and effectuate such regulations as it may deem necessary to *carry out the purposes of NRS 426.630 to 426.715, inclusive, and sections 2 and 3 of this act and* ensure the proper and satisfactory operation of vending ~~[stands.]~~ *facilities.* The regulations must provide a method for setting aside

money from the ~~[revenues]~~ *net proceeds* of vending ~~[stands]~~ *facilities* and provide for the payment and collection thereof.

2. *If a survey conducted pursuant to paragraph (a) of subsection 1 indicates that a public building or property is a suitable location for a vending facility to be operated by a licensee and the Bureau wishes to exercise, on behalf of the licensee, the ~~[exclusive]~~ priority of the licensee, the ~~[department or agency]~~ public entity that has care, custody and control of the public building or property shall cooperate with the Bureau to discuss options for a vending facility. If the public entity reaches agreement with the Bureau regarding the operation of a vending facility at the location, the public entity shall cooperate with the Bureau to ensure the establishment of one or more vending facilities in or on the public building or property. The Bureau may enter into a contract with such a ~~[department or agency]~~ public entity concerning the operation of the vending facilities.*

3. The Bureau may enter into contracts with *third-party* vendors ~~[for the establishment and operation of]~~ *to establish and operate* vending ~~[stands.]~~ *facilities when a licensee is not available, the projected sales are insufficient to support a licensee or other extenuating circumstances exist.* These contracts must include provisions for the payment of ~~[commissions]~~ *money* to the Bureau based on ~~[revenues]~~ *net proceeds* from the vending ~~[stands.]~~ *facilities.* The Bureau may ~~[assign]~~ *:*

(a) Assign the ~~[commissions]~~ *money* to ~~[licensed operators]~~ *licensees* for the maintenance of their incomes ~~[.]~~ *; or*

(b) Use the money for any purpose authorized by NRS 426.675.

~~[3.]~~ *4.* The Bureau may, by regulation, provide:

(a) Methods for recovering the cost of establishing vending ~~[stands.]~~ *facilities.*

(b) Penalties for failing to file reports or make payments required by NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act* or a regulation adopted pursuant to those sections when they are due.

(c) Uniform methods for selecting and assigning a licensee to operate a vending facility.

(d) Procedures to terminate the license of a licensee who is improperly operating a vending facility.

(e) A process for providing an opportunity for a hearing for a licensee who is aggrieved by an action of the Bureau.

(f) A process for active participation by the Nevada Committee of Vendors Who Are Blind in major administrative decisions concerning the Vending Facility Program.

~~[4.]~~ *5.* A ~~[department or agency]~~ *public entity* that has care, custody and control of a public building or property in or on which a vending ~~[stand]~~ *facility* is established:

(a) ~~[Shall]~~ *Except as otherwise authorized by a contract entered into pursuant to subsection 6, shall* not require the Bureau ~~[or the operator of the vending stand]~~ *, a licensee or a third-party vendor* to pay any rent, fee , *utility*

charge, commission, incentive or assessment ~~[that is based on the square footage of the portion of the building or property where the vending stand is located.]~~ *related to the vending facility.* Such a prohibited ~~[fee or assessment]~~ *payment* includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs ~~[or other expenses]~~ where there is a direct, measurable and proportional increase in such costs ~~[or expenses]~~ as a result of the operation of the vending ~~[stand.~~
~~➥]~~ *facility.*

6. The Bureau may, at its discretion, enter into a contract with a ~~[department or agency]~~ public entity that has care, custody and control of a public building or property that contains provisions that are less restrictive than the provisions of this section, including, without limitation, provisions for the payment of an incentive by a licensee to the ~~[department or agency,]~~ public entity, if the Bureau, in its discretion, determines that the circumstances justify such less restrictive provisions. The establishment of a vending facility must not, under any circumstances, be contingent upon the payment of an incentive to a ~~[department or agency.]~~ public entity. The Bureau shall not agree to any payment that reduces the profits of the vending facility to the extent that the vending facility is not viable.

7. ~~[With the approval of the Bureau, a licensee may utilize a third-party vendor to carry out any responsibilities of the licensee relating to the operation of a vending facility.~~

~~8.]~~ Any provision in a lease, licensing agreement, contract or other agreement relating to a vending ~~[stand]~~ *facility* established pursuant to this section that conflicts with this ~~[subsection]~~ *section* is void.

Sec. 12. NRS 426.675 is hereby amended to read as follows:

426.675 1. The Business Enterprise Account for Persons Who Are Blind is hereby created within the State General Fund and must be managed by the Administrator of the Division.

2. Money received by the Bureau under the provisions of NRS 426.670, except commissions assigned to ~~[licensed vending stand operators,]~~ *licensees,* must:

(a) Be deposited in the Business Enterprise Account for Persons Who Are Blind.

(b) Except as otherwise provided in subsection ~~[4,]~~ *5,* remain in the Account and not revert to the State General Fund.

(c) Be used for:

(1) Purchasing, maintaining or replacing vending ~~[stands]~~ *facilities* or the equipment therein;

(2) Maintaining a stock of equipment, parts, accessories and merchandise used or planned for use in the Vending ~~[Stand]~~ *Facility* Program; ~~[and]~~

(3) *Management services, including, without limitation, supervision, inspection, quality control, consultation, accounting, regulating, in-service*

training and other related services provided on a systematic basis to support and improve vending facilities; and

(4) Other purposes, consistent with NRS 426.640, as may be provided by regulation.

3. Purchases made pursuant to paragraph (c) of subsection 2 are exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or his or her designated representative . ~~[, but the]~~

4. The Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for Persons Who Are Blind;

(b) Conduct a periodic physical count of all such equipment, parts, accessories and merchandise; and

(c) Reconcile the results of the periodic physical count with the inventory records and cash balance in the Account.

~~[4.]~~ *5.* If the Business Enterprise Account for Persons Who Are Blind is dissolved or the Vending ~~[Stand]~~ *Facility* Program is terminated, the Administrator of the Division shall, within 60 days after the dissolution or termination:

(a) Provide an accounting of the money remaining in the Account to all ~~[licensed vending stand operators;]~~ *licensees;* and

(b) Distribute any money remaining in the Account to each ~~[such operator]~~ *licensee* in ~~[the same]~~ proportion ~~[as the money deposited in the Account and attributable to that operator bears to all the money remaining in the Account.]~~ *to the amount of time that the licensee has held his or her license.*

➥ The Division shall, in consultation with the Nevada Committee of ~~[Blind]~~ Vendors *Who Are Blind* or its successor organization, adopt regulations to carry out the provisions of this subsection.

~~[5.]~~ *6.* Money from any source which may lawfully be used for the Vending ~~[Stand]~~ *Facility* Program may be transferred or deposited by the Bureau to the Business Enterprise Account for Persons Who Are Blind.

~~[6.]~~ *7.* The interest and income earned on the money in the Business Enterprise Account for Persons Who Are Blind, after deducting any applicable charges, must be credited to the Account.

Sec. 13. NRS 426.677 is hereby amended to read as follows:

426.677 1. The Bureau may, in interim periods when a licensee ~~[who is blind]~~ is not available to operate a vending facility and its continuous operation is required, establish a checking account in a depository bank or credit union qualified to receive deposits of public money pursuant to chapter 356 of NRS. All money received from the vending facility during the interim period must be deposited to the account, and all expenses necessary to maintain the interim operation of the facility must be paid from the account.

2. If the licensee ~~[who is blind]~~ who operated the *vending* facility returns after a temporary disability ~~[,]~~ *less than 6 months after becoming unavailable*

to operate the vending facility because of the disability, the Bureau shall prepare a financial report and close the checking account by making a check in the amount of any balance remaining in the account payable to the licensee.

3. *If the licensee who operated the vending facility experiences a disability and is unable to return within 6 months after becoming unavailable to operate the vending facility because of the disability, the Bureau shall prepare a financial report and make a check in the amount of the balance of the account at the time at which the check is made but such amount must not exceed the amount of the balance of the account on the date 6 months after the date on which the licensee became unavailable to operate the vending facility payable to the licensee.*

4. If a licensee , ~~[who is blind,]~~ other than the one who previously operated the *vending* facility, is permanently assigned to ~~[it,]~~ *the vending facility,* the Bureau shall prepare a financial report and close the checking account by making a check in the amount of any balance remaining in the account payable to the Business Enterprise Account for Persons Who Are Blind.

Sec. 14. NRS 426.685 is hereby amended to read as follows:

426.685 1. The Bureau may establish *a* vending ~~[stands in privately owned buildings,]~~ *facility in or on a building or property that is not a public building or property* if the ~~[building]~~ owner ~~[in each instance]~~ *of the building or property* consents and enters into a contract ~~[or other agreement approved by]~~ *with* the Bureau.

2. ~~[The]~~ *Except as otherwise provided in this subsection, the* owner of a building ~~[in]~~ *or property in or on* which a vending ~~[stand]~~ *facility* is established pursuant to subsection 1 ~~[:~~

~~(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.~~

~~(b) May]~~ *may* enter into ~~[an agreement]~~ *a contract* with the Bureau ~~[to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.~~

~~➥ Any provision in a contract or other agreement relating to a vending stand established pursuant to subsection 1 that conflicts with this subsection is void.]~~ *that requires the licensee to pay an incentive to the owner of the building or property. An incentive may not be paid to the owner of a building or property with respect to a vending facility located in a portion of the building or property leased or rented to a public entity.*

Sec. 15. NRS 426.690 is hereby amended to read as follows:

426.690 ~~[Vending stands]~~ *A vending facility* operated under the provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, ~~[shall]~~ *and sections 2 and 3 of this act must* be used solely for the vending of such commodities , ~~[and]~~ articles *and services* as may be approved by the Bureau and ~~[by the head of]~~

the ~~[department or agency in charge of the maintenance]~~ *public entity that has care, custody and control* of the *public* building or property in or on which ~~[such stand]~~ *the vending facility* is operated.

Sec. 16. NRS 426.695 is hereby amended to read as follows:

426.695 ~~[Persons who are blind]~~ *A licensee* who ~~[operate]~~ *operates* a vending ~~[stand]~~ *facility* pursuant to the provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act* may keep a service animal with ~~[them]~~ *him or her* at all times on the premises where that vending ~~[stand]~~ *facility* is located.

Sec. 17. NRS 426.700 is hereby amended to read as follows:

426.700 ~~[The operator of each vending stand operated]~~ *A licensee operating a vending facility* under the provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, ~~[shall be]~~ *and sections 2 and 3 of this act is* subject to:

1. The provisions of any and all laws and ordinances applying within the territory within which ~~[such stand]~~ *the vending facility* is located, including those requiring a license or permit for the conduct of such business or any particular aspect thereof.

2. The provisions of chapter 446 of NRS.

Sec. 18. NRS 426.710 is hereby amended to read as follows:

426.710 The Bureau may, ~~[in its discretion,]~~ *after actively consulting with the Nevada Committee of Vendors Who Are Blind,* utilize *an* appropriate nonprofit ~~[corporations]~~ *organization* organized under the laws of this State ~~[, or other agencies, as trustees to provide day-to-day management and operation services for the Vending Stand Program for Persons Who Are Blind. Such corporations or agencies must be reimbursed for their actual and necessary expenses by the operators of the vending stand units which compose the Vending Stand Program in accordance with such rules and regulations as may be adopted by the Bureau and approved by the Department.]~~ *to manage any portion of the operations of the Vending Facility Program, including, without limitation, supervising or managing a licensee. Any such arrangement must comply with 34 C.F.R. § 395.15.*

Sec. 19. NRS 426.715 is hereby amended to read as follows:

426.715 Any person who sells, solicits orders for or delivers, in *or on* any public building or ~~[on any public land,]~~ *property,* any commodity which a ~~[vendor who is blind]~~ *licensee* is authorized by the Bureau to sell is guilty of a misdemeanor except:

1. A person licensed by or under contract to the Bureau;

2. A person who delivers a commodity to a ~~[vendor who is blind]~~ *licensee* or for the account of a ~~[vendor who is blind;]~~ *licensee;*

3. A person who is raising money for the charitable activities of a corporation organized for educational, religious, scientific, charitable or eleemosynary purposes under the provisions of chapter 82 of NRS;

4. Public employees jointly sharing in the cost of coffee or other beverages purchased by them for their own use, if there is no commercial arrangement

for the delivery of products and supplies to the *public* building or ~~[land;]~~ *property;*

5. *A public employee who is located in or on the public building or property and initiates an order or purchase of food or beverages for his or her own use from a restaurant which is not located in or on the public building or property;*

6. A person who is delivering food or beverages from a restaurant to a public employee who is located in or on the public building or property pursuant to an order or purchase as described in subsection 5;

7. A person who is catering an event inside or otherwise delivering food or beverages to the Legislative Building; or

~~[6.]~~ *8.* A person who is authorized to conduct such an activity under the terms of a contract, lease or other arrangement with a municipality pursuant to NRS 496.090. *This subsection must not be construed to limit the ~~[exclusive]~~ priority of right established in NRS 426.640.*

Sec. 20. NRS 211.360 is hereby amended to read as follows:

211.360 1. The sheriff or chief of police of a city may establish and operate in each jail in his or her jurisdiction a commissary to sell to prisoners committed to the jail food, beverages, toiletries and such other items as may be approved by the sheriff or chief of police. The sheriff or chief of police may require prisoners committed to the jail to work in the commissary.

2. The sheriff or chief of police, or a person designated by the sheriff or chief of police, shall:

(a) Keep accurate books and records of all transactions which take place at the commissary; and

(b) Submit reports of these books and records to the board of county commissioners or governing body of the city, as appropriate, at such times as may be required by the board or governing body.

3. Proceeds from the operation of the commissary must be maintained in a separate account and any profits therefrom must be expended only for the welfare and benefit of the prisoners in the jail.

4. The provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act* do not apply to any commissary established and operated pursuant to this section.

Sec. 21. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality

of the information is otherwise maintained under the terms and conditions required by law;

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531; and

(e) Provide to the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State regarding whom the Department has information, organized by county and, for each county, the rate of unemployment disaggregated by demographic information, including, without limitation, age, race and gender. The Director of the Department shall:

(1) Post on the Internet website of the Department the report required by this paragraph;

(2) Provide the report to the Governor's Workforce Investment Board and all applicable agencies for the purposes of subsection 5 of NRS 232.935; and

(3) Post on the Internet website of the Department the written report provided by the Governor's Workforce Investment Board pursuant to subsection 5 of NRS 232.935.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS 394.383 to 394.560, inclusive, 426.010 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act,* 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 22. NRS 277A.320 is hereby amended to read as follows:

277A.320 1. In a county whose population is 700,000 or more, the commission may provide for the construction, installation and maintenance of vending ~~[stands]~~ *facilities* for passengers of public mass transportation in any building, terminal or parking facility owned, operated or leased by the commission.

2. The provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive, *and sections 2 and 3 of this act* apply to a vending ~~[stand]~~ *facility* constructed, installed or maintained pursuant to this section.

Sec. 23. NRS 615.255 is hereby amended to read as follows:

615.255 1. There is hereby created the Rehabilitation Division Revolving Account in an amount not to exceed $90,000. The money in the Revolving Account may be used for the payment of claims of:

(a) Applicants for or recipients of services from:

(1) The Bureau of Vocational Rehabilitation; and

(2) The Bureau of Services to Persons Who Are Blind or Visually Impaired, including, without limitation, the Vending ~~[Stand]~~ *Facility* Program

~~[for Persons Who Are Blind authorized]~~ *established* by NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive ~~[.]~~ *, and sections 2 and 3 of this act.*

(b) Vendors providing services to those applicants or recipients under procedures established by the Division.

2. The money in the Revolving Account must be deposited in a bank or credit union qualified to receive deposits of public money. The bank or credit union shall secure the deposit with a depository bond satisfactory to the State Board of Examiners, unless it is otherwise secured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 672.755.

3. After expenditure of money from the Revolving Account, the Administrator shall present a claim to the State Board of Examiners. When approved by the State Board of Examiners, the State Controller shall draw his or her warrant in the amount of the claim in favor of the Rehabilitation Division Revolving Account, to be paid to the order of the Administrator, and the State Treasurer shall pay it.

4. Money in the Rehabilitation Division Revolving Account does not revert to the State General Fund at the end of the fiscal year, but remains in the Revolving Account.

5. Purchases paid for from the Rehabilitation Division Revolving Account for the purposes authorized by subsection 1 may be exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or the designated representative of the Administrator.

Sec. 24. NRS 426.680 and 426.720 are hereby repealed.

Sec. 25. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTIONS

426.680 Review of recommendation of Bureau if agency rejects establishment of vending stand.

1. If, after a vending stand survey as authorized by NRS 426.670, the head of a department or agency in charge of the maintenance of any public building or property rejects or does not act upon a written recommendation of the Bureau that a vending stand be established or operated for the employment of persons who are blind, the matter must be referred to the Director of the Department of Employment, Training and Rehabilitation for review.

2. After reviewing the recommendation of the Bureau, the Director may refer the matter to the head of the department or agency concerned for further review and disposition.

3. If the Director is not satisfied with the decision of the head of the department or agency concerned, the Director may refer the matter for final decision and disposition to:

(a) The Governor, in the case of state buildings or properties.

(b) The board of county commissioners, in the case of county buildings or properties.

(c) The city council or other governing board of the municipality in the case of municipal buildings or properties.

(d) The governing board of the political subdivision in the case of buildings or properties of other political subdivisions of this State.

426.720 Applicability of provisions to operators of vending stands.

1. Persons operating vending stands in public buildings or on public properties as defined in NRS 426.630 prior to March 13, 1959, shall not be affected by the provisions of NRS 426.630 to 426.720, inclusive, except and only insofar as provided by subsection 2 of NRS 426.650.

2. Any person who is blind who is presently operating a vending stand in or on public buildings or properties who desires to avail himself or herself of the advantages of the Program authorized by NRS 426.630 to 426.720, inclusive, shall have the right to do so, and in such instance, the Bureau may negotiate and consummate arrangements for the purchase of such vending stand equipment as it may deem necessary for the satisfactory operation of the vending stand.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 176 to Senate Bill No. 61 revises certain timelines and clarifies certain processes. It clarifies that a final decision by a hearing officer may be appealed to the district court. It revises the definition of "public building or property" to exclude an airport authority or department of aviation operated by a political subdivision of the State and any building, land or real property that is leased to a private entity or operated under an operating agreement for the purposes of live entertainment. It provides that vending facilities may be operated on the property of an airport authority or department of aviation if such entities choose to participate in the program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 177.

SUMMARY—Makes various changes relating to services provided to persons with autism spectrum disorders. (BDR ~~[S-89)]~~ 38-89)

AN ACT relating to disability services; requiring the Department of Health and Human Services to ~~[seek an increase to certain reimbursement rates under the Medicaid program and the Autism Treatment Assistance Program for a registered behavior technician;]~~ biennially establish reimbursement rates for the services of certain providers for persons with autism spectrum disorders that are comparable to reimbursement rates paid by Medicaid programs in other states; requiring the Department to establish certain limitations relating to the provision of such services to recipients of Medicaid; providing for the reporting to the Legislature or the Legislative Committee on Healthcare of certain information concerning the provision of such services to recipients of

Medicaid; requiring the Autism Treatment Assistance Program to publish certain information on the Internet website of the Program and take certain actions when there is a waiting list for services from the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) ~~[This bill requires the Department to submit to the United States Secretary of Health and Human Services on or before October 1, 2021, a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis for services provided by a registered behavior technician to at least $48 per hour. If that request is approved, this bill requires the Autism Treatment Assistance Program, which is established within the Aging and Disability Services Division of the Department to serve as the primary autism program within the Department, to pay a rate of reimbursement for such services that is equal to or greater than the rate of reimbursement provided under Medicaid. (NRS 427A.875)]~~ Section 2 of this bill requires the Department to biennially establish reimbursement rates provided on a fee-for-service basis under Medicaid for behavior analysts, assistant behavior analysts and registered behavior technicians that are comparable to reimbursement rates paid by Medicaid programs in other states for such providers. Section 2 also requires the Department to establish reasonable limits on the number of hours that such a provider is authorized to bill for services provided to a recipient of Medicaid in a 24-hour period. Additionally, section 2 requires the Division of Health Care Financing and Policy to: (1) provide training to such providers concerning such limits; and (2) annually report to the Legislature, if the Legislature is in session, or the Legislative Committee on Healthcare, if the Legislature is not in session, concerning the provision of services to recipients of Medicaid who have been diagnosed with an autism spectrum disorder. Section 4 of this bill makes a conforming change to provide that the provisions of section 2 are administered in the same manner as the provisions of existing law governing Medicaid.

Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department to provide and coordinate the provision of services to persons diagnosed or determined to have autism spectrum disorders through the age of 19 years. (NRS 427A.875) Section 3 of this bill requires the Program to: (1) publish certain information on the Internet website of the Program to assist persons in obtaining services for autism spectrum disorders; and (2) when there is a waiting list for services from the Program, use a risk assessment tool to assess and identify persons on the waiting list with higher needs.

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

Section 1. ~~[1. On or before October 1, 2021, the Department of Health and Human Services shall submit to the United States Secretary of Health and~~

~~Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for services provided by a registered behavior technician to at least $48 per hour for each hour that such services are provided. The request must be supported using methods for determining reimbursement rates accepted by the Secretary.~~

~~2. If the amendment to the State Plan requested pursuant to subsection 1 is approved, the Autism Treatment Assistance Program established by NRS 427A.875 must provide a rate of reimbursement for services provided by a registered behavior technician equal to or greater than the rate of reimbursement provided for such services pursuant to the State Plan beginning January 1, 2022, or when the amendment is approved if the amendment is approved after that date.~~] (Deleted by amendment.)

Sec. 2. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall:

(a) Biennially establish and include in the State Plan for Medicaid rates of reimbursement which are provided on a fee-for-service basis for services provided by behavior analysts, assistant behavior analysts and registered behavior technicians that are comparable to rates of reimbursement paid by Medicaid programs in other states for the services of those providers.

(b) Establish reasonable limits on the number of hours that a behavior analyst, assistant behavior analyst or registered behavior technician is authorized to bill for services provided to a recipient of Medicaid in a 24-hour period.

2. The Division shall provide training to behavior analysts, assistant behavior analysts and registered behavior technicians who provide services to recipients of Medicaid concerning the limits established pursuant to paragraph (b) of subsection 1.

3. On or before January 31 of each year, the Division shall:

(a) Compile a report concerning the provision of services to recipients of Medicaid who have been diagnosed with an autism spectrum disorder. The report must include:

(1) The number of recipients of Medicaid who were newly diagnosed with an autism spectrum disorder during the immediately preceding year and the number of those recipients for whom assistance with care management was provided;

(2) The number of recipients of Medicaid diagnosed with an autism spectrum disorder for whom assistance with care management was reimbursed through Medicaid during the immediately preceding year;

(3) The number of recipients of Medicaid for whom the first claim for reimbursement for the services of a registered behavior technician was submitted during the immediately preceding year;

(4) The number of assessments or evaluations by a behavior analyst that were reimbursed through Medicaid during the immediately preceding year;

(5) The total number of claims for applied behavior analysis services provided to recipients of Medicaid made during the immediately preceding year;

(6) For the immediately preceding year, the average times that elapsed between claims for each step of the process that a recipient of Medicaid must undergo to receive treatment from a registered behavior technician, beginning with initial diagnosis with an autism spectrum disorder and, including, without limitation, comprehensive diagnosis with an autism spectrum disorder, evaluation and treatment by a behavior analyst and treatment by a registered behavior technician;

(7) The number of recipients of Medicaid receiving services through Medicaid managed care who were, at the end of the immediately preceding year, on a wait list for applied behavior analysis services;

(8) An assessment of the adequacy of the network of each health maintenance organization or managed care organization that provides services to recipients of Medicaid under the State Plan for Medicaid for applied behavior analysis services, as compared to the applicable standard for network adequacy set forth in the contract between the health maintenance organization or managed care organization and the Division;

(9) The number of behavior analysts and registered behavior technicians who are currently providing services to recipients of Medicaid who receive services through each health maintenance organization or managed care organization described in subparagraph (8); and

(10) The number of behavior analysts and registered behavior technicians who provide services to recipients of Medicaid who do not receive services through managed care.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the next regular session of the Legislature; and

(2) In even-numbered years, the Legislative Committee on Health Care.

4. As used in this section:

(a) "Applied behavior analysis services" means the services of a behavior analyst, assistant behavior analyst or registered behavior technician.

(b) "Assistant behavior analyst" has the meaning ascribed to it in NRS 437.005.

(c) "Behavior analyst' has the meaning ascribed to it in NRS 437.010.

(d) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

Sec. 3. NRS 427A.875 is hereby amended to read as follows:

427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons diagnosed or determined, including, without limitation,

through the use of a standardized assessment, to have autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

(g) Publish on an Internet website maintained by the Autism Treatment Assistance Program:

(1) Specific guidance for obtaining a diagnosis for an autism spectrum disorder and obtaining public services that are available for the treatment of autism spectrum disorders, including, without limitation, applied behavior analysis services; and

(2) A list of providers in this State who are qualified to diagnose autism spectrum disorders.

(h) When there is a waiting list for services from the Autism Treatment Assistance Program, use a risk assessment tool to assess and identify persons on the waiting list with higher needs for the purpose of ensuring the proper delivery of services to each person, regardless of the difficulty of serving that person.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation:

(1) Preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years; and

(2) Measures to ensure that, to the extent practicable, the person receives appropriate services from another entity after the person reaches 20 years of age.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Commission.

5. As used in this section, "autism spectrum disorder" means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 2 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 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. 2.]~~ *Sec. 6.* This act becomes effective upon passage and approval.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 177 to Senate Bill No. 96 deletes the bill as introduced and, instead, makes various changes related to services for individuals with autism spectrum disorder. Specifically, it requires the Department of Health and Human Services (DHHS) to annually establish Medicaid fee-for-service reimbursement rates comparable to rates paid in other states for behavior analysts, assistant behavior analysts and registered behavior technicians. The Department must also establish reasonable limits on the number of hours such providers can bill for services provided to Medicaid recipients in a 24-hour period.

In addition, the Division of Health Care Financing and Policy of DHHS must provide training to such providers concerning these limits and annually report to the Legislature certain information regarding the provision of services to Medicaid recipients diagnosed with an autism spectrum disorder.

The amendment requires the Autism Treatment Assistance Program (ATAP) within the Aging and Disability Services Division of DHHS to post certain information online to help people obtain a diagnosis and services related to autism spectrum disorders and, when there is a waitlist for ATAP services, to use a risk-assessment tool to assess and identify those on the waitlist who have higher needs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 284.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 232.

SUMMARY—Revises provisions relating to transferable tax credits for affordable housing. (BDR 32-651)

AN ACT relating to taxation; revising the procedure for applying for and issuing transferable tax credits for affordable housing; requiring the recapture of transferable tax credits under certain circumstances; revising provisions limiting the amount of transferable tax credits for affordable housing that may be issued; eliminating the prospective expiration of the program of transferable tax credits for affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Housing Division of the Department of Business and Industry to issue transferable tax credits that are authorized to be taken against certain state taxes to the sponsor of a project for the acquisition, development, construction, improvement, expansion, reconstruction or rehabilitation of low-income housing, as defined by existing federal law. (NRS 360.860-360.870; 26 U.S.C. § 42(g))

Existing law requires a project sponsor who is applying for such transferable tax credits to submit to the Division, upon the completion of the project, a final application, a certification of costs and such other information as the Division may deem necessary to determine whether the project qualifies for the issuance of transferable tax credits. (NRS 360.867) Section 1 of this bill revises the procedure for the issuance of transferable tax credits so that transferable tax credits are issued before, rather than after, the project is completed. Specifically, section 1 requires the final application for transferable tax credits to be submitted not less than 45 days before the project is closed rather than upon completion of the project. Section 1 further requires that, upon completion of the project: (1) the project sponsor must submit to the Division a certification of costs of the project and such other information as the Division deems necessary to determine the final cost of the project; (2) the Division must determine, based on the final cost of the project as indicated in the certification of costs, whether the amount of transferable tax credits issued to the project sponsor is greater than the amount of transferable tax credits to which the project sponsor is entitled; (3) the Division must notify the project sponsor, the Department of Taxation, the Office of Finance, the Fiscal Analysis Division of the Legislative Counsel Bureau and the Nevada Gaming Control Board if the Division determines that the project sponsor is not entitled to any portion of the transferable tax credits issued to the project sponsor; and (4) the project sponsor is required to repay to the Department of Taxation or the Nevada Gaming Control Board, as applicable, the amount of transferable tax credits to which the project sponsor is not entitled. Finally, section 1 authorizes an entity to which a project sponsor transfers transferable tax credits to transfer those tax credits to ~~[an affiliate or subsidiary]~~ one or more of its subsidiaries or affiliates and requires the entity to notify the Division of such a transfer.

Existing law prohibits the Division from approving an application for transferable tax credits that is submitted after July 1, 2023, and provides for the expiration of the program of transferable tax credits for affordable housing

on January 1, 2030. (NRS 360.868; section 14 of chapter 594, Statutes of Nevada 2019, at page 3766) Section 2 of this bill removes the prohibition against approving an application received after July 1, 2023. Section 2 prohibits the Division from approving an application for transferable tax credits if doing so would cause the total amount of transferable tax credits approved over the lifetime of the program of transferable tax credits for affordable housing to exceed $40,000,000. Section 3 of this bill removes the expiration date for the program of transferable tax credits for affordable housing.

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

Section 1. NRS 360.867 is hereby amended to read as follows:

360.867 1. On behalf of a project, the project sponsor may apply to the Division for a certificate of eligibility for transferable tax credits which may be applied to:

(a) Any tax imposed by chapter 363A or 363B of NRS;

(b) The gaming license fees imposed by the provisions of NRS 463.370;

(c) Any tax imposed by chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. To apply for a certificate of eligibility for transferable tax credits, the project sponsor must:

(a) Submit an application on a form prescribed by the Division; and

(b) Comply with the requirements to obtain an allocation of federal low-income housing tax credits which are set forth in the qualified allocation plan.

3. The Division shall:

(a) Review each application for a certificate of eligibility for transferable tax credits submitted pursuant to subsection 2 and any supporting documents to determine whether the requirements for eligibility for a reservation of transferable tax credits are met and the amount of transferable tax credit threshold points awarded to the project;

(b) Determine the amount of transferable tax credits for which the project may be eligible, which amount must equal the amount determined by the Division to be necessary to make the project financially feasible after considering all other sources of financing for the project; and

(c) Reserve the amount of transferable tax credits for which each project is determined to be eligible pursuant to paragraph (b) in the order of the amount of transferable tax credit threshold points awarded to each such project pursuant to paragraph (a) until a reservation is made for each project or the amount of transferable credits reserved for the fiscal year is equal to the amount of transferable tax credits which the Division is authorized to approve for the fiscal year pursuant to NRS 360.868, whichever occurs first. If the amount of transferable tax credits reserved for the fiscal year reaches the amount of transferable tax credits which the Division is authorized to approve

for the fiscal year pursuant to NRS 360.868 before each eligible project is reserved the full amount of transferable tax credits for which it is determined to be eligible pursuant to paragraph (b), the Division may take any action that the Division determines will ensure the maximum development of affordable housing in this State, including, without limitation, proportionally reducing the reservation of each project for which transferable tax credits are reserved or reserving for the last project to receive a reservation of transferable tax credits an amount of transferable tax credits that is less than the full amount of transferable tax credits for which the project was determined to be eligible pursuant to paragraph (b).

4. If the Division reserves transferable tax credits for a project pursuant to subsection 3, the Division shall provide written notice of the reservation which identifies the amount of the tax credits reserved for the project to:

(a) The project sponsor;

(b) The Department;

(c) The Nevada Gaming Control Board;

(d) The Office of Finance; and

(e) The Fiscal Analysis Division of the Legislative Counsel Bureau.

5. The Division:

(a) Shall terminate a reservation of transferable tax credits if the project for which the reservation is awarded is not closed within the period specified in paragraph (a) of subsection 6 unless, before the expiration of that period, the Division receives from the project sponsor a written request for an extension of not more than 45 days. The Division may grant only one extension pursuant to this paragraph and, if the project is not closed before the expiration of the extension period, the Division must terminate the reservation of transferable tax credits. A request for an extension submitted pursuant to this paragraph must be accompanied by proof satisfactory to the Division that:

(1) The requirements for financing the project have been substantially completed;

(2) The delay in closing was the result of circumstances that could not have been anticipated by and were outside the control of the project sponsor at the time the application was submitted by the project sponsor; and

(3) The project will be closed not later than 45 days after the Division receives the request.

(b) May terminate a reservation of transferable tax credits if the Division determines that any event, circumstance or condition occurs for which a reservation of federal low-income housing tax credits may be terminated. If transferable tax credits are terminated pursuant to this paragraph, the Division may issue a reservation for the amount of transferable tax credits terminated to other projects eligible for transferable tax credits in the order of the amount of transferable tax credit threshold points awarded to each such project pursuant to paragraph (a) of subsection 3.

6. Except as otherwise provided in this section, to be issued transferable tax credits:

(a) Not later than 270 days after the Division provides written notice of the reservation of transferable tax credits pursuant to subsection 4, the project sponsor must demonstrate to the Division that the project has been closed by providing proof satisfactory to the Division that the project sponsor has:

(1) Purchased and holds title in fee simple to the project site in the name of the project sponsor.

(2) Entered into a written agreement with a contractor who is licensed in this State to begin construction.

(3) Obtained adequate financing for the construction of the project. The applicant must provide written commitments or contracts from third parties.

(4) Executed a written commitment for a loan for permanent financing for the construction of the project in an amount that ensures the financial feasibility of the project. The commitment may be subject to the condition that the construction is completed and the project is appraised for an amount sufficient to justify the loan in accordance with the requirements of the lender for credit. If the project is a rural development project that receives loans or grants from the United States Department of Agriculture, the applicant must provide a form approved by the Division that indicates that money has been obligated for the construction of the project before the expiration of the period. An advance of that money is not required before the expiration of the period.

(b) ~~[Upon completion of the project,]~~ *Not less than 45 days before the project is closed*, the project sponsor must submit to the Division a final application for transferable tax credits on a form provided by the Division ~~[, a certification of costs on a form provided by the Division]~~ and such other information as the Division deems necessary to determine whether the project qualifies for the issuance of transferable tax credits. Upon receipt of a final application pursuant to this paragraph, the Division shall complete a review of the project ~~[,]~~ *and* the project sponsor . ~~[and the certification of costs.]~~ If, after such review, the Division determines that the project complies with the requirements upon which transferable tax credits were reserved pursuant to this section and a declaration of restrictive covenants and conditions ~~[has been]~~ *will be* recorded in the office of the county recorder for the county in which the project is located:

(1) The Division shall:

(I) Determine the appropriate amount of transferable tax credits for the project, which must be the amount the Division determines is necessary to make the project financially feasible after all other sources of funding are allocated and paid toward the final cost of the project ~~[indicated in the certification of costs]~~ and may not exceed the amount of transferable tax credits reserved for the project pursuant to this section; and

(II) Notify the project sponsor that the transferable tax credits will be issued;

(2) Within 30 days after the receipt of the notice, the project sponsor shall make an irrevocable declaration of the amount of transferable tax credits that

will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued; and

(3) Upon receipt of the declaration described in subparagraph (2), issue transferable tax credits to the project sponsor in the amount approved by the Division. The project sponsor shall notify the Division upon transferring any transferable tax credits. *An entity to which a project sponsor transfers any transferable tax credits may transfer those transferable tax credits to one or more of its subsidiaries or affiliates and shall notify the Division upon making any such transfer.* The Division shall notify the Department of Taxation, the Office of Finance, the Fiscal Analysis Division of the Legislative Counsel Bureau and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and of all transferable tax credits transferred, segregated by each fee or tax set forth in subsection 1.

7. *Upon completion of the project, the project sponsor shall submit to the Division a certification of costs on a form provided by the Division and such other information as the Division deems necessary to determine the final cost of the project. If, based upon the final cost of the project indicated in the certification of costs, the Division determines that the amount of transferable tax credits issued by the Division to the project sponsor is greater than the amount of transferable tax credits to which the project sponsor is entitled:*

(a) The Division shall notify the project sponsor, the Department of Taxation, the Office of Finance, the Fiscal Analysis Division of the Legislative Counsel Bureau and the Nevada Gaming Control Board that the project sponsor is required to repay the portion of the transferable tax credits to which the project sponsor is not entitled. The notice must specify the amount of transferable tax credits that the project sponsor is required to repay.

(b) The project sponsor shall repay to the Department of Taxation or the Nevada Gaming Control Board, as applicable, the portion of the transferable tax credits to which the project sponsor is not entitled.

8. The project sponsor may submit a request to the Administrator of the Division to protect from disclosure any information in the application which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Administrator of the Division shall determine whether to protect the information from disclosure. The decision of the Administrator of the Division is final and is not subject to judicial review. If the Administrator of the Division determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Administrator of the Division from any copy of the application that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Division unless the lead participant consents to the disclosure.

~~[8.]~~ *9.* The Division may adopt any regulations necessary to carry out the provisions of NRS 360.860 to 360.870, inclusive.

~~[9.]~~ *10.* The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which transferable tax credits described in this section will be administered.

(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.860 to 360.870, inclusive.

~~[10.]~~ *11.* As used in this section:

(a) *"Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a specified person.*

(b) "Certification of costs" means a report from an independent certified public accountant attesting:

(1) To the amount of the actual costs of construction of the project; and

(2) That those costs may be included in the eligible basis of the project pursuant to the provisions of 26 U.S.C. § 42.

~~[(b)]~~ *(c) "Subsidiary" means an entity in which a person owns beneficially or of record 50 percent or more of the outstanding equity interests.*

(d) "Transferable tax credit threshold points" means points awarded based on specific objectives determined by the Division through the dissemination of a strategic plan for the development of affordable housing created by the Division, the review of housing data and the receipt of input from persons interested in the development of affordable housing.

Sec. 2. NRS 360.868 is hereby amended to read as follows:

360.868 1. Except as otherwise provided in this subsection, the Division shall not approve any application for transferable tax credits submitted pursuant to NRS 360.867 if:

(a) Approval of the application would cause the total amount of transferable tax credits approved pursuant to NRS 360.867 for each fiscal year to exceed $10,000,000. Any portion of the $10,000,000 per fiscal year for which transferable tax credits have not previously been approved may be carried forward and made available for approval during the next or any future fiscal year . ~~[ending on or before June 30, 2023.]~~ If the Division determines that approval of an application that would cause the total amount of transferable tax credits approved pursuant to NRS 360.867 in a fiscal year to exceed $10,000,000 is necessary to ensure the maximum development of affordable housing in this State through the approval of transferable tax credits pursuant to NRS 360.867, the Division may approve the application unless the approval of the application would cause the total amount of transferable tax credits approved pursuant to NRS 360.867 in the fiscal year to exceed $13,000,000. If the Division approves an application for transferable tax credits that causes the total amount of transferable tax credits approved pursuant to NRS 360.867 in a fiscal year to exceed $10,000,000, the Division must reduce the amount of transferable tax credits which may be approved pursuant to NRS 360.867 in

the next fiscal year by the amount of transferable tax credits approved in excess of $10,000,000 in the previous fiscal year.

(b) ~~[The Division receives the application on or after July 1, 2023.]~~ *Approval of the application would cause the total amount of transferable tax credits approved for all fiscal years pursuant to NRS 360.867 to exceed $40,000,000.*

2. The transferable tax credits issued to a project sponsor pursuant to NRS 360.867 expire 4 years after the date on which the transferable tax credits are issued to the project sponsor.

Sec. 3. Section 14 of chapter 594, Statutes of Nevada 2019, at page 3766, is hereby amended to read as follows:

Sec. 14. This act ~~[:~~

~~1. Becomes]~~ *becomes* effective on July 1, 2019, for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.

~~[2. Expires by limitation on January 1, 2030.]~~

Sec. 4. This act becomes effective on July 1, 2021.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 232 to Senate Bill No. 284 revises the bill to specify that an entity to which a project sponsor transfers any transferable tax credits may transfer those transferable tax credits to one or more of its subsidiaries or affiliates rather than being able to transfer the tax credits to just one of its subsidiaries or affiliates.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 96 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 15, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 110.

WAYNE THORLEY
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 348.

SUMMARY—Revises provisions governing orders for protection against high-risk behavior. (BDR 3-394)

AN ACT relating to public safety; ~~[revising the persons authorized to file an application for an order for protection against high-risk behavior; renaming]~~ replacing the term "ex parte order" ~~[to "temporary]~~ with "emergency order"; making various changes relating to applications for and the issuance of orders for protection against high-risk behavior; revising the persons to whom an adverse party must surrender ~~[his or her]~~ firearms; requiring a court to order the return of any surrendered firearm of an adverse party upon the expiration of an extended order for protection against high-risk behavior; revising provisions relating to the dissolution of orders for protection against high-risk behavior; eliminating the requirement for a court clerk or designee to provide assistance to certain persons relating to such orders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a family or household member who reasonably believes, or a law enforcement officer who has probable cause to believe, that a person poses a risk of causing personal injury by having or purchasing a firearm, to file a verified application for an ex parte or extended order for protection against high-risk behavior. (NRS 33.560) Section 4 of this bill removes the ability of a family or household member to file an application for an ex parte or extended order for protection against high-risk behavior.]~~

Existing law establishes various provisions relating to ex parte and extended orders for protection against high-risk behavior. (NRS 33.500-33.670) Sections ~~[1,]~~ 1.7, 3, 7, 9, 10, 12-14 and 16-18 of this bill replace the term "ex parte order" with ~~["temporary]~~ "emergency order." Section 19 of this bill requires the term changes to be construed as having the same meaning for judicial interpretations that are rendered, issued or entered before the effective date of this bill.

Existing law authorizes a family or household member who reasonably believes, or a law enforcement officer who has probable cause to believe, that a person poses a risk of causing personal injury to himself or herself or another person by possessing or purchasing a firearm, to file a verified application for an ex parte or extended order for protection against high-risk behavior. (NRS 33.560) Section 4 of this bill requires: (1) an applicant to show that the person poses an imminent risk to the person or to others; and (2) removes the distinction between an application for an ex parte order and an application for an extended order, and instead requires the applicant to file a single application for an order for protection against high-risk behavior.

Existing law requires an application for an ex parte or extended order for protection to include: (1) the name of the person seeking the order; (2) the name and address, if known, of the adverse party; and (3) a detailed description of the conduct and acts constituting high-risk behavior. (NRS 33.560) In addition to the existing application requirements, section 4 requires the application to include any supplemental documents or information.

Section 1.3 of this bill establishes various procedures relating to hearings on an application for an order for protection against high-risk behavior.

Section 1.3: (1) requires a hearing on the application to be held within 1 judicial day after the filing of the application; and (2) authorizes a court to issue an emergency order or an extended order under certain circumstances, to schedule a future hearing on the application under certain circumstances or to dismiss the application under certain circumstances. Section 1.3 also: (1) authorizes a court to hold a telephonic hearing on an application for an order for protection against high-risk behavior filed by a law enforcement officer; (2) requires the hearing to be held within 1 day after the filing of the application; and (3) establishes various requirements relating to recordings of the telephonic hearing. At any such telephonic hearing, section 1.3 prohibits a court from issuing an extended order.

If an emergency order was issued pursuant to section 1.3, section 1.5 of this bill: (1) provides that the emergency order expires not later than 7 days after the date of the filing of the application; and (2) requires the court to hold a hearing before the expiration of the emergency order to determine whether to issue an extended order, unless the emergency order is dissolved before such time. Section 1.5 provides that a court may extend the duration of an emergency order for a period not to exceed 7 days to effectuate service of the emergency order on the adverse party, or for good cause shown.

If a court schedules a future hearing pursuant to section 1.3, section 1.5: (1) requires the hearing to be scheduled within 7 days after the filing of the application; and (2) authorizes the court to issue an extended order at the scheduled hearing under certain circumstances.

If an extended order was issued at the hearing pursuant to section 1.3 or at the hearing pursuant to section 1.5, section 1.5 provides that the extended order expires not later than 1 year after the date of its issuance.

Existing law requires a court to issue an ex parte or extended order if the court under certain circumstances finds that: (1) the person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm; (2) the person engaged in high-risk behavior; and (3) less restrictive options have been exhausted or are not effective. (NRS 33.570, 33.580) Sections 5 and 6 of this bill remove custody of a firearm from the list of factors a court may consider in finding whether a person poses an imminent risk ~~[to himself or herself]~~ of causing a self-inflicted injury or injuring another person.

~~[Existing law requires a court to consider the facts from a verified application in determining whether to grant an ex parte or extended order. (NRS 33.570, 33.580) Sections 5 and 6 authorize the court to consider any additional information presented to the court in making such a determination. Section 5 removes the requirement in existing law that a court hold a hearing on an ex parte order. (NRS 33.570)~~

~~Additionally, existing law authorizes a court to hold a telephonic hearing on an ex parte order under certain circumstances. Existing law requires that: (1) the telephonic hearing be recorded, in the presence of a magistrate or within~~

~~the vicinity of a magistrate, by a certified court reporter or by electronic means; and (2) the recording of the telephonic hearing be transcribed, certified by the court reporter, if applicable, and certified by the magistrate. (NRS 33.570) Section 5 removes the requirement that the recording of the telephonic hearing be made in the presence or vicinity of a magistrate. Section 5 also: (1) authorizes a court to rule on an application for a temporary order by telephone; and (2) requires the communications of such a ruling to be recorded by a court reporter or contemporaneously recorded by alternative means. Finally, section 5 requires a judicial officer, not a magistrate, to certify the transcript of the telephonic determination.~~

~~Section 5 also authorizes a court to issue an extended order, in lieu of determining whether to issue a temporary order, if: (1) the application for the extended order was filed before the determination on the application for the temporary order; (2) proper notice was afforded to the adverse party; and (3) the court holds a hearing on the application for the extended order. Section 15 of this bill makes a conforming change to authorize a court to receive certain communications and for the issuance of such an order outside normal business hours.]~~

Existing law requires an adverse party to surrender his or her firearm after an ex parte or extended order is issued by a court to: (1) a law enforcement agency designated by the court in the order; or (2) a person, who does not reside with the adverse party, designated by the court in the order. (NRS 33.600) Section 8 of this bill requires any firearm in the possession or control of the adverse party to be surrendered to : (1) a law enforcement agency designated by the court, if the application was filed by a family or household member; or (2) the law enforcement agency of the officer who filed the application for the temporary or extended order.

Existing law requires the law enforcement agency holding any surrendered firearm to provide the adverse party with a receipt which includes a description of each firearm being held by the law enforcement agency. Existing law requires the adverse party to provide the original receipt to the court within 72 hours or 1 business day, whichever is later, after surrendering any such firearm. (NRS 33.600) Section 8 instead requires the adverse party to provide the original receipt to the court within 1 business day after the surrender of any firearm.

~~[Existing law provides that: (1) an ex parte order expires after 7 days, or if an extended order is filed within the period of an ex parte order, the ex parte order remains in effect until the hearing on the extended order is held; and (2) an extended order expires after 1 year. (NRS 33.640)]~~ Existing law requires a law enforcement agency to return any surrendered firearm not later than 14 days after the dissolution or expiration of an ex parte or extended order for protection. (NRS 33.600) Section 11 of this bill requires the court to: (1) issue an order for the return of any surrendered firearm of the adverse party upon the expiration or dissolution of an extended order; and (2) provide a copy of the order to the adverse party and the law enforcement agency holding the

surrendered firearm. Section 8 requires a law enforcement agency to return any surrendered firearm to the adverse party not later than 30 days after: (1) the dissolution or expiration of ~~[a temporary]~~ an emergency order; or (2) receiving an order from the court to return any firearm surrendered pursuant to an extended order.

Existing law requires a court to dissolve an ex parte or extended order for protection if all parties agree to the dissolution of the order, upon a finding of good cause. (NRS 33.640) Section 11 instead requires the court to dissolve ~~[the]~~ an emergency or extended order if all parties stipulate to the dissolution, upon a finding of good cause.

Section 20 of this bill eliminates the requirement in existing law that the clerk of a court or another person designated by the court: (1) provide certain information to an adverse party or a family or household member who files a verified application for an ex parte or extended order; and (2) assist any person in filing an application, response or certain other documents related to an ex parte or extended order. (NRS 33.610)

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. *1. Except as otherwise provided in subsection 2, a court shall hold a hearing in open court to review a verified application filed pursuant to NRS 33.560 not later than 1 judicial day after its filing by the applicant. At the hearing the court may:*

(a) Regardless of whether notice and an opportunity to be heard has been provided to the adverse party:

(1) Issue an emergency order pursuant to NRS 33.570; or

(2) Decline to issue an emergency order, in which case, the court must:

(I) Schedule a hearing in accordance with section 1.5 of this act; or

(II) If the applicant so requests, dismiss the verified application.

(b) If notice and an opportunity to be heard has been provided to the adverse party:

(1) Issue an extended order pursuant to NRS 33.580; or

(2) Dismiss the verified application.

2. If the verified application was filed by a law enforcement officer, the court may hold a telephonic hearing to review the verified application not later than 1 day after the filing of the application. At the telephonic hearing, the court:

(a) May not issue an extended order pursuant to NRS 33.580.

(b) May, regardless of whether notice and an opportunity to be heard has been provided to the adverse party:

(1) Issue an emergency order pursuant to NRS 33.570; or

(2) Decline to issue the emergency order, in which case, the court must:

(I) Schedule a hearing in accordance with section 1.5 of this act; or

(II) If the law enforcement agency so requests, dismiss the verified application.

3. The telephonic hearing described in subsection 2 must be recorded contemporaneously by a certified court reporter or by electronic means. After the hearing, the recording must be transcribed, certified by a judicial officer and filed with the clerk of court.

4. In a county whose population is 100,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to conduct telephonic hearings pursuant to subsection 2.

5. In a county whose population is less than 100,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to conduct telephonic hearings pursuant to subsection 2.

Sec. 1.5. 1. If a court issues an emergency order at a hearing described in section 1.3 of this act:

(a) The emergency order expires within such time, as the court fixes, not to exceed 7 calendar days from the date that the verified application was filed by the applicant pursuant to NRS 33.560; and

(b) Unless the emergency order is dissolved pursuant to NRS 33.640, the court shall, not later than the day that the emergency order expires, hold a hearing to determine whether to:

(1) Issue an extended order pursuant to NRS 33.580; or

(2) Dismiss the verified application.

2. If the court declines to issue an emergency order at the hearing described in section 1.3 of this act, the court shall, not later than 7 calendar days after the filing of the verified application pursuant to NRS 33.560, schedule a hearing to determine whether to:

(a) Issue an extended order pursuant to NRS 33.580; or

(b) Dismiss the verified application.

3. If a court issues an extended order at the hearing described in this section or at the hearing described in subsection 1 of section 1.3 of this act, the extended order expires within such time, not to exceed 1 year, as the court fixes.

4. In order for service of an emergency order to be effectuated pursuant to NRS 33.620 or for good cause shown, the court may extend the duration of an emergency order for a period not to exceed 7 days. Notice of any such extension must be served on the adverse party by a law enforcement agency.

~~[Section 1.]~~ *Sec. 1.7.* NRS 33.095 is hereby amended to read as follows:

33.095 1. Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order, registers a Canadian domestic-violence protection order or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110 to 33.158, inclusive, the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a

manner which ensures that the information is received by the Central Repository by the end of the next business day.

2. Any time that a court issues an ~~[ex parte *a temporary]*~~ *emergency* or extended order pursuant to NRS 33.570 or 33.580, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

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

Sec. 2. NRS 33.500 is hereby amended to read as follows:

33.500 As used in NRS 33.500 to 33.670, inclusive, *and sections 1.3 and 1.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 33.510 to 33.540, inclusive, ~~*[, 33.520 and 33.530]*~~ have the meanings ascribed to them in those sections.

Sec. 3. NRS 33.520 is hereby amended to read as follows:

33.520 ~~["Ex parte *"Temporary]*~~ *"Emergency* order" means an ~~[ex parte *a temporary]*~~ *emergency* order for protection against high-risk behavior.

Sec. 4. NRS 33.560 is hereby amended to read as follows:

33.560 1. A law enforcement officer who has probable cause to believe that a person poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ *, controlling,* purchasing or otherwise acquiring any firearm may file a verified application for an ~~[ex parte *a temporary* or extended]~~ order ~~[.]~~ *for protection against high-risk behavior.*

2. A family or household member who reasonably believes that a person poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ *controlling,* purchasing or otherwise acquiring any firearm may file a verified application for an ~~[ex parte or extended order.]~~ *order for protection against high-risk behavior.*

3. A verified application filed pursuant to this section must include, without limitation:

(a) The name of the person seeking the order ~~[and whether he or she is requesting an ex parte *a temporary* order or an extended order;]~~ *for protection against high-risk behavior;*

(b) The name and address, if known, of the person who is alleged to pose ~~[a]~~ *an imminent* risk pursuant to subsection 1 ~~*[,]*~~ or 2; ~~[and]~~

(c) A detailed description of the conduct and acts that constitute high-risk behavior and the dates on which the high-risk behavior occurred ~~[.]~~ *; and*

(d) Any supplemental documents or information.

4. ~~[Service of]~~ *An applicant is not required to serve, or have served on its behalf,* an application for an ~~[extended]~~ order *for protection against high-risk behavior* and ~~[the]~~ notice of *the* hearing ~~[thereon must be served upon the adverse party pursuant to the Nevada Rules of Civil Procedure.]~~ *described in*

section 1.3 of this act, but an applicant who is a law enforcement officer may in the discretion of the officer serve the verified application and notice of the hearing on the adverse party.

Sec. 5. NRS 33.570 is hereby amended to read as follows:

33.570 1. The ~~*[Except as otherwise provided in subsection 4, the]*~~ court shall issue an ~~[ex parte *a temporary]*~~ *emergency* order if the court finds by a preponderance of the evidence from facts shown by a verified application filed pursuant to NRS 33.560 : ~~*[and any additional information provided to the court:]*~~

(a) That a person poses an imminent risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ , *controlling,* purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. The court may require the person who filed the verified application or the adverse party, or both, to appear before the court before determining whether to issue an ~~[ex parte *a temporary]*~~ *emergency* order.

3. An ~~[ex parte *A temporary]*~~ *emergency* order may be issued with or without notice to the adverse party.

4. ~~[Except as otherwise provided in this subsection, a hearing must not be held by telephone. *If an application for an extended order is filed before a determination is made by the court on an application for a temporary order that concerns the same adverse party, the court may issue an extended order pursuant to NRS 33.580 in lieu of determining whether to issue the temporary order if notice was provided to the adverse party and a hearing is held on the application for the extended order.*~~

~~*5.* The court shall hold a hearing on the ex parte order and shall issue or deny the ex parte *temporary* order on the verified application is filed or the judicial day immediately following the day the verified application is filed. If the verified application is filed by a law enforcement officer, the~~

~~*6. The* court may hold the hearing *rule* on the ex parte *application for a temporary* order by telephone, *the communications of* which must be recorded in the presence of the magistrate or in the immediate vicinity of the magistrate by a certified court reporter or *recorded contemporaneously* by electronic *alternative* means. Any such recording must be transcribed, certified by the reporter if the reporter made the recording and certified by the magistrate. *a judicial officer.* The certified transcript must be filed with the clerk of the court.~~

~~5. *7.* In a county whose population is 100,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ex parte *a temporary* order pursuant to subsection 4. *6.*~~

~~6. *8.* In a county whose population is less than 100,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and~~

~~holidays, to receive communications by telephone and for the issuance of an ex parte *a temporary* order pursuant to subsection 4.~~ *6.*

~~7. 9.~~ *]* The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 6. NRS 33.580 is hereby amended to read as follows:

33.580 1. The court shall issue an extended order if the court finds by clear and convincing evidence from facts shown by a verified application filed pursuant to NRS 33.560 : ~~*[and any additional information provided to the court:]*~~

(a) That a person poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ *, controlling,* purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. ~~[A hearing on an application for an extended order must be held within 7 calendar days after the date on which the application for the extended order is filed.~~

~~3.]~~ The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 7. NRS 33.590 is hereby amended to read as follows:

33.590 Each ~~[ex parte *temporary]*~~ *emergency* or extended order issued pursuant to NRS 33.570 or 33.580 must:

1. Require the adverse party to surrender any firearm *that is* in ~~[his or her]~~ *the* possession ~~[or under his or her custody]~~ or control *of the adverse party* in the manner set forth in NRS 33.600.

2. Prohibit the adverse party from possessing or ~~[having under his or her custody or control]~~ *controlling* any firearm while the order is in effect.

3. Include a provision ordering any law enforcement officer to arrest the adverse party with a warrant, or without a warrant if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order.

4. State the reasons for the issuance of the order.

5. Include instructions for surrendering any firearm as ordered by the court.

6. State the time and date on which the order expires.

7. Require the adverse party to surrender any permit issued pursuant to NRS 202.3657.

8. Include the following statement:

WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an ~~[ex parte a temporary]~~ *emergency* or extended order and any other crime that you may have committed in disobeying this order.

Sec. 8. NRS 33.600 is hereby amended to read as follows:

33.600 1. After a court orders an adverse party to surrender any firearm pursuant to NRS 33.590, the adverse party shall, immediately after service of the order ~~[~~:

~~(a) Surrender,~~ *surrender* any firearm *that is* in ~~[his or her]~~ *the* possession or ~~[under his or her custody or]~~ control *of the adverse party* to ~~[the appropriate]~~ :

(a) The law enforcement agency designated by the court in the order ~~[; or~~

~~(b) Surrender any firearm in his or her possession or under his or her custody or control to a person, other than a person who resides with the adverse party, designated by the court in the order.]~~ *, if the verified application pursuant to NRS 33.560 was filed by a family or household member; or*

(b) The law enforcement agency of the law enforcement officer who filed the verified application ~~[.]~~ pursuant to NRS 33.560.

2. ~~[If the court orders the adverse party to surrender any firearm to a law enforcement agency pursuant to paragraph (a) of subsection 1,]~~ *At the time any firearm is surrendered,* the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall, not later than ~~[72 hours or]~~ 1 business day ~~[, whichever is later,]~~ after surrendering any such firearm, provide the original receipt to the court. The law enforcement agency shall store any such firearm or may contract with a licensed firearm dealer to provide storage.

3. ~~[If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide to the court and the appropriate law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered.~~

~~4.]~~ If there is probable cause to believe that the adverse party has not surrendered any firearm *that is* in ~~[his or her]~~ *the* possession or ~~[under his or her custody or]~~ control ~~[, within the time set forth in subsections 2 and 3, the court may issue and deliver to]~~ *of the adverse party*, any law enforcement officer *may apply to the court for* a search warrant which authorizes the officer to enter and search any place where there is probable cause to believe any such firearm is located and seize the firearm.

~~[5.]~~ *4.* If, while executing a search warrant pursuant to subsection ~~[4,]~~ *3*, the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to execute the search warrant and the execution of the warrant shall be deemed unsuccessful. If such execution is unsuccessful, the

law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to execute the search warrant until the search warrant is successfully executed.

~~[6.]~~ *5.* A law enforcement agency shall return any surrendered or seized firearm to the adverse party:

(a) In the manner provided by the policies and procedures of the law enforcement agency;

(b) After confirming that:

(1) The adverse party is eligible to own or possess a firearm under state and federal law; and

(2) Any ~~[ex parte or extended *temporary*]~~ *emergency* order issued pursuant to NRS 33.570 ~~[or 33.580]~~ is dissolved or no longer in effect ~~[;]~~ *or a court has issued an order to return the surrendered firearms pursuant to NRS 33.640, as applicable;* and

(c) As soon as practicable but not more than ~~[14]~~ *30* days after the dissolution *or expiration* of ~~[an ex parte or extended]~~ *the ~~[temporary]~~ emergency* order ~~[.~~ ~~7.]~~ *or receiving the order to return the surrendered firearms pursuant to NRS 33.640, as applicable.*

6. If a person other than the adverse party claims title to any firearm surrendered or seized pursuant to this section and ~~[he or she]~~ *the person* is determined by the law enforcement agency to be the lawful owner, the firearm must be returned to ~~[him or her,]~~ *the lawful owner*, if:

(a) The lawful owner agrees to store the firearm in a manner such that the adverse party does not have access to or control of the firearm; and

(b) The law enforcement agency determines that:

(1) The firearm is not otherwise unlawfully possessed by the lawful owner; and

(2) The person is eligible to own or possess a firearm under state or federal law.

~~[8.]~~ *7.* As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 9. NRS 33.620 is hereby amended to read as follows:

33.620 1. The court shall transmit, by the end of the next business day after an ~~[ex parte *a temporary*]~~ *emergency* or extended order is issued or renewed, a copy of the order to the appropriate law enforcement agency.

2. ~~[The]~~ *Unless the adverse party is present at the hearing described in section 1.3 of this act to receive the date of the hearing described in section 1.5 of this act in which the court will determine whether to issue an extended order, the* court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the ~~[ex parte *temporary* or extended]~~ *emergency* order and ~~*[the]*~~ *notice of the hearing described in section 1.5 of this act.*

3. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the extended order.

4. The law enforcement agency shall file with or mail to the clerk of the court proof of service *of the emergency order pursuant to subsection 2 or the extended order pursuant to subsection 3* by the end of the next business day after service is made.

~~[3.]~~ *5.* If, while attempting to serve the adverse party personally pursuant to subsection 2 ~~[,]~~ *or 3,* the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to serve the adverse party personally and the service shall be deemed unsuccessful. If such service is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to serve the adverse party personally until the ~~[ex parte *temporary]*~~ *emergency* or extended order is successfully served.

~~[4.]~~ *6.* A law enforcement agency shall enforce an ~~[ex parte *a temporary]*~~ *emergency* or extended order without regard to the county in which the order was issued.

~~[5.]~~ *7.* The clerk of the court shall issue, without fee, a copy of the ~~[ex parte *temporary]*~~ *emergency* or extended order to any family or household member *or law enforcement officer* who files a verified application pursuant to NRS 33.560 or the adverse party.

Sec. 10. NRS 33.630 is hereby amended to read as follows:

33.630 1. Whether or not a violation of an ~~[ex parte *a temporary]*~~ *emergency* or extended order occurs in the presence of a law enforcement officer, the officer may arrest and take into custody an adverse party:

(a) With a warrant; or

(b) Without a warrant if the officer has probable cause to believe that:

(1) An order has been issued pursuant to NRS 33.570 or 33.580 against the adverse party;

(2) The adverse party has been served with a copy of the order; and

(3) The adverse party is acting in violation of the order.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and ~~[ex parte *temporary]*~~ *emergency* or extended order, the officer shall:

(a) Inform the adverse party of the specific terms and conditions of the order;

(b) Inform the adverse party that ~~[he or she]~~ *the adverse party* has notice of the provisions of the order and that a violation of the order will result in his or her arrest;

(c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order; and

(d) Inform the adverse party of the date and time set for a hearing on an application for an ~~[ex parte *a temporary]*~~ *emergency* or extended order, if any.

3. Information concerning the terms and conditions of the ~~[ex parte *temporary]*~~ *emergency* or extended order, the date and time of any notice provided to the adverse party and the name and identifying number of the law

enforcement officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

Sec. 11. NRS 33.640 is hereby amended to read as follows:

33.640 1. ~~[An ex parte *A temporary* order expires within such time, not to exceed 7 days, as the court fixes. If a verified application for an extended order is filed within the period of an ex parte *a temporary* order or at the same time as an application for an ex parte *a temporary* order pursuant to NRS 33.560, the ex parte *temporary* order remains in effect until the hearing on the extended order is held.~~

~~2. An extended order expires within such time, not to exceed 1 year, as the court fixes.~~

~~3.]~~ The family or household member or law enforcement officer who filed the verified application *pursuant to NRS 33.560* or the adverse party may request in writing to appear and move for the dissolution of an ~~[ex parte *a temporary*]~~ *emergency* or extended order. Upon a finding by clear and convincing evidence that the adverse party no longer poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ *, controlling,* purchasing or otherwise acquiring any firearm, the court shall dissolve the order. If ~~[the court finds that]~~ all parties ~~[agree]~~ *stipulate* to dissolve the order, the court shall dissolve the order upon a finding of good cause.

~~[4.]~~ *2. Upon the expiration or dissolution of an extended order, the court shall:*

(a) Order the return of any firearm surrendered by the adverse party; and

(b) Provide a copy of the order to:

(1) The adverse party; and

(2) The law enforcement agency holding any such surrendered firearm.

~~*[5.]*~~ *3.* Not less than 3 months before the expiration of an extended order and upon petition by a family or household member or law enforcement officer, the court may, after notice and a hearing, renew an extended order upon a finding by clear and convincing evidence. Such an order expires within a period, not to exceed 1 year, as the court fixes.

Sec. 12. NRS 33.650 is hereby amended to read as follows:

33.650 1. Any time that a court issues an ~~[ex parte *a temporary*]~~ *emergency* or extended order or renews an extended order and any time that a person serves such an order or receives any information or takes any other action pursuant to NRS 33.500 to 33.670, inclusive, the person shall, by the end of the next business day:

(a) Cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository; and

(b) Transmit a copy of the order to the Attorney General.

2. If the Central Repository for Nevada Records of Criminal History receives any information described in subsection 1, the adverse party may petition the court for an order declaring that the basis for the information transmitted no longer exists.

3. A petition brought pursuant to subsection 2 must be filed in the court which issued the ~~[ex parte *temporary]*~~ *emergency* or extended order.

4. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the basis for the ~~[ex parte *temporary]*~~ *emergency* or extended order no longer exists.

5. The court, upon granting the petition and entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History.

6. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 5, the Central Repository for Nevada Records of Criminal History shall take reasonable steps to ensure that the information concerning the adverse party is removed from the Central Repository.

7. If the Central Repository for Nevada Records of Criminal History fails to remove the information as provided in subsection 6, the adverse party may bring an action to compel the removal of the information. If the adverse party prevails in the action, the court may award the adverse party reasonable attorney's fees and costs incurred in bringing the action.

8. If a petition brought pursuant to subsection 2 is denied, the adverse party may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 13. NRS 33.660 is hereby amended to read as follows:

33.660 1. A person shall not file a verified application for an ~~[ex parte *a temporary]*~~ *emergency* or extended order:

(a) Which ~~[he or she]~~ *the person* knows or has reason to know is false or misleading; or

(b) With the intent to harass the adverse party.

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

Sec. 14. NRS 33.670 is hereby amended to read as follows:

33.670 A person who intentionally violates an ~~[ex parte *a temporary]*~~ *emergency* or extended order is, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, guilty of a misdemeanor.

Sec. 15. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive communications by telephone and for the issuance of:

(1) A temporary order pursuant to subsection 8 of NRS 33.020; or

(2) An ~~[ex parte *A temporary]*~~ *emergency* order for protection against high-risk behavior pursuant to NRS 33.570 . ~~*[for an extended order for protection against high-risk behavior pursuant to NRS 33.580 that is issued in the manner described in subsection 4 of NRS 33.570.]*~~

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

> That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

Sec. 16. NRS 4.370 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an ~~[ex parte *a temporary*]~~ *emergency* 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 *a temporary*]~~ *emergency* or extended order for protection against high-risk behavior:

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Except as otherwise provided in subsections 5 and 6, 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. 17. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An [~~ex parte *A temporary*~~] *emergency* or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580;

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

(f) A temporary or extended order issued pursuant to NRS 200.378; or

(g) A temporary or extended order issued pursuant to NRS 200.591,

➥ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 18. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the

person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is:

(1) Twenty-one years of age or older; or

(2) At least 18 years of age but less than 21 years of age if the person:

(I) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or

(II) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has:

(1) Been convicted of violating the provisions of NRS 484C.110; or

(2) Participated in a program of treatment pursuant to NRS 176A.230 to 176A.245, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any

other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently subject to an ~~[ex parte a temporary]~~ *emergency* or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580.

(i) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(j) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(k) Has made a false statement on any application for a permit or for the renewal of a permit.

(l) Has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) If the applicant is a person described in subparagraph (2) of paragraph (a) of subsection 3, proof that the applicant:

(1) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, as evidenced by his or her current military identification card; or

(2) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions, as evidenced by his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," or other document of honorable separation issued by the United States Department of Defense;

(g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 19. 1. Sections ~~[1,]~~ 1.7, 3, 4, 5, 7 and 9 to 18, inclusive, of this act shall be construed as making amendments to provisions of state law for the purpose of substituting the term ~~["temporary order"]~~ "emergency order" for "ex parte order."

2. Any judicial interpretation of a state law that is rendered, issued or entered before July 1, 2021, which includes an interpretation of the term "ex parte order" which is amended by or as a result of this act to refer instead to ~~["temporary]~~ "emergency order" shall be deemed to have the same meaning as though the term had remained unchanged.

Sec. 20. NRS ~~[33.540 and]~~ 33.610 ~~[are]~~ is hereby repealed.

Sec. 21. This act becomes effective on July 1, 2021.

TEXT OF REPEALED ~~[SECTIONS]~~ SECTION

~~[33.540 "Family or household member" defined. "Family or household member" means, with respect to an adverse party, any:~~

~~1. Person related by blood, adoption or marriage to the adverse party within the first degree of consanguinity;~~

~~— 2. Person who has a child in common with the adverse party, regardless of whether the person has been married to the adverse party or has lived together with the adverse party at any time;~~

~~— 3. Domestic partner of the adverse party;~~

~~— 4. Person who has a biological or legal parent and child relationship with the adverse party, including, without limitation, a natural parent, adoptive parent, stepparent, stepchild, grandparent or grandchild;~~

~~— 5. Person who is acting or has acted as a guardian to the adverse party; or~~

~~— 6. Person who is currently in a dating or ongoing intimate relationship with the adverse party.]~~

33.610 Duty of court to assist parties.

1. The clerk of the court or other person designated by the court shall provide any family or household member who files a verified application pursuant to NRS 33.560 or any adverse party, free of cost, with information about the:

(a) Availability of ex parte or extended orders;

(b) Procedures for filing an application for such an order;

(c) Procedures for modifying, dissolving or renewing such an order; and

(d) Right to proceed without counsel.

2. The clerk of the court or other person designated by the court shall assist any person in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for an ex parte or extended order. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 348 to Senate Bill No. 6 changes "temporary" in the original bill to "emergency" which replaces "ex parte" in statute for the purposes of this bill. It retains the ability of a family or household member to file an application for a protective order but requires a showing of imminent risk to the person or others. It removes the distinction between an ex parte order and an extended order and instead requires a single application for an order for high-risk protection. It adds to existing requirements for an application a requirement to include any supplemental documents or information.

It also establishes procedures for a hearing on an application, including a hearing must be held within one judicial day of the application filing. A court may issue an emergency or extended order, schedule a future hearing or dismiss the application. A court may hold a telephonic hearing on an application filed by a law enforcement officer. A court is prohibited from issuing an extended order at a telephonic hearing. The amendment states that if an emergency order is issued, it expires no longer than seven days after the filing of the application. A court must hold a hearing during this time period to determine whether to issue an extended order, unless the emergency order is dissolved prior to the deadline, and a court may extend an emergency period for seven days to effectuate service of an order or for good cause shown.

The amendment further states that if a court schedules a future hearing, it must be held within seven days of the application filing. A court may issue an extended order under certain circumstances. The amendment states that if an extended order is issued at a hearing, it expires not later than one year after issuance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 99.

SUMMARY—Requires certain notices before the termination , expiration or ending of a restriction relating to the affordability of certain housing. (BDR 25-372)

AN ACT relating to housing; requiring an owner of certain housing that is financed by tax credits or other money provided by a government agency to provide certain notices before ~~[terminating]~~ the termination, expiration or ending of a restriction relating to the affordability of the housing; setting forth requirements for such notice; authorizing the Housing Division of the Department of Business and Industry to impose an administrative fine upon an owner who fails to provide ~~[such]~~ notice ~~[,]~~ of the termination or expiration of a restriction; authorizing the Division to prohibit an owner who terminates an affordability restriction from applying for certain tax credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes a federal income tax credit in an amount equal to a certain percentage of the costs of constructing a low-income housing project. Under existing federal law, to be eligible for this credit, a certain percentage of the residential units in the project are required to be subject to certain affordability restrictions that set a limit on the income level of occupants of the units and restrict the amount of rent that may be charged to such occupants. An owner of property that is part of the low-income housing project that wishes to receive the federal low-income housing tax credit is required to enter into an agreement with a housing credit agency in which the owner commits to maintain the affordability restrictions on the property for a compliance period of 15 years and an additional period of time of at least 15 years following the compliance period. However, existing federal law authorizes an owner, after the 14th year of the compliance period, to request that the housing credit agency find a buyer to purchase the property. The housing credit agency then has 1 year to find a buyer for the property that will maintain the affordability restrictions. If the housing credit agency does not present the owner with a qualified contract for the acquisition of the property within the 1-year period, the affordability restrictions on the property terminate, subject to a 3-year period in which the owner is generally prohibited from raising certain rents and evicting existing tenants. (26 U.S.C. § 42) Existing state law designates the Housing Division of the Department of Business and Industry as the housing credit agency for the State that allocates and distributes the federal low-income housing credit. (NRS 319.145)

~~[This]~~ Sections 3 and 4 of this bill ~~[requires]~~ require the owner of any housing which has been financed by the federal low-income housing tax credit or any other money provided by a governmental agency and that is subject to affordability restrictions similar to those required for eligibility for the federal low-income housing tax credit to provide written notice before terminating an affordability restriction ~~[. This bill sets]~~ or before the expiration of the affordability restriction, as applicable. Sections 3 and 4 also set forth the contents for such a notice and ~~[requires]~~ require the notice to be provided to each tenant, the Division and certain other persons not less than: (1) twelve months before the owner submits a request to the Division for a qualified contract; or (2) if such a request is not applicable, 12 months before the date upon which the affordability restriction will ~~[terminate. Under the provisions of this bill, an owner who fails to provide the required notice is required to extend the affordability restrictions until 12 months following the date upon which the owner does provide such notice. Additionally, this bill authorizes]~~ expire. Sections 3 and 4 further authorize the Division to: (1) impose an administrative penalty upon an owner who fails to provide the required notice; and (2) prohibit an owner who terminates an affordability restriction from applying to the Division for an allocation of federal low-income housing tax credits for a period not to exceed 5 years.

Section 5 of this bill requires an owner that will voluntarily maintain an affordability restriction on housing after the expiration of the affordability restriction to provide written notice to the Division not less than 12 months before the expiration of the affordability restriction and, thereafter, submit an annual report to the Division for as long as the owner voluntarily maintains the affordability restriction. Section 5 also requires the owner to provide written notice at least 12 months before ending the voluntary affordability restriction to the county, the city, the Division and each tenant.

Section 6 of this bill provides that the provisions of this bill apply to: (1) every owner of housing that is subject to an affordability restriction on or after October 1, 2021; and (2) every owner of housing that on October 1, 2021, has voluntarily maintained an affordability restriction after the expiration of the affordability restriction.

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

Section 1. Chapter 319 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires:

1. "Affordability restriction" means a limit on rent that an owner may charge for occupancy of a dwelling unit in a project or a limit on the income of tenants for persons or families seeking to qualify as tenants in a project.

2. "Federal low-income housing tax credit" has the meaning ascribed to it in NRS 360.863.

3. "Owner" means a person who has an ownership interest in a project.

4. "Project" means a residential housing development consisting of one or more dwelling units that:

(a) Has been financed in whole or in part by tax credits relating to low-income housing, including, without limitation, the federal low-income housing tax credit, or any other money provided by a governmental agency, for which compliance is administered by the Division; and

(b) Is subject to an affordability restriction.

5. "Qualified contract" has the meaning ascribed to it in 26 U.S.C. § 42.

6. "Qualified low-income housing project" has the meaning ascribed to it in 26 U.S.C. § 42.

7. "Tenant" has the meaning ascribed to it in NRS 118A.170.

Sec. 3. 1. An owner who intends to terminate an affordability restriction ~~[on]~~ and submit a request to the Division to obtain a qualified contract for the acquisition of a project shall provide written notice to:

(a) The governing body of each ~~[local government]~~ county and, if applicable, city within which some or all of the project is located . ~~[;]~~

(b) The Division . ~~[;~~

~~(c) Each]~~ Upon receipt of such notice, the Division shall provide written notice to each owner who has an ownership interest in a qualified low-income housing project in this State . ~~[; and~~

~~(d)]~~ (c) Each tenant of the affected project.

2. The written notice required pursuant to subsection 1 must be provided ~~[:~~

~~(a) If]~~ by the owner ~~[intends to submit a]~~ not less than 12 months before the owner submits the request to the Division to obtain a qualified contract for the acquisition of the project . ~~[, not less than 12 months before the owner submits such a request; or~~

~~(b) If paragraph (a) is not applicable, not less than 12 months before the date upon which the affordability restriction will be terminated, whether accomplished by the expiration of any contract or other agreement with a governmental agency or otherwise.]~~

3. The written notice required to be provided to a tenant of the affected project pursuant to ~~[paragraph (d) of]~~ subsection 1 must include, without limitation:

(a) The program pursuant to which the owner is terminating the affordability restriction;

(b) The number of dwelling units affected by the termination;

(c) The anticipated date of the termination;

(d) A statement that the written notice is not a notice to vacate the dwelling unit and that the tenant is not required to vacate the dwelling unit;

(e) A description of the effects of the termination on the lease and future rent of the tenant;

(f) A description of the protections for tenants and resources for relocation set forth in the program pursuant to which the affordability restriction is being terminated;

(g) A description of the protections for tenants and the resources for relocation set forth in chapters 118, 118A and 118B of NRS;

(h) A description of the resources for ~~[relocation]~~ housing assistance in the local community; and

(i) The contact information of the owner of the project.

4. The written notice required to be provided to ~~[a]~~ the governing body of ~~[a local government,]~~ each applicable county and city, the Division and ~~[an]~~ each owner who has an ownership interest in a qualified low-income housing project pursuant to ~~[paragraphs (a), (b), and (c), respectively, of]~~ subsection 1 must include, without limitation:

(a) The program pursuant to which the owner is terminating the affordability restriction;

(b) The number of dwelling units that will be affected by the termination;

(c) The anticipated date of the termination;

(d) Information regarding the disposition of the project after the termination of the affordability restriction, including, without limitation:

(1) ~~[Whether]~~ That the project is required to be made available for purchase; and

(2) ~~[If the project is not required to be made available for purchase, whether the owner intends to make the project available for purchase; and~~

~~(3) If applicable, the]~~ The time frame for the submission of offers to purchase the project;

(e) An identification of whether the owner receives a property tax exemption for the project pursuant to NRS 361.082 and whether the owner intends to maintain the exemption after the termination of the affordability restriction; and

(f) The contact information of the owner of the project.

5. After providing the written notice required pursuant to subsection 1, ~~[an]~~ the owner who intends to terminate ~~[an]~~ the affordability restriction shall hold at least one meeting for tenants of the affected project to discuss the information contained in the written notice and answer any questions regarding the written notice. Notice of such meeting must be provided to each tenant of the affected project not less than 5 business days before the meeting.

6. ~~[An owner who fails to provide the written notice required pursuant to subsection 1 within the time specified in subsection 2 shall extend the affordability restrictions on the project until 12 months following the date upon which the owner ultimately provides such notice.~~

~~7.]~~ The Division may:

(a) Prohibit an owner who has terminated an affordability restriction from applying to the Division to obtain an allocation of federal low-income housing tax credits for a period not to exceed 5 years.

(b) Impose an administrative fine of not more than $10,000 upon an owner who fails to provide the written notice required pursuant to subsection 1. The Division may use not more than $500 of the money collected from the imposition of the fine to cover the costs of collecting the fine.

~~*[8.]*~~ *7. The Division may adopt regulations to carry out the provisions of this section.*

~~*[9. As used in this section:*~~

~~*(a) "Affordability restriction" means a limit on rent that an owner may charge for occupancy of a dwelling unit in a project or a limit on the income of tenants for persons or families seeking to qualify as tenants in a project.*~~

~~*(b) "Federal low-income housing tax credit" has the meaning ascribed to it in NRS 360.863.*~~

~~*(c) "Owner" means a person who has an ownership interest in a project.*~~

~~*(d) "Project" means a housing facility for residential use consisting of one or more dwelling units that:*~~

~~*(1) Has been financed in whole or in part by tax credits relating to low-income housing, including, without limitation, the federal low-income housing tax credit, or any other money provided by a governmental agency; and*~~

~~*(2) Is subject to an affordability restriction.*~~

~~*(e) "Qualified contract" has the meaning ascribed to it in 26 U.S.C. § 42.*~~

~~*(f) "Qualified low-income housing project" has the meaning ascribed to it in 26 U.S.C. § 42.]*~~

Sec. 4. 1. An owner who intends to end the affordability restriction on a project upon the expiration of the affordability restriction shall provide written notice to:

(a) The governing body of each county and, if applicable, city within which some or all of the project is located.

(b) The Division. Upon receipt of such notice, the Division shall provide written notice to each owner who has an ownership interest in a qualified low-income housing project in this State.

(c) Each tenant of the affected project.

2. The written notice required pursuant to subsection 1 must be provided by the owner not less than 12 months before the expiration of the affordability restriction. If the project is subject to affordability restrictions with different expiration dates, the written notice required pursuant to subsection 1 must be provided not less than 12 months before the expiration date of the affordability restriction that applies to the largest percentage of dwelling units in the project that are subject to affordability restrictions.

3. The written notice required to be provided to a tenant of the affected project pursuant to subsection 1 must include, without limitation:

(a) The program pursuant to which the affordability restriction is expiring;

(b) The number of dwelling units affected by the expiration;

(c) The anticipated date of the expiration;

(d) A statement that the written notice is not a notice to vacate the dwelling unit and that the tenant is not required to vacate the dwelling unit;

(e) A description of the effects of the expiration on the lease and future rent of the tenant;

(f) A description of the protections for tenants and resources for relocation set forth in the program pursuant to which the affordability restriction is expiring;

(g) A description of the protections for tenants and the resources for relocation set forth in chapters 118, 118A and 118B of NRS;

(h) A description of the resources for housing assistance in the local community; and

(i) The contact information of the owner of the project.

4. The written notice required to be provided to the governing body of each applicable county and city, the Division and each owner who has an ownership interest in a qualified low-income housing project pursuant to subsection 1 must include, without limitation:

(a) The program pursuant to which the affordability restriction is expiring;

(b) The number of dwelling units that will be affected by the expiration;

(c) The anticipated date of the expiration of the affordability restriction;

(d) Information regarding the disposition of the project after the expiration of the affordability restriction, including, without limitation:

(1) Whether the owner intends to make the project available for purchase; and

(2) If applicable, the time frame for the submission of offers to purchase the project;

(e) An identification of whether the owner receives a property tax exemption for the project pursuant to NRS 361.082 and whether the owner intends to maintain the exemption after the expiration of the affordability restriction; and

(f) The contact information of the owner of the project.

5. After providing the written notice required pursuant to subsection 1, an owner shall hold at least one meeting for tenants of the affected project to discuss the information contained in the written notice and answer any questions regarding the written notice. Notice of such meeting must be provided to each tenant of the affected project not less than 5 business days before the meeting.

6. The Division may impose an administrative fine of not more than $10,000 upon an owner who fails to provide the written notice required pursuant to subsection 1. The Division may use not more than $500 of the money collected from the imposition of the fine to cover the costs of collecting the fine.

7. The Division may adopt regulations to carry out the provisions of this section.

Sec. 5. *1. If an owner of a project intends to maintain an affordability restriction on a project after the expiration of the affordability restriction, the owner must:*

(a) Provide written notice to the Division not less than 12 months before the expiration of the affordability restriction that the owner will voluntarily maintain the affordability restriction after the date of expiration; and

(b) Submit an annual report to the Division for as long as the owner voluntarily maintains the affordability restriction on the project. The annual report must include, without limitation, the number of dwelling units in the project on which the owner has voluntarily maintained the affordability restriction.

2. The owner of a project that has voluntarily maintained an affordability restriction on a project must provide written notice at least 12 months before ending the affordability restriction to:

(a) The governing body of each county and, if applicable, city within which some or all of the project is located.

(b) The Division. Upon receipt of such notice, the Division shall provide written notice to each owner who has an ownership interest in a qualified low-income housing project in this State.

(c) Each tenant of the affected project.

3. The written notice required to be provided to a tenant of the project pursuant to subsection 2 must include, without limitation:

(a) The number of dwelling units affected by the owner ending the affordability restriction;

(b) The anticipated date that the affordability restriction will end;

(c) A statement that the written notice is not a notice to vacate the dwelling unit and that the tenant is not required to vacate the dwelling unit;

(d) A description of the effects of ending the affordability restriction on the lease and future rent of the tenant;

(e) A description of the protections for tenants and resources for relocation set forth in the program pursuant to which the affordability restriction is expiring;

(f) A description of the protections for tenants and the resources for relocation set forth in chapters 118, 118A and 118B of NRS;

(g) A description of the resources for housing assistance in the local community; and

(h) The contact information of the owner of the project.

4. The written notice required to be provided to the governing body of each applicable county and city, the Division and each owner who has an ownership interest in a qualified low-income housing project pursuant to subsection 2 must include, without limitation:

(a) The number of dwelling units that will be affected by the expiration;

(b) The anticipated date that the affordability restriction will end;

(c) Information regarding the disposition of the project after the ending of the affordability restriction, including, without limitation:

(1) Whether the owner intends to make the project available for purchase; and

(2) If applicable, the time frame for the submission of offers to purchase the project;

(d) An identification of whether the owner receives a property tax exemption for the project pursuant to NRS 361.082 and whether the owner intends to maintain the exemption ending the affordability restriction; and

(e) The contact information of the owner of the project.

5. The Division may adopt regulations to carry out the provisions of this section.

Sec. 6. 1. The provisions of sections 2 to 5, inclusive, of this act apply to:

(a) Every owner of a project that is subject to an affordability restriction on or after October 1, 2021; and

(b) Every owner of a project that on October 1, 2021, has voluntarily maintained an affordability restriction after the expiration of the affordability restriction.

2. As used in this section:

(a) "Affordability restriction" has the meaning ascribed to it in section 2 of this act.

(b) "Owner" has the meaning ascribed to it in section 2 of this act.

(c) "Project" has the meaning ascribed to it in section 2 of this act.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 99 to Senate Bill No. 12 provides that an owner of housing that will voluntarily maintain affordability restrictions after expiration of the restrictions shall provide written notice to the Housing Division of the Department of Business and Industry not less than 12 months before the expiration and, thereafter, submit an annual report to the Division for as long as the affordability restrictions are voluntarily maintained. It provides that provisions of the bill apply to every owner of housing that is subject to an affordability restriction on or after October 1, 2021, and to every owner of housing who, on October 1, 2021, has voluntarily maintained an affordability restriction after expiration of the restriction.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 384.

SUMMARY—Revises provisions governing the imposition of certain special assessments by a board of county commissioners ~~[.]~~ or a governing body of a city. (BDR 20-403)

AN ACT relating to ~~[counties;]~~ local governments; revising provisions governing the imposition of certain special assessments by a board of county

commissioners ~~[,]~~ or a governing body of a city; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if the owner of real property fails to abate certain nuisances or dangerous structures or conditions or remove or cover graffiti, a board of county commissioners may make the costs incurred by the county for the abatement, covering or removal, and any related civil penalties, a special assessment against the real property and collect the special assessment in the same manner as ordinary county taxes are collected. (NRS 244.360-244.3605, 244.3694) Section 1 of this bill authorizes a board of county commissioners to also recover an unpaid fine or fee for an offense relating to real property by making the unpaid fine or fee a special assessment against the real property, which may be collected at the same time and in the same manner as ordinary county taxes.

Under existing law, a special assessment for civil penalties relating to chronic nuisances, public nuisances or dangerous structures or conditions may not be imposed unless: (1) for chronic nuisances, at least 180 days have elapsed after the date specified in a court order or appellate court order for the abatement of the chronic nuisance, and for public nuisances or dangerous structures or conditions, at least 12 months have elapsed after the date specified in the notice by the board of county commissioners or governing body of a city or a court order for the abatement of the public nuisance; (2) the owner has been notified that the civil penalties are due; and (3) the amount of the uncollected civil penalties is more than $5,000. (NRS 244.3603, ~~[244.3605)]~~ 244.3605, 268.4122, 268.4124) Sections ~~[2 and 3]~~ 2-5 of this bill eliminate the ~~[requirements]~~ requirement that 180 days or 12 months, as applicable, have elapsed . ~~[and that the amount of the civil penalties be more than $5,000 for a special assessment for civil penalties to be imposed.]~~

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may adopt an ordinance to recover any unpaid fine or fee for an offense relating to real property from the owner of the real property by making the fine or fee a special assessment against the real property in accordance with subsection 2.

2. Except as otherwise provided in NRS 244.360 to 244.3605, inclusive, and 244.3694, an ordinance adopted pursuant to subsection 1:

(a) Must set forth the offense relating to real property for which an unpaid fine or fee may be collected as a special assessment; and

(b) May not authorize the collection of an unpaid fine or fee for an offense relating to real property as a special assessment against the real property unless the owner of the real property:

(1) Has been billed, served or otherwise notified that the fine or fee is due; and

(2) Has been afforded a reasonable period of time, as set forth in the ordinance, to pay the fine or fee or to request a hearing to appeal the fine or fee.

3. A special assessment authorized pursuant to subsection 1 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

Sec. 2. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner's property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action.

(2) If the chronic nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the chronic nuisance.

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than $750 per day; or

(2) If the property is residential property, of not more than $500 per day, ➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the board or its designee unless:

(a) ~~[At least 180 days have elapsed after the]~~ *The* date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later ~~[;]~~ , *has passed;* ~~*[and]*~~

(b) The owner has been billed, served or otherwise notified that the civil penalties are due ~~*[.]*~~ ; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. If a designee of the board imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

(f) "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

(g) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold,

leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Sec. 3. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or

(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board relating to the order of abatement and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(4) Afforded an opportunity for a hearing before the designee of the board relating to the imposition of civil penalties and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside

storage, suitable fencing, opaque covering, trees, shrubbery or other means if the conditions of subsection 4 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.444 to 706.453, inclusive.

4. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the board or its designee unless:

(a) ~~[At least 12 months have elapsed after the]~~ *The* date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later ~~[.]~~ *, has passed;* ~~*[and]*~~

(b) The owner has been billed, served or otherwise notified that the civil penalties are due ~~*[.]*~~ ; and

(c) The amount of the uncollected civil penalties is more than $5,000.

7. If a designee of the board imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

Sec. 4. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body relating to the order of abatement and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.444 to 706.453, inclusive.

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body or its designee may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the governing body or its designee unless:

(a) ~~[At least 12 months have elapsed after the]~~ *The* date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later ~~[;]~~ *, has passed;*

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

7. If a designee of the governing body imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Sec. 5. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on the property of two or more nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the city attorney for legal action.

(2) If the nuisance is not an immediate danger to the public health, safety and welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the nuisance.

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than $750 per day; or

(2) If the property is residential property, of not more than $500 per day, ➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the governing body or its designee may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body or its designee unless:

(a) ~~[At least 180 days have elapsed after the]~~ *The* date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later ~~[;]~~ *, has passed;*

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. If a designee of the governing body imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

(f) "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

(g) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 384 to Senate Bill No. 57 adds "or a governing body of a city" to provide that the bill revises provisions governing the imposition of special assessments by a board of county commissioners or a governing body of a city. It retains the requirement that the amount of civil penalties must be more than $5,000 for a special assessment to be imposed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 246.

SUMMARY—Revises provisions relating to businesses engaged in the development of emerging technologies. (BDR 18-447)

AN ACT relating to technology; creating the Emerging Technologies Task Force within the Department of Business and Industry; prescribing the membership, powers and duties of the Task Force; authorizing the Director of the Department to create an Opportunity Center for Emerging Technology Businesses as part of the Office of Business Finance and Planning of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-8 of this bill provide for an Emerging Technologies Task Force within the Department of Business and Industry. Section 6 of this bill creates the Task Force and prescribes its membership. Section 7 of this bill designates

the Chair of the Task Force and prescribes the minimum frequency of its meetings and the number of members required to constitute a quorum. Section 8 of this bill requires the Task Force to develop certain strategies and make certain recommendations with regard to: (1) attracting to this State businesses that are engaged in the development of emerging technologies; and (2) encouraging the growth of such businesses. Section 8 also requires the Task Force to submit a report of its findings and recommendations annually to the Governor, the Director of the Department and the Legislature. Section 9 of this bill makes a conforming change to indicate the proper placement of sections 2-8 in the Nevada Revised Statutes.

Existing law authorizes the Director of the Department of Business and Industry to create an Office of Business Finance and Planning within the Department for administering, coordinating and improving access to programs to assist in the growth and retention of business and industry in this State and to provide certain information to the public. (NRS 232.522) Section 10 of this bill authorizes the Director to create an Opportunity Center for Emerging Technology Businesses as part of the Office of Business Finance and Planning, if that office is created, to advocate for, assist and support the growth of businesses engaged in the development of emerging technologies.

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 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Blockchain" has the meaning ascribed to it in NRS 719.045.*

Sec. 4. *"Emerging technologies" means any technologies that are of a unique type or that have a unique scope of application and would provide a benefit to the economy of this State if developed, used or produced by businesses in this State. The term includes, without limitation, blockchain technology, autonomous technology, the Internet of things, robotics and artificial intelligence.*

Sec. 5. *"Task Force" means the Emerging Technologies Task Force created by section 6 of this act.*

Sec. 6. *1. The Emerging Technologies Task Force is hereby created within the Department.*

2. The Task Force consists of:

(a) The Director;

(b) The Commissioner of Financial Institutions or his or her designee;

(c) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;

(d) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

(e) One member who is a representative of the Office of Economic Development, appointed by the Executive Director of the Office of Economic Development; ~~[and]~~

(f) One member who is a representative of the Nevada System of Higher Education, appointed by the Board of Regents of the University of Nevada;

(g) One member who is a teacher at a Title I school in a large school district, appointed by an organization that represents licensed educational personnel within the school district;

(h) One member who is a representative of K-12 public education, appointed by the Nevada State Education Association;

(i) One member who has experience as a consumer advocate, appointed by the Director; and

(j) At least one member who has knowledge, skill and experience in emerging technologies, appointed by the Director.

3. The Director may appoint as many additional members to the Task Force who have knowledge, skill and experience in emerging technologies as the Director deems necessary to carry out the duties of the Task Force.

4. In appointing the members of the Task Force described in subsections 2 and 3, the appointing authorities shall coordinate the appointments to the extent practicable so that the members of the Task Force:

(a) Represent the diversity of this State, including, without limitation, the age, gender, sexual, ethnic, geographic and socioeconomic diversity of this State; and

(b) Include persons with behavioral health conditions and persons who have served or are serving in the military.

5. The term of each appointed member of the Task Force is 3 years. Such a member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

~~[5.]~~ 6. The members of the Task Force serve without compensation, except that each member is entitled, while engaged in the business of the Task Force and within the limits of available money, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ 7. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to make up the time he or she is absent from work to carry out his or her duties as a member of the Task Force or use annual vacation or compensatory time for the absence.

~~[7.]~~ 8. The Director shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out the provisions of sections 2 to 8, inclusive, of this act.

9. As used in this section:

(a) "Large school district" has the meaning ascribed to it in NRS 388G.530.

(b) "Title I school" has the meaning ascribed to it in NRS 385A.040.

Sec. 7. *1. The Director is the Chair of the Task Force.*

2. The members of the Task Force shall meet at least once each quarter at the call of the Chair. The Task Force shall prescribe procedures for its own management and government.

3. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

Sec. 8. *1. The Task Force shall:*

(a) Develop concrete strategies to ensure that this State remains a leader in technological innovation by attracting businesses engaged in the development of emerging technologies.

(b) Make recommendations for streamlining process, regulatory, structural and other barriers a business engaged in the development of emerging technologies may face in relocating to or expanding operations in this State.

(c) Identify opportunities to develop leading practices and standards that will support the growth of businesses engaged in the development of emerging technologies.

(d) Address methods to comprehensively incorporate blockchain technology into all levels of government.

(e) Recommend concrete steps to develop a workforce with technical expertise in emerging technologies, including, without limitation, prioritizing the employment of persons who are unemployed as a result of a pandemic, a natural disaster or an act of terrorism and persons who are 40 years of age or older.

(f) Solicit input from persons and organizations with expertise in emerging technologies.

(g) On or before February 1 of each year, prepare and submit a report to the Governor, the Director of the Department and the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning its findings and recommendations.

2. The Task Force may apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.

3. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 9. NRS 232.505 is hereby amended to read as follows:

232.505 As used in NRS 232.505 to 232.866, inclusive, *and sections 2 to 8, inclusive, of this act,* unless the context requires otherwise:

1. "Department" means the Department of Business and Industry.

2. "Director" means the Director of the Department.

Sec. 10. NRS 232.522 is hereby amended to read as follows:

232.522 The Director may:

1. Create within the Department, as part of the Office of the Director, an Office of Business Finance and Planning to:

(a) Administer and coordinate programs related to financing for the assistance of entities engaged in business and industry in this state;

(b) Provide information to the public concerning the regulatory programs, assistance programs, and other services and activities of the Department; and

(c) Interact with other public or private entities to coordinate and improve access to the Department's programs related to the growth and retention of business and industry in this state.

2. Create within the Department, as part of the Office of Business Finance and Planning, *if that office is created,* a Center for Business Advocacy and Services:

(a) To assist small businesses in obtaining information about financing and other basic resources which are necessary for success;

(b) In cooperation with the Executive Director of the Office of Economic Development, to increase public awareness of the importance of developing manufacturing as an industry and to assist in identifying and encouraging public support of businesses and industries that manufacture goods in this state;

(c) To serve as an advocate for small businesses, subject to the supervision of the Director or the Director's representative, both within and outside the Department;

(d) To assist the Office of Business Finance and Planning in establishing an information and referral service within the Department that is responsive to the inquiries of business and industry which are directed to the Department or any entity within the Department; and

(e) In cooperation with the Executive Director of the Office of Economic Development, to advise the Director and the Office of Business Finance and Planning in developing and improving programs of the Department to serve more effectively and support the growth, development and diversification of business and industry in this state.

3. *Create within the Department, as part of the Office of Business Finance and Planning, if that office is created, an Opportunity Center for Emerging Technology Businesses:*

(a) To assist businesses engaged in the development of emerging technologies in obtaining information about financing and other basic resources which are necessary for success;

(b) In cooperation with the Executive Director of the Office of Economic Development, to increase public awareness of the importance of developing emerging technologies and to assist in identifying and encouraging public support for businesses that are engaged in the development of emerging technologies;

(c) To serve as an advocate for businesses engaged in the development of emerging technologies, subject to the supervision of the Director or the Director's representative, both within and outside the Department;

(d) To assist the Office of Business Finance and Planning in establishing an information and referral service within the Department that is responsive to the inquiries of businesses engaged in the development of emerging technologies which are directed to the Department or any entity within the Department.

(e) To collaborate with businesses engaged in the development of emerging technologies, persons and organizations with expertise in emerging technologies, public and private entities and other interested stakeholders to promote:

(1) The integration of emerging technologies in the private sector and at all levels of government; and

(2) The employment of persons who are unemployed as a result of a pandemic, a natural disaster or an act of terrorism and persons who are 40 years of age or older; and

(f) In cooperation with the Executive Director of the Office of Economic Development, to advise the Director and the Office of Business Finance and Planning in developing and improving programs of the Department to serve more effectively and support the growth, development and diversification of businesses engaged in the development of emerging technologies in this State.

4. Require divisions, offices, commissions, boards, agencies or other entities of the Department to work together to carry out their statutory duties, to resolve or address particular issues or projects or otherwise to increase the efficiency of the operation of the Department as a whole and the level of communication and cooperation among the various entities within the Department.

5. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Emerging technologies" has the meaning ascribed to it in section 4 of this act.

Sec. 11. 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. 12. This act becomes effective on July 1, 2021.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 246 makes the following changes to Senate Bill No. 110. It revises membership of the Emerging Technologies Task Force to include that one member who is a representative of the Nevada System of Higher Education, one member who is a teacher at a Title I school in a large school district, one member who is a representative of K-12 education and one member who has experience as a consumer advocate. It requires that the appointing authorities for the Task Force must ensure certain inclusion and diversity.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 359.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 358.

SUMMARY—Provides ~~[that]~~ additional penalties if a fire or explosion results from the commission of certain prohibited acts. ~~[are also punishable as arson under certain circumstances.]~~ (BDR 40-1006)

AN ACT relating to crimes; providing ~~[that certain prohibited acts are also punishable as arson under certain circumstances;]~~ additional penalties if a fire or explosion results from the commission of certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the crime of arson, which is divided into arson of the first, second, third and fourth degree and which is punishable based upon the degree of arson. (NRS 205.005-205.055)]~~ Existing law ~~[also:]~~ (1) prohibits the unauthorized manufacturing or compounding of a controlled substance other than marijuana; and (2) provides that a person who engages in such unauthorized manufacturing or compounding of a controlled substance other than marijuana is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000. (NRS 453.322) Section 1 of this bill provides that in addition to any punishment that may be imposed for unauthorized manufacturing or compounding of a controlled substance other than marijuana, if a fire or explosion occurs as the result of such manufacturing or compounding of a controlled substance other than marijuana, the person is also guilty of ~~[arson.]~~ a category C felony.

Existing law prohibits: (1) the unauthorized manufacturing, growing, planting, cultivating, harvesting, drying, propagating or processing of marijuana, which is punishable as a category E felony; and (2) the unauthorized extraction of cannabis, which is punishable as a category C felony. (NRS 453.3393) Section 2 of this bill provides that in addition to any other punishment that may be imposed for violating such prohibitions, if a fire or explosion occurs as the result of the violation, the person is also guilty of ~~[arson.]~~ a category C felony.

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

Section 1. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection ~~[4;]~~ *5;* or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection ~~[4,]~~ *5*, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385, a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. *In addition to any other punishment that may be imposed pursuant to this section, if a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and a fire or explosion occurs as the result of such manufacturing or compounding of a controlled substance other than marijuana, or an attempt to do so, the person is guilty of* ~~*[arson]*~~ *a category C felony and shall be punished as provided in NRS* ~~*[205.005 to 205.055, inclusive, depending on the degree of arson.]*~~ *193.130.*

4. The court shall not grant probation to a person convicted pursuant to this section.

~~[4.]~~ *5.* The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.
(b) Acetone.
(c) N-Acetylanthranilic acid, its esters and its salts.
(d) Anthranilic acid, its esters and its salts.
(e) Benzaldehyde, its salts, isomers and salts of isomers.
(f) Benzyl chloride.
(g) Benzyl cyanide.
(h) 1,4-Butanediol.
(i) 2-Butanone (or methyl ethyl ketone or MEK).
(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.

(s) Isosafrole, its salts, isomers and salts of isomers.
(t) Lithium metal.
(u) Methylamine, its salts, isomers and salts of isomers.
(v) 3,4-Methylenedioxy-phenyl-2-propanone.
(w) N-Methylephedrine, its salts, isomers and salts of isomers.
(x) Methyl isobutyl ketone (MIBK).
(y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
(z) Nitroethane, its salts, isomers and salts of isomers.
(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
(bb) Phenylacetic acid, its esters and its salts.
(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
(dd) Piperidine and its salts.
(ee) Piperonal, its salts, isomers and salts of isomers.
(ff) Potassium permanganate.
(gg) Propionic anhydride, its salts, isomers and salts of isomers.
(hh) Pseudoephedrine, its salts, isomers and salts of isomers.
(ii) Red phosphorous.
(jj) Safrole, its salts, isomers and salts of isomers.
(kk) Sodium metal.
(ll) Sulfuric acid.
(mm) Toluene.

Sec. 2. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or title 56 of NRS.

2. Unless a greater penalty is provided in subsection 3 or NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of title 56 of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. *In addition to any other punishment that may be imposed pursuant to this section, if a person:*

(a) Manufactures, grows, plants, cultivates, harvests, dries, propagates or processes marijuana in violation of subsection 1; or

(b) Extracts concentrated cannabis in violation of subsection 3,

➥ *and a fire or explosion occurs as the result of the violation, the person is guilty of ~~[arson.]~~ a category C felony and shall be punished as provided in NRS ~~[205.005 to 205.055, inclusive, depending on the degree of arson.]~~ 193.130.*

5. In addition to any punishment imposed pursuant to this section, the court shall order a person convicted of a violation of this section to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana or the extraction of concentrated cannabis.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 358 to Senate Bill No. 359 clarifies that the added penalty of arson set forth in the bill is a category C felony.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 251.

SUMMARY—Revises provisions relating to public employment. (BDR 23-1011)

AN ACT relating to public employment; ~~[revising the membership, appointment and qualifications of certain members of the Public Employees' Retirement Board;]~~ revising the appointment of certain members of the Board of the Public Employees' Benefits Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Public Employees' Retirement System for providing benefits for the retirement, disability or death of public employees. (NRS 286.110) Existing law also provides that the governing authority of the System is the Public Employees' Retirement Board, consisting of seven members appointed by the Governor, and sets forth the qualifications and terms of the members of the Board. (NRS 286.120, 286.130) Existing law provides that three members of the Board must be employees of the State of Nevada or its political subdivisions and, among other qualifications, must be appointed from written nominations submitted by various governmental employees and staff. (NRS 286.130) Section 1 of this bill reduces that membership to two members and adds a member who: (1) has had at least 10 years of service as an employee of the State of Nevada or Nevada System of Higher Education; (2) is not an elected officer of the State of Nevada or the Nevada System of Higher Education; (3) is an active member of the Public Employees' Retirement System; and (4) is appointed from a written list of nominations of 10 classified state employees submitted by the labor organization representing the largest number of classified state employees participating in the System.]~~

Existing law: (1) creates the Board of the Public Employees' Benefits Program, consisting of 10 members, and sets forth the qualifications and terms of appointment of the members; and (2) requires the Board to establish and carry out the Public Employees' Benefits Program, which is required to include a program of group life, accident or health insurance, or any combination thereof. (NRS 287.041, 287.043) ~~[Under existing law,]~~ Of the 10 members, the Board must have : (1) two members who are professional employees of the Nevada System of Higher Education, appointed by the Governor upon consideration of any recommendations of organizations that represent employees of the Nevada System of Higher Education; (2) two members who are retired from public employment, appointed by the Governor upon consideration of any recommendations of organizations that represent retired public employees; and (3) two members who are employees in the classified service of the State , appointed by the Governor upon consideration of any recommendations of organizations that represent state employees. (NRS 287.041) Section 2 of this bill revises the appointment of these ~~[two]~~ six members . ~~[by requiring]~~ Section 2 requires the Governor to make the appointments of: (1) the two members who are professional employees of the Nevada System of Higher Education from a list of nominations of five professional employees of the Nevada System of Higher Education submitted by the professional organization representing the largest number of professional employees of the Nevada System of Higher Education participating in the Program: (2) the two members who are retired from public employment from a list of nominations of five persons who are retired from public employment submitted by the organization that represents the largest number of retired state employees; and (3) the two members who are employees in the classified service of the State from a list of nominations of 10 classified employees submitted by the labor organization representing the largest number of classified state employees participating in the Program.

Section 3 of this bill provides that: (1) each member of ~~[the Public Employees' Retirement Board and]~~ the Board of the Public Employees' Benefits Program who is serving on June 30, 2021, continues to serve until the expiration of his or her current term or until vacancy, whichever occurs first; and (2) on and after July 1, 2021, upon the expiration of a term of such a member or a vacancy otherwise occurring, appointments must be made in accordance with section ~~[1 or]~~ 2 . ~~[of this bill, as applicable.]~~

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

Section 1. ~~[NRS 286.130 is hereby amended to read as follows:~~

~~286.130 1. [Three] *Two* members of the Board must be persons who:~~

~~(a) Have had at least 10 years of service as employees of the State of Nevada or its political subdivisions;~~

~~(b) Are not elected officers of the State of Nevada or its political subdivisions;~~

~~(c) Are active members of the System; and~~

~~(d) Are appointed from written nominations submitted by the following groups:~~

~~(1) Employees of the State and the Nevada System of Higher Education;~~

~~(2) The academic staff of school districts;~~

~~(3) Employees of cities, excluding Carson City;~~

~~(4) Employees of counties, including Carson City and excluding employees of county hospitals;~~

~~(5) Employees of county hospitals, public utilities, power districts, sanitation districts, classified school employees and employees of other districts as determined by the Board; and~~

~~(6) Employees whose current positions entitle them to participate in the Police and Firefighters' Retirement Fund.~~

~~*~~ ~~Each nominee must be a member of the group or organization that is nominating the nominee.~~

~~2. *One member of the Board must be a person who:*~~

~~*(a) Has had at least 10 years of service as an employee of the State of Nevada or the Nevada System of Higher Education;*~~

~~*(b) Is not an elected officer of the State of Nevada or the Nevada System of Higher Education;*~~

~~*(c) Is an active member of the System; and*~~

~~*(d) Is appointed from a written list of nominations of 10 classified state employees submitted by the labor organization representing the largest number of classified state employees participating in the System.*~~

~~3. Two members of the Board must be persons who:~~

~~(a) Have had at least 10 years of service as employees of the State of Nevada or its political subdivisions;~~

~~(b) Are not elected officers of the State of Nevada or its political subdivisions;~~

~~(c) Are active members of the System; and~~

~~(d) Are appointed from written nominations submitted by the following groups:~~

~~(1) Administrators of school districts or members of boards of trustees of school districts; and~~

~~(2) Members of boards of county commissioners or the governing bodies of cities or administrators of counties or cities.~~

~~[3.] *4.* One member of the Board must be a person who:~~

~~(a) Is an employee of the State of Nevada or its political subdivisions with at least 10 years of service;~~

~~(b) Is serving in a position at least equivalent to the manager of a department or division;~~

~~(c) Is not an elected officer of the State of Nevada or its political subdivisions; and~~

~~(d) Is an active member of the System.~~

~~[4.] *5.* One member of the board must be a person who:~~

~~(a) Has had at least 10 years of service as an employee of the State of Nevada or its political subdivisions;~~

~~(b) Is not an elected officer of the State of Nevada or its political subdivisions; and~~

~~(c) Is receiving an allowance for service or disability retirement pursuant to this chapter.~~

~~[5.]~~ *6. A member of the Board shall serve for 4 years, so long as the* ~~member has the qualifications required by this section, and until the member's successor is appointed and takes office. A member of the Board who no longer has the qualifications specified in the subsection under which the member was appointed may serve the remainder of the member's term if the member loses those qualifications in the final 24 months of the member's term.]~~ (Deleted by amendment.)

Sec. 2. NRS 287.041 is hereby amended to read as follows:

287.041 1. There is hereby created the Board of the Public Employees' Benefits Program. The Board consists of 10 members appointed as follows:

(a) Two members who are professional employees of the Nevada System of Higher Education, appointed by the Governor ~~[upon consideration of any recommendations of organizations]~~ *from a list of nominations of five professional employees of the Nevada System of Higher Education submitted to the Governor by the professional organization* that ~~[represent]~~ *represents the largest number of professional* employees of the Nevada System of Higher Education ~~[.]~~ *participating in the Public Employees' Benefits Program.* One such member must reside in northern Nevada and the other member must reside in southern Nevada.

(b) Two members who are retired from public employment, appointed by the Governor ~~[upon consideration of any recommendations of organizations]~~ *from a list of nominations of five persons who are retired from public employment submitted to the Governor by the organization* that ~~[represent]~~ *represents the largest number of* retired ~~[public]~~ *state* employees.

(c) Two members who are employees in the classified service of the State, appointed by the Governor ~~[upon consideration of any recommendations of organizations that represent state employees.]~~ *from a list of nominations of 10 classified state employees submitted by the labor organization representing the largest number of classified state employees participating in the Public Employees' Benefits Program.*

(d) One member who is employed by this State in a managerial capacity and has substantial and demonstrated experience in risk management, group insurance programs, health care administration or employee benefits programs appointed by the Governor.

(e) Two members who have substantial and demonstrated experience in risk management, group insurance programs, health care administration or employee benefits programs appointed by the Governor.

(f) The Director of the Department of Administration or a designee of the Director approved by the Governor.

2. Of the nine persons appointed to the Board pursuant to paragraphs (a) to (e), inclusive, of subsection 1, at least four members must have a bachelor's degree or a more advanced degree, or equivalent professional experience, in business administration, economics, medicine, accounting, actuarial science, insurance, risk management or health care administration, and at least two members must have education or proven experience in the management of employees' benefits, insurance, risk management, health care administration or business administration.

3. Each person appointed as a member of the Board must:

(a) Except for a member appointed pursuant to paragraph (e) of subsection 1, have been a participant in the Program for at least 1 year before the person's appointment;

(b) Except for a member appointed pursuant to paragraph (e) of subsection 1, be a current employee of the State of Nevada or another public employer that participates in the Program or a retired public employee who is a participant in the Program;

(c) Not be an elected officer of the State of Nevada or any of its political subdivisions; and

(d) Not participate in any business enterprise or investment:

(1) With any vendor or provider to the Program; or

(2) In real or personal property if the Program owns or has a direct financial interest in that enterprise or property.

4. Except as otherwise provided in this subsection, after the initial terms, the term of an appointed member of the Board is 4 years and until the member's successor is appointed and takes office unless the member no longer possesses the qualifications for appointment set forth in this section or is removed by the Governor. If a member loses the requisite qualifications within the last 12 months of the member's term, the member may serve the remainder of the member's term. Members are eligible for reappointment. A vacancy occurring in the membership of the Board must be filled in the same manner as the original appointment.

5. The appointed members of the Board serve at the pleasure of the Governor.

Sec. 3. 1. The amendatory provisions of ~~[sections 1 and]~~ section 2 of this act do not affect the current terms of appointment of any person who, on June 30, 2021, is a member of ~~[the Public Employees' Retirement Board or]~~ the Board of the Public Employees' Benefits Program and each such member continues to serve until the expiration of his or her current term or until a vacancy occurs, whichever occurs first.

2. On and after July 1, 2021, upon the expiration of a term or a vacancy otherwise occurring on the ~~[:~~

~~(a) Public Employees' Retirement Board; or~~

~~(b)]~~ Board of the Public Employees' Benefits Program,

~~[—]~~ the vacancy must be filled in the manner provided by ~~[NRS 286.130, as amended by section 1 of this act, and]~~ NRS 287.041, as amended by section 2 of this act . ~~[, as applicable.]~~

Sec. 4. This act becomes effective on July 1, 2021.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 251 to Senate Bill No. 360 deletes section 1 to remove any changes to the Public Employees Retirement Board. It revises section 2 of the bill to provide the Governor must make certain appointments to the Board of the Public Employees Benefits Program as follows: two NSHE professional employee members from a list of five nominations submitted by the professional organization representing the largest number of professional employees of NSHE; two members retired from public employment from a list of five nominations submitted by the professional organization representing the largest number of retired State employees; and two members who are classified employees from a list of ten nominations submitted by the labor organization representing the largest number of classified State employees in the Program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 110 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 179.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 427.

SUMMARY—Revises provisions relating to sign language interpreting and realtime captioning. (BDR 54-386)

AN ACT relating to interpreters; revising the activities for which registration as an interpreter or realtime captioning provider is required; revising the requirements and professional classifications for registration as an interpreter or realtime captioning provider; providing for the establishment of qualifications to serve as a professional mentor and additional professional classifications in the field of interpreting; revising certain terminology related to interpreting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the practice of interpreting and the practice of realtime captioning by the Aging and Disability Services Division of the Department of Health and Human Services. (Chapter 656A of NRS) Existing law defines the term "practice of interpreting" to mean translating spoken language into certain visual or tactile representations of spoken language and vice versa. (NRS 656A.060) Section 6 of this bill: (1) changes the term "practice of interpreting" to "practice of sign language interpreting" and (2) amends the definition to mean interpreting or translating between any spoken language and certain visual or tactile representations of

spoken language. Section 7 of this bill removes an exemption from provisions of existing law governing the practice of sign language interpreting and the practice of realtime captioning for persons who engage in the practice of sign language interpreting or the practice of realtime captioning solely for meetings of nonprofit civic organizations, thereby requiring, under certain circumstances, such persons to register with the Division to engage in the practice of sign language interpreting or the practice of realtime captioning, as applicable. (NRS 656A.070)

Existing law establishes requirements for an applicant for registration to engage in the practice of interpreting in: (1) a community setting as an apprentice level interpreter, a skilled interpreter or an advanced certified interpreter; and (2) an educational setting as an apprentice level, intermediate or advanced interpreter. (NRS 656A.100) Section 9 of this bill eliminates the apprentice, intermediate, skilled and advanced levels of interpreter and instead establishes qualifications for registration or provisional registration as an interpreter. Section 9 also: (1) requires an applicant for provisional registration to submit proof of ongoing participation in a program of professional development for interpreters and engagement with a professional mentor; and (2) prohibits provisional registration in a professional classification for longer than 3 years in total. Section 9 additionally eliminates a supplemental registration to practice in a legal or medical setting. Section 18 of this bill provides that an interpreter who is registered to engage in the practice of interpreting on July 1, 2021, but who does not meet the requirements for such a registration, as amended by section 9, must be issued a provisional registration that expires on July 1, 2024. Sections 5 and 8 of this bill make conforming changes to reflect that interpreters may be either registered or provisionally registered.

Sections 1, 3, 4, 9 and 14-17 of this bill make revisions so that an interpreter must register to practice as an interpreter in: (1) a primary or secondary educational setting if the person wishes to facilitate communication relating to educational programming or other school activities provided through grade 12; and (2) a community setting if the person wishes to facilitate communication in any other setting, including a postsecondary educational setting, a legal setting or a medical setting. Section 10 of this bill: (1) requires the Division to adopt regulations prescribing qualifications for professional mentors; and (2) authorizes the Division to establish additional professional classifications of the practice of sign language interpreting.

Sections 9-12 of this bill replace the term "certification" with the term "credentialing" in provisions governing the qualifications of sign language interpreters and realtime captioning providers.

Existing law prohibits a person from holding himself or herself out as certified to engage in the practice of interpreting or the practice of realtime captioning unless he or she is registered with the Division. (NRS 656A.800) Section 13 of this bill removes the term "certified" and instead prohibits a person from holding himself or herself out as registered or provisionally

registered to engage in the practice of sign language interpreting or registered to engage in the practice of realtime captioning unless he or she is registered or provisionally registered, as applicable, with the Division. Section 20 of this bill removes a definition of a term that is no longer used in the relevant portion of the Nevada Revised Statutes. Section 2 of this bill makes a conforming change to indicate the proper placement in the Nevada Revised Statutes of a new definition added by section 1.

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

Section 1. Chapter 656A of NRS is hereby amended by adding thereto a new section to read as follows:

"Postsecondary educational setting" means communication relating to participation by students in curricular or extracurricular programming provided by or through:

1. A university, college or community college within the Nevada System of Higher Education; or

2. A postsecondary educational institution, as defined in NRS 394.099.

Sec. 2. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.023 to 656A.065, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 656A.027 is hereby amended to read as follows:

656A.027 "Community setting" means any setting that is not ~~[an]~~ *a primary or secondary* educational setting. The term includes, without limitation, *a postsecondary educational setting,* a legal setting and a medical setting.

Sec. 4. NRS 656A.029 is hereby amended to read as follows:

656A.029 ~~["Educational]~~ *"Primary or secondary educational* setting" means ~~[a]~~ *all communication relating to participation by pupils in educational programming or any other activity provided by or through a* public school, *school district or* private school ~~[or charter school]~~ in this State.

Sec. 5. NRS 656A.030 is hereby amended to read as follows:

656A.030 "Interpreter" means a person who is registered *or provisionally registered* with the Division to engage in the practice of sign language interpreting in this State pursuant to NRS 656A.100.

Sec. 6. NRS 656A.060 is hereby amended to read as follows:

656A.060 "Practice of *sign language* interpreting" means the facilitation of communication between persons who are deaf or whose hearing is impaired and other persons. The term includes, without limitation:

1. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* American Sign Language or any other visual-gestural system of communication *;* ~~[or vice versa;]~~

2. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* a tactile method of sign language *;* ~~[or vice versa;]~~

3. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* an oral interpretation of the speaker's words by enunciating, repeating or rephrasing those words without using the voice to assist a person who is deaf or whose hearing is impaired in lipreading the information conveyed by the speaker;

4. ~~[Translating]~~ *Interpreting or translating between any* spoken language ~~[into]~~ *and* a visual representation of spoken language that:

(a) Uses eight hand shapes to represent groups of consonants and the placement of those hand shapes in four positions around the face to indicate groups of vowel sounds; and

(b) Is used in conjunction with lipreading;

5. ~~[Translating]~~ *Interpreting or translating between any* spoken ~~[English into]~~ *language and* a system of sign language that is based on the syntax of the English language *;* ~~[or vice versa;]~~ and

6. The use of any of the methods of interpreting or ~~[transliterating]~~ *translating* set forth in subsections 1 to 5, inclusive, by a person who is deaf or whose hearing is impaired to facilitate communication between another person who is deaf or whose hearing is impaired and an interpreter, or between two or more persons who are deaf or whose hearing is impaired.

Sec. 7. NRS 656A.070 is hereby amended to read as follows:

656A.070 The provisions of this chapter do not apply to a person who:

1. Is licensed in another state to engage in the practice of *sign language* interpreting or the practice of realtime captioning and who engages in the practice of *sign language* interpreting or the practice of realtime captioning, respectively, in this State:

(a) For a period of not more than 30 nonconsecutive days in a calendar year; or

(b) By teleconference if the interpreting services or realtime captioning services provided by that person are necessary because an interpreter or realtime captioning provider is unavailable to provide those services in person or by teleconference;

2. Engages in the practice of *sign language* interpreting or the practice of realtime captioning solely for meetings of ~~[nonprofit civic or]~~ religious organizations;

3. Engages in the practice of *sign language* interpreting or the practice of realtime captioning as necessary for the provision of an emergency medical or governmental service to a person who is deaf or whose hearing is impaired; or

4. Engages occasionally in the practice of *sign language* interpreting in a social situation that does not require a qualified interpreter pursuant to the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or the regulations adopted pursuant to those provisions.

Sec. 8. NRS 656A.080 is hereby amended to read as follows:

656A.080 The Division shall:

1. Establish a registry of persons who are registered *or provisionally registered* with the Division to engage in the practice of interpreting or the practice of realtime captioning. The registry must include, without limitation:

(a) The name of the person and any other information prescribed by the Division; and

(b) If the person is registered *or provisionally registered* to engage in the practice of interpreting, each professional classification in which the person is registered *or provisionally registered* to practice;

2. Make the registry available on an Internet website maintained by the Division; and

3. Provide a copy of the registry without charge to any person upon request.

Sec. 9. NRS 656A.100 is hereby amended to read as follows:

656A.100 1. A person who wishes to *register or provisionally register to* engage in the practice of *sign language* interpreting in this State must submit to the Division:

(a) Proof that the applicant is at least 18 years of age;

(b) An application in the form prescribed by the Division;

(c) Proof that the applicant has complied with the requirements for education, training, experience and ~~[certification]~~ *credentialing* required for each professional classification of the practice of *sign language* interpreting pursuant to this section or prescribed by a regulation of the Division pursuant to NRS 656A.110;

(d) If the applicant wishes to *register to* practice *sign language* interpreting in a community setting ~~[as an apprentice level interpreter,]~~ , proof ~~[:~~

~~(1) That the applicant possesses intermediate interpreting skills;~~

~~(2) Of current participation in a program of mentoring or an agreement to participate in a program of mentoring with an interpreter in a community setting other than an apprentice level interpreter; and~~

~~(3) Of ongoing participation in a training program for the professional development of interpreters;]~~ *that the applicant holds, in good standing, a nationally recognized sign language interpreter or transliterator certification approved by the Division;*

(e) If the applicant wishes to *provisionally register to* practice *sign language* interpreting in a community setting , ~~[as a skilled interpreter,]~~ proof:

(1) That the applicant ~~[is certified as an interpreter by a nationally recognized public or private organization which is approved by the Division or]~~ possesses the skills necessary to practice interpreting at ~~[a skilled]~~ *an intermediate* level *;* ~~[in a community setting;]~~ and

(2) Of ongoing participation in a ~~[training]~~ program for the professional development of interpreters ~~[;~~

~~(f) If the applicant wishes to practice interpreting in a community setting as an advanced certified interpreter, proof:~~

~~(1) That the applicant is certified as an interpreter at an advanced level by a nationally recognized public or private organization which is approved by~~

~~the Division or possesses the skills necessary to practice interpreting at an advanced level in a community setting; and~~

~~(2) Of ongoing participation in a training program for the professional development of interpreters;~~

~~(g)~~ *and engagement with a professional mentor;*

(f) If the applicant wishes to *register to* practice *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting *,* ~~[as an apprentice level interpreter,]~~ proof:

(1) That the applicant has ~~[completed]~~ *:*

(I) Completed the Educational Interpreter Performance Assessment ~~[administered by a public or private organization which is]~~ *or holds another credential for interpreters in a primary or secondary educational setting that is* approved by the Division *;* and ~~[received]~~

(II) Received a rating of his or her level of proficiency in providing interpreting services at least at level ~~[3.0;]~~ *4.0 or its equivalent; and*

(2) Of ~~[current]~~ *ongoing* participation in a program ~~[of mentoring or an agreement to participate in a program of mentoring with an interpreter in an educational setting other than an apprentice level interpreter; and~~

~~(3) Of an individualized plan]~~ for *the* professional development ~~[as an interpreter which includes, without limitation, specific goals for the applicant's professional development as an interpreter;~~

~~(h)~~ *of interpreters;*

(g) If the applicant wishes to *provisionally register to* practice *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting *,* ~~[as an intermediate interpreter,]~~ proof:

(1) That the applicant has ~~[completed]~~ *:*

(I) Completed the Educational Interpreter Performance Assessment ~~[administered by a public or private organization which is]~~ *or holds another credential for interpreters in a primary or secondary educational setting that is* approved by the Division *;* and ~~[received]~~

(II) Received a rating of his or her level of proficiency in providing interpreting services at least at level ~~[3.1;]~~ *3.5 or its equivalent;* and

(2) Of ~~[an individualized plan]~~ *ongoing participation in a program* for *the* professional development ~~[as an interpreter which includes, without limitation, specific goals for the applicant's professional development as an interpreter;~~

~~(i) If the applicant wishes to practice interpreting in an educational setting as an advanced interpreter, proof:~~

~~(1) That the applicant has completed the Educational Interpreter Performance Assessment administered by a public or private organization which is approved by the Division and received a rating of his or her level of proficiency in providing interpreting services at least at level 4.0;~~

~~(2) That the applicant possesses at least 4 years of experience practicing as an interpreter in a classroom; and~~

~~(3) Of an individualized plan for professional development as an interpreter which includes, without limitation, specific goals for the applicant's professional development as an interpreter;~~

~~(j) If the applicant wishes to obtain a supplemental registration specifically to practice interpreting in a legal setting or medical setting in addition to obtaining registration pursuant to paragraphs (d) to (i), inclusive, any information or evidence as prescribed by a regulation of the Division pursuant to NRS 656A.110; and~~

~~(k)~~] *of interpreters and engagement with a professional mentor; and*

(h) Any other information or evidence the Division may require to determine whether the applicant has complied with the requirements to engage in the practice of *sign language* interpreting.

2. The Division may, for good cause shown, waive any requirement set forth in subsection 1.

3. An applicant must identify each professional classification of the practice of *sign language* interpreting for which he or she requests registration ~~[.]~~ *or provisional registration.*

4. ~~[The]~~ *Except as otherwise provided in subsection 5, the* Division shall:

(a) Register *or provisionally register* each applicant who complies with the applicable provisions of this section as an interpreter described in the applicable paragraph of subsection 1; and

(b) Issue to the applicant proof of *registration or provisional* registration.

5. The Division shall not issue a provisional registration for a professional classification of the practice of sign language interpreting to any person for more than a total of 3 years, including renewals.

Sec. 10. NRS 656A.110 is hereby amended to read as follows:

656A.110 *1.* The Division shall, by regulation:

~~[1.]~~ *(a)* Prescribe for each professional classification of interpreters:

~~[(a)]~~ *(1)* The level of education and professional training, experience and ~~[certification]~~ *credentialing* required to engage in the practice of *sign language* interpreting in that classification.

~~[(b)]~~ *(2)* The authorized scope of practice, including, without limitation, any condition, restriction or other limitation imposed on a person who practices in that classification.

~~[2. Establish ethical]~~

(3) Ethical standards for persons who engage in the practice of *sign language* interpreting ~~[, including, without limitation, standards for maintaining confidential communications between an interpreter and a person who receives his or her services.]~~ *in that professional classification.*

(b) Prescribe qualifications for professional mentors of interpreters, including, without limitation, the level of education, training, experience and credentialing required to provide mentoring.

2. The Division may adopt regulations establishing professional classifications of the practice of sign language interpreting in addition to those set forth in NRS 656A.100.

Sec. 11. NRS 656A.400 is hereby amended to read as follows:

656A.400 1. A person who wishes to engage in the practice of realtime captioning in this State must submit to the Division:

(a) Proof that the applicant is at least 18 years of age;

(b) An application in the form prescribed by the Division;

(c) Proof that the applicant has complied with the requirements for education, training, experience and ~~[certification]~~ *credentialing* required for the practice of realtime captioning as prescribed by a regulation of the Division pursuant to NRS 656A.410; and

(d) Any other information or evidence the Division may require to determine whether the applicant has complied with the requirements to engage in the practice of realtime captioning.

2. The Division shall register each applicant who complies with the provisions of this section and issue to the applicant proof of registration.

Sec. 12. NRS 656A.410 is hereby amended to read as follows:

656A.410 The Division shall, by regulation:

1. Prescribe the level of education and professional training, experience and ~~[certification]~~ *credentialing* required to engage in the practice of realtime captioning.

2. Establish ethical standards for persons who engage in the practice of realtime captioning, including, without limitation, standards for maintaining confidential communications between a realtime captioning provider and a person who receives his or her services.

Sec. 13. NRS 656A.800 is hereby amended to read as follows:

656A.800 1. Except as otherwise provided by specific statute, it is unlawful for a person to:

(a) Engage in the practice of *sign language* interpreting in this State;

(b) Hold himself or herself out as ~~[certified]~~ *registered, provisionally registered,* or *otherwise* qualified to engage in the practice of *sign language* interpreting in this State; or

(c) Use in connection with his or her name any title, words, letters or other designation intended to imply or designate that the person is an interpreter,

➥ unless the person is registered *or provisionally registered* with the Division pursuant to NRS 656A.100

2. It is unlawful for a person to:

(a) Engage in the practice of realtime captioning in this State;

(b) Hold himself or herself out as ~~[certified]~~ *registered* or *otherwise* qualified to engage in the practice of realtime captioning in this State; or

(c) Use in connection with his or her name any title, words, letters or other designation intended to imply or designate that he or she is a realtime captioning provider,

➥ unless the person is registered with the Division pursuant to NRS 656A.400.

3. A person who violates the provisions of subsection 1 or 2:

(a) Is guilty of a misdemeanor; and

(b) May be assessed a civil penalty of not more than $5,000.

4. An action for the enforcement of a civil penalty assessed pursuant to this section may be brought in any court of competent jurisdiction by the district attorney of the appropriate county or the Attorney General.

5. Any civil penalty recovered pursuant to this section must be deposited with the State Treasurer for credit to the Account for Services for Persons With Impaired Speech or Hearing created by NRS 427A.797.

6. The Division shall report a violation of a provision of subsection 1 or 2 to the district attorney of the county in which the violation occurred or the Attorney General.

Sec. 14. NRS 50.050 is hereby amended to read as follows:

50.050 1. As used in NRS 50.050 to 50.053, inclusive, unless the context requires otherwise:

(a) "Interpreter" means a:

(1) Registered *community* interpreter; *or*

(2) ~~[Registered legal interpreter; or~~

~~(3)]~~ Person who is appointed as an interpreter pursuant to subsection 2 of NRS 50.0515.

(b) "Person with a communications disability" means a person who, because the person is deaf or has a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings.

(c) "Registered *community* interpreter" means a person registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of *sign language* interpreting ~~[~~.

~~(d) "Registered legal interpreter" means a person registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting]~~ in a ~~[legal]~~ *community* setting.

2. In all judicial proceedings in which a person with a communications disability appears as a witness, the court, magistrate or other person presiding over the proceedings shall appoint an interpreter to interpret the proceedings to that person and to interpret the testimony of that person to the court, magistrate or other person presiding.

3. The court, magistrate or other person presiding over the proceedings shall fix a reasonable compensation for the services and expenses of the interpreter appointed pursuant to this section. If the judicial proceeding is civil in nature, the compensation of the interpreter may be taxed as costs, except that the person with a communications disability for whose benefit the interpreter is appointed must not be taxed, charged a fee or otherwise required to pay any portion of the compensation of the interpreter.

4. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are

paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expenses claimed.

Sec. 15. NRS 50.0515 is hereby amended to read as follows:

50.0515 1. Except as otherwise provided in this section, in any judicial or other proceeding in which the court, magistrate or other person presiding over the proceeding is required to appoint an interpreter for a person with a communications disability, the court, magistrate or other person presiding over the proceeding shall appoint a registered ~~[legal]~~ *community* interpreter to interpret the proceeding to that person and to interpret the testimony of that person to the court, magistrate or other person presiding over the proceeding.

2. If a registered ~~[legal]~~ *community* interpreter cannot be found or is otherwise unavailable, or if the appointment of a registered ~~[legal]~~ *community* interpreter will cause a substantial delay in the proceeding, the court, magistrate or other person presiding over the proceeding may, after making a finding to that effect and conducting a voir dire examination of prospective interpreters, appoint ~~[a registered interpreter or]~~ any other interpreter that the court, magistrate or other person presiding over the proceeding determines is readily able to communicate with the person with a communications disability, translate the proceeding for him or her, and accurately repeat and translate the statements of the person with a communications disability to the court, magistrate or other person presiding over the proceeding.

Sec. 16. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of *sign language* interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 17. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging

persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.610 to provide hearing aids to children who are hard of hearing;

(4) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(5) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 385.4, or the designated state entity, as that term is defined in 45 C.F.R. § 1329.4, as applicable; and

(6) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of *sign language* interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of *sign language* interpreting in ~~[an]~~ *a primary or secondary* educational setting in each professional classification established ~~[pursuant to]~~ *by* NRS 656A.100 *or the regulations adopted pursuant to NRS 656A.110* and the number of persons engaged in the practice of realtime captioning in ~~[an]~~ *a primary or secondary* educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall:

(a) Administer the provisions of chapters 435 and 656A of NRS; and

(b) Assist the Board of Applied Behavior Analysis in the administration of the provisions of chapter 437 of NRS as prescribed in that chapter.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 18. 1. A registration to engage in the practice of interpreting in a community setting or an educational setting that is held by a person who does not meet the requirements prescribed by NRS 656A.100, as amended by section 9 of this act, for registration to engage in the practice of sign language interpreting in a community setting or a primary or secondary educational setting, as applicable, on July 1, 2021, expires on that date.

2. Notwithstanding the provisions of NRS 656A.100, as amended by section 9 of this act, on July 1, 2021, the Aging and Disability Services Division of the Department of Health and Human Services shall issue:

(a) A provisional registration to engage in the practice of sign language interpreting in a community setting to any person whose registration to engage in the practice of interpreting in a community setting expires pursuant to subsection 1.

(b) A provisional registration to engage in the practice of sign language interpreting in a primary or secondary educational setting to any person whose registration to engage in the practice of interpreting in an educational setting expires pursuant to subsection 1.

3. A provisional registration issued pursuant to this section expires on July 1, 2024.

Sec. 19. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately substitute the term "practice of sign language interpreting" for the term "practice of interpreting."

2. In preparing supplements to the Nevada Administrative Code, appropriately:

(a) Substitute the term "practice of sign language interpreting" for the term "practice of interpreting," as previously used in any chapter of NAC; and

(b) Substitute the term "primary or secondary educational setting" for the term "educational setting," as previously used in chapter 656A of NAC.

Sec. 20. NRS 656A.023 is hereby repealed.

Sec. 21. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 20, inclusive, of this act become effective:

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

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

TEXT OF REPEALED SECTION

656A.023 "Charter school" defined. "Charter school" has the meaning ascribed to it in NRS 385.007.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 427 makes two changes to Senate Bill No. 179. The amendment clarifies that the definition of "primary or secondary educational setting" to include all communication within a school setting, and it clarifies the definition of "interpreter" to include the practice of "sign language" interpreting.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

Senator Hansen requested that his remarks be entered in the Journal.

Growing up, two of my heroes were Willy Mays and Willy McCovey who both played for the San Francisco Giants. My mom took me to a game when I was a little kid. She was the nurse I was talking about earlier. She never told me I could not like these two players because they were black. It was quite the opposite. They were both incredibly talented athletes.

To bring this back to politics, this is one of the reasons I reject the concept of Senate Concurrent Resolution No. 5 that we voted on today. It is an insult to my mom and all of the people in the health-care system. I want to make sure the record reflects that I voted against that resolution. During the 32nd Special Session, we had Senate Concurrent Resolution No. 1, which we voted unanimously to pass. I cannot go back and change that vote, but I would like the record to reflect that I now wish I could have that vote back. That resolution also was an insult to my mom and all of the people in the health-care system.

We should give a big shout-out to Operation Warp Speed and the fact a vaccine was created in a miraculously short period of time. This vaccine benefits people of every race, creed or color. This all came about because of a man who was viciously attacked as being a racist from the day of his election to the day he left office, our former, President Donald Trump. I would like to give a big shout-out to Donald Trump for helping save many lives, of every race, creed and color, in the United States and around the world.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bill No. 62.

Senator Cannizzaro moved that the Senate adjourn until Friday, April 16, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:24 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate