

THE ONE HUNDRED-TENTH DAY

CARSON CITY (Friday), May 21, 2021

Senate called to order at 3:01 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Dina Neal.

Father God, I ask for Your blessings and Your grace today on this deadline day. Bring peace to everyone in this building that surpasses all understanding. Reduce the level of conflict on the rise in the building today. Move in Your Holy Spirit and grace. Bless us and our families who are waiting for us to come home. Deliver us from all of our anxiety and encourage us to handle the issues out of your will, God. Bless the staff and the Assembly.

Guide us to a great and wonderful day.

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 Finance, to which were re-referred Senate Bills Nos. 27, 69, 76, 147, 211, 287, 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam President:

Your Committee on Health and Human Services, to which was re-referred Senate Bill No. 390, 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*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 20, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 37, 38, 43, 46, 47, 59, 60, 61, 63, 66, 72, 82.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 116, 358, 365, 393.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 6, Amendment No. 598; Senate Bill No. 7, Amendment No. 669; Senate Bill No. 21, Amendment No. 618; Senate Bill No. 45, Amendment No. 599; Senate Bill No. 50, Amendment No. 536; Senate Bill No. 54, Amendment No. 548; Senate Bill No. 58, Amendment No. 678, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 12.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 3.

Resolution read.

Remarks by Senators Donate and Hansen.

SENATOR DONATE:

Assembly Joint Resolution No. 3 urges President Joseph R. Biden Jr., and the Congress of the United States to support a long-term goal of protecting 50 percent of the planet, inland waters and oceans. It urges State and local agencies in Nevada to work cooperatively with federal agencies and tribal governments to protect 30 percent of the lands and waters in the State by 2030.

SENATOR HANSEN:

I oppose Assembly Joint Resolution No. 3. The concept we are facing ecosystem collapse and global warming and the idea in section 2 that the State has lost more than 9-million acres of wildlife habitat is just wrong. There are people in this room who are half my age of 60 or less. Any reasonable thing you look at, food, clothing, transportation, medicine, shelter, communication, health, longevity, infant mortality, poverty or wealth, we live in the greatest time in the history of the planet. The world is better than when the Romans, Greeks or the Egyptians ruled, yet young people think in the next ten years, everything will come to a crashing halt. That is the fundamental basis of this resolution. It is perpetuating a fear that is wrong.

I have been watching this issue for decades. I have a book that had 30-million copies sold in 1968 called *The Population Bomb* written by Paul Erlich, a scientist from Stanford. He predicted the battle to feed all of humanity is over, and that in the 1970s, the world would undergo famines and hundreds of millions of people would starve to death despite of programs at the time. People have talked about ecosystem collapse for a long time; it never happened. There was no famine in the 1970s. There are now 7-billion people on the planet, and the whole world is doing better, yet they still preach this ecosystem-collapse nonsense. In the last 50 years, mass starvation, global cooling, acid rain, nuclear winter, mercury in fish, peak oil running out by 2000, running out of common metals, rainforests disappearing, pesticide poisoning and, recently, wildfires, polar bears, hurricanes, fracking, acidity of the oceans, disappearance of the coral reefs, droughts, glaciers melting, hurricanes, melting ice caps, tornadoes, rising sea levels and other issues have been predicted. These predictions have not only been wrong but also horribly wrong. Every prediction in the book *An Inconvenient Truth* by former Vice President Al Gore has been wrong.

I urge all of the young people and Senators to step back and look at the long-term success of these procrastinators of doom who are saying that by 2050, if we do not save 50 percent of the planet, we are all going to die. They have been wrong every time for my entire lifetime. We are talking about spending hundreds of billions of dollars doing these kinds of things based on fraudulent claims.

SENATOR DONATE:

To clarify, this resolution is to support a long-term goal of protecting 50 percent of the planet's inland waters and oceans and 30 percent of the land and waters in the State by 2030.

Roll call on Assembly Joint Resolution No. 3:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, SeEVERS Gansert, Settlemeyer—9.

Assembly Joint Resolution No. 3 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Senator Cannizzaro moved that Assembly Bill No. 143 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 116.

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

Motion carried.

Assembly Bill No. 358.

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

Motion carried.

Assembly Bill No. 365.

Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 393.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 45.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 45 revises provisions relating to bonds filed by various persons regulated by the Commissioner of Insurance. It revises provisions governing the service of process on certain insurers. It revises provisions governing the issuance, renewal and expiration of various licenses, permits, certificates and other authorizations to engage in activity relating to insurance. The bill provides specific requirements for stop-loss insurance policies and the insurers who issue them. It revises certain requirements governing holding companies and reinsurers and reinsurance. It expands the list of statutory provisions to which certain health-care-related entities and risk-retention groups are expressly made subject. The bill revises provisions governing annual disclosures by persons regulated by the Commissioner of Insurance. In addition, the bill revises certain fiscal requirements that apply to an association of self-insured private employers.

Roll call on Assembly Bill No. 45:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 139.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 139 authorizes the governing body of a county or city to transfer money from an enterprise fund to pay for the capital costs of constructing one or more fire stations if: the transfer does not cause the balance of the unreserved working capital in the enterprise fund to be

less than 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits; the governing body finds the construction of the fire station is necessary based on an analysis of the need for infrastructure prepared between January 1, 2020, and December 31, 2021.

Roll call on Assembly Bill No. 139:

YEAS—15.

NAYS—Donate, Goicoechea, Hansen, Neal, Ratti, Settelmeyer—6.

Assembly Bill No. 139 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 237.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 237 revises various provisions concerning common-interest communities. Provisions governing the creation, alteration and termination of common-interest communities are expanded to include all common-interest communities, including those created before January 1, 1992, and nonresidential condominiums or nonresidential planned communities.

The bill revises certain fees that a unit-owners' association may charge. It authorizes the increase in certain fees on an annual basis in accordance with the Consumer Price Index but no more than 3 percent each year. It prohibits an association from imposing or charging certain fees other than, or in excess of, those that the association is expressly authorized or required by statute to impose or charge.

Assembly Bill No. 237 establishes a procedure for the Real Estate Division of the Department of Business and Industry to investigate complaints alleging violations of the fee provisions. It provides that a public-offering statement and the entire resale package do not need to be prepared or delivered in certain dispositions of a unit. It revises the notification requirements in the case of a foreclosure sale, and it requires a court, to the extent necessary, to grant appropriate relief to ascertain the state of the title to the property partitioned pursuant to the report of a title company. It removes obsolete provisions regarding certain mortgages of personal property or crops from the provisions of law relating to the recording of assignments of mortgages and the subordination or waiver of priority of mortgages and other interests in real property. The bill also makes other technical changes.

Roll call on Assembly Bill No. 237:

YEAS—21.

NAYS—None.

Assembly Bill No. 237 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 251.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 251 establishes provisions relating to the expungement of certain records relating to children. A child 18 years of age or older may petition the juvenile court for an order expunging all records relating to certain offenses. If the juvenile court enters an order expunging the records, all proceedings recounted in the records are deemed to have never occurred and a probation officer, probation department or law enforcement agency must destroy such records held in their custody.

The juvenile court must notify the district attorney and chief probation officer or Chief of the Youth Parole Bureau of the Division of Child and Family Services in DHHS if a petition is filed. Persons who have evidence relevant to the consideration of the petition may testify at the hearing. This bill requires that certain records be automatically sealed within 60 days after the date the child reaches 18 years of age, rather than at 21 years of age.

Roll call on Assembly Bill No. 251:

YEAS—21.

NAYS—None.

Assembly Bill No. 251 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 253.

Bill read third time.

Remarks by Senators Goicoechea and Settlemeyer.

SENATOR GOICOECHEA:

Assembly Bill No. 253 makes changes to the Open Meeting Law to include, but not limit to, authorizing a public body to conduct a meeting using a remote-technology system. It requires the notice of a public meeting using that system to include information about how the public may hear, observe, participate in and provide public comment at the meeting through the remote-technology system. It requires the public body that holds a meeting using a remote-technology system and does not have a physical location for the meeting to post on its Internet website the notice of the meeting and any supporting material for the meeting. It prohibits a public body whose members are required to be elected officials from holding a meeting using a remote-technology system unless a physical location where members of the public may attend and participate is designated and revising notice and posting requirements applicable to certain State agencies that intend to act upon regulations.

SENATOR SETTELMAYER:

Assembly Bill No. 253 narrows the application of the Open Meeting Law and makes it less transparent. I oppose this bill, and I will join with the Senator from District 14 who voted against it.

Roll call on Assembly Bill No. 253:

YEAS—18.

NAYS—Hammond, Hardy, Settlemeyer—3.

Assembly Bill No. 253 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 254.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 254 prohibits public or private, postsecondary institutions or the National Collegiate Athletic Association (NCAA) from preventing a student athlete from being compensated for the use of the student's name, image or likeness or from obtaining professional services with certain exceptions. It provides compensating the student athlete for those components when related to the official activities of the institution or the NCAA or altering a student's scholarship award due to such compensation. It prohibits disallowing the student's participation in intercollegiate sports for such compensation or use of services. The bill also

prohibits the NCAA from preventing the institution itself from participating in the NCAA for that same reason.

Additionally, the bill authorizes a student athlete to enter into a contract with an outside entity for compensation, so long as the contract does not conflict with the contract between the student athlete and the institution in which the athlete is enrolled and the student athlete meets certain specified responsibilities.

Finally, the bill requires the Legislative Committee on Education to appoint a committee to conduct an interim study concerning collegiate bylaws and State and federal laws related to compensating student athletes for the use of their name, image or likeness.

Roll call on Assembly Bill No. 254:

YEAS—21.

NAYS—None.

Assembly Bill No. 254 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 258.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 258 requires the trustees of a consolidated library district to appoint an executive director consistent with the statutorily prescribed duties of the trustees of a consolidated library district. For a consolidated library district that serves a population of more than 1 million, currently the Las Vegas-Clark County Library District, the bill requires the trustees to establish the educational qualifications of the executive director, which may include, without limitation, holding a master's degree in library and information science. The bill requires the trustees to appoint, evaluate the performance of and if necessary, dismiss an internal auditor.

Roll call on Assembly Bill No. 258:

YEAS—21.

NAYS—None.

Assembly Bill No. 258 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 261.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 261 requires the board of trustees of a school district or the governing body of a charter school to ensure to provide instruction to pupils enrolled in grades K-12 on the history and contributions to science and the arts and humanities of certain groups of persons. The bill requires the instruction be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools. The instruction be age appropriate and included in one or more courses of study for which the Council has established relevant standards of content and performance. The bill prohibits the State Board of Education from selecting instructional materials, including, without limitation, a textbook for use in the public schools unless the instructional materials accurately portray the history and contributions to science and the arts and humanities of the specified groups of persons.

Roll call on Assembly Bill No. 261:

YEAS—12.

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

Assembly Bill No. 261 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 277.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 277 revises provisions relating to the exchange of medical and insurance information by certain persons involved in a personal-injury claim under a motor-vehicle insurance policy. The bill authorizes a claimant or the claimant's attorney to provide a written authorization to allow the party against whom a claim is asserted for personal injury under a motor-vehicle insurance policy, or the party's attorney and the party's insurer, to receive all reports, records, films and bills from the claimant's health-care provider. The bill also requires an insurer in receipt of such an authorization to disclose, within five business days, a copy of the declarations page of the policy, with certain redactions, to the claimant or the claimant's attorney.

Roll call on Assembly Bill No. 277:

YEAS—19.

NAYS—Buck, Hansen—2.

Assembly Bill No. 277 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 278.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 278 requires DHHS to develop and make available to the Board of Medical Examiners and the State Board of Osteopathic Medicine a data request to be administered to applicants for the renewal of a license or a biennial registration. The data request must solicit certain information about the practice of the applicant. Applicants must respond to this request but are not subject to disciplinary action by the Board for refusal or failure to complete it. The Department must collect and maintain the confidential information received from the applicants and prepare an annual report relating to the data received.

Roll call on Assembly Bill No. 278:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 278 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 284.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 284 establishes a procedure to contest the validity of liens on motor vehicles and for the return of a vehicle if a justice of the peace finds a lien invalid. After receiving notice

of opposition to a lien, DMV is prohibited from transferring the vehicle's title until the matter has been adjudicated. A lien on a motor vehicle expires six months after it is filed with the DMV unless that period is tolled pending active litigation or a hearing conducted by the DMV. The provisions of this bill do not affect the rights of a secured party pursuant to statute and do not apply to a lien asserted by a tow-car operator holding a certificate of public convenience and necessity.

Roll call on Assembly Bill No. 284:

YEAS—21.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 286.

Bill read third time.

Remarks by Senators Scheible, Hansen and Harris.

SENATOR SCHEIBLE:

Assembly Bill No. 286 places restrictions on the manufacture, possession, purchase, transfer, transportation or sale of firearms and unfinished frames or receivers without a serial number in accordance with federal law and provides penalties for violating those restrictions. Exceptions are provided for firearms manufactured prior to 1969, as well as for importers, manufacturers and law enforcement agencies and for certain firearms that rendered inoperable or are antiques, collector's items, curios or relics. Nothing in the bill prohibits the sale of an unfinished frame, receiver or firearm without a serial number to a federally licensed importer, manufacturer or dealer before January 1, 2022.

SENATOR HANSEN:

I oppose Assembly Bill No. 286, the so-called ghost-gun bill. During the hearing, I requested data on how many crimes are committed in Nevada with this type of weapon, and I have not received that to date. After talking with law enforcement, it appears it is almost nonexistent. Testimony in Committee also recognized that approximately 90 percent of the people convicted of gun crimes got the guns on the extensive black market that exists. The idea that serial numbers help reduce crime does not add up. Most of us are familiar with the term "felon in possession of a firearm" because almost every time they arrest a felon in Nevada, it seems like that is part of the charge. That gives you an idea of how common firearms are, that are not bought through regular dealers. Someone can simply grind off a serial number if, for some reason, the criminal wanted to do that.

In the last few years, the United States has seen a surge in gun sales, disproportionality purchased by women, people of color and the LGBTQ community, especially in areas where police protection has been compromised. These kits are inexpensive compared to handguns. Handguns are about \$500, and these kits can go for \$300. For people who are financially limited, this is their opportunity for some level of self-protection. In the absence of any evidence these guns are used in crimes, we should err on the side of caution. This is a Second Amendment issue we have in the Bill of Rights of individual liberty. I urge my colleagues to vote "no" on Assembly Bill No. 286.

SENATOR HARRIS:

As a society, we have all agreed that no one should be able to own a gun without a background check. Assembly Bill No. 286 brings us closer to that ideal.

Roll call on Assembly Bill No. 286:

YEAS—12.

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

Assembly Bill No. 286 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 287.

Bill read third time.

The following amendment was proposed by Senator Ratti:

Amendment No. 729.

SUMMARY—Revises provisions relating to childbirth. (BDR 40-799)

AN ACT relating to health care; revising certain terminology relating to pregnancy and birth; providing for the licensing and regulation of freestanding birthing centers; requiring a freestanding birthing center to perform certain screening, report certain information to the local health officer and make certain information available to the Chief Medical Officer; authorizing the Maternal Mortality Review Committee to access certain information; eliminating the licensing and regulation of obstetric centers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to the registration of a birth and the care of a person who is pregnant or a newborn infant. (NRS 440.280, 440.340, 440.740, 440.770, 442.008, 442.030-442.110, 442.600-442.680) Sections 1.1 and 3 of this bill define the term "midwife" for those purposes to include a Certified Professional Midwife, a Certified Nurse-Midwife or any other type of midwife. Sections 1.3-2.9, 4-9.7, 29.5 and 33.5 of this bill replace the term "mother" and similar terms with references to a person who is pregnant, a person giving birth, a person who gave birth or a person who has given birth, as appropriate, for purposes relating to vital statistics, maternal and child health and medical facilities and related entities. Section 22 of this bill replaces the term "gender transition" with the term "gender-affirming surgery." Section 23 of this bill replaces a reference to lesbian, gay, bisexual, transgender and questioning persons with a reference to persons with various sexual orientations and gender identities and expressions.

Existing law: (1) defines the term "obstetric center" to mean a facility that is not part of a hospital and provides services for normal, uncomplicated births; and (2) provides for the regulation of an obstetric center as a medical facility. (NRS 449.0155, 449.0302) Sections 1, 1.9, 2, 4, 5, 36.3 and 36.7 of this bill replace the term "obstetric center" with the term "freestanding birthing center." Sections 3 and 11 of this bill define the term "freestanding birthing center" to mean a facility that provides maternity care and birthing services in a location similar to a residence. Section 13 of this bill makes a conforming change to indicate the proper placement of section 11 in the Nevada Revised Statutes. Sections 13.5 and 34.5 of this bill require a freestanding birthing center to be licensed as a medical facility and comply with provisions governing medical facilities. Section 36.5 of this bill declares existing regulations governing obstetric centers void, and sections 16.5 and 36.5 of this bill require the State

Board of Health to adopt specific regulations governing the licensure and operation of freestanding birthing centers. Section 29.5 of this bill: (1) requires a freestanding birthing center to meet certain requirements currently applicable to obstetric centers; (2) requires a freestanding birthing center to be located within 30 miles of a hospital that offers services relating to pregnancy and newborn infants; (3) prohibits the performance of surgery at a freestanding birthing center; and (4) requires a freestanding birthing center to have a director who possesses certain qualifications. Section 36.7 of this bill repeals certain unnecessary definitions, and sections 34.2, 34.7 and 34.9 of this bill make conforming changes to add or remove references to those definitions.

Existing law: (1) requires the Maternal Mortality Review Committee to investigate each case of maternal mortality in this State; and (2) authorizes the Committee to access certain information in the performance of its duties. (NRS 442.767, 442.774) Existing law requires the Chief Medical Officer to establish and maintain a system for the reporting of information on cancer and other neoplasms. (NRS 457.230) Section 9.7 of this bill authorizes the Committee to access information in that system.

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

Section 1. NRS 439.805 is hereby amended to read as follows:

439.805 "Medical facility" means:

1. A hospital, as that term is defined in NRS 449.012 and 449.0151;
2. ~~{An obstetric center,}~~ A *freestanding birthing center*, as that term is defined in ~~{NRS 449.0151 and 449.0155,}~~ *section 11 of this act*;
3. A surgical center for ambulatory patients, as that term is defined in NRS 449.0151 and 449.019; and
4. An independent center for emergency medical care, as that term is defined in NRS 449.013 and 449.0151.

Sec. 1.1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "midwife" means:

1. *A person certified as:*
 - (a) *A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or*
 - (b) *A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or*
2. *Any other type of midwife.*

Sec. 1.3. NRS 440.030 is hereby amended to read as follows:

440.030 As used in this chapter, "live birth" means a birth in which the child shows evidence of life after complete birth. A birth is complete when the child is entirely outside the ~~{mother,}~~ *person giving birth*, even if the cord is uncut and the placenta still attached. The words "evidence of life" include heart action, breathing or coordinated movement of voluntary muscle.

Sec. 1.6. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the ~~mother~~ *person giving birth* and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the ~~mother~~ *person giving birth* and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The ~~father, mother~~ *person giving birth* or ~~the~~ *other parent*, or if the ~~father~~ *other parent* is absent and the ~~mother~~ *person giving birth* is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the ~~mother~~ *person giving birth* was:

(a) Married at the time of birth, the name of ~~her~~ *the spouse of that person* must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the ~~mother's~~ *spouse of the person giving birth* is the other parent of the child; or

(2) The ~~mother~~ *person giving birth* and a person other than the ~~mother's~~ *spouse of the person giving birth* have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of ~~her~~ *the spouse of the person giving birth* at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the ~~mother's~~ *spouse of the person giving birth* at the time of conception is the other parent of the child; or

(2) The ~~mother~~ *person giving birth* and a person other than the ~~mother's~~ *spouse of the person giving birth* at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary

acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the ~~mother~~ *person giving birth* was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

- (a) The provisions of paragraph (b) of subsection 5 are applicable;
- (b) A court has issued an order establishing that the person is the other parent of the child; or
- (c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 1.9. NRS 440.283 is hereby amended to read as follows:

440.283 1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the declarations to:

(1) Each hospital or ~~obstetric center~~ *freestanding birthing center* in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer

to provide services relating to the voluntary acknowledgment of paternity in the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing a declaration for the acknowledgment of paternity to the ~~{mother of}~~ *person who gave birth to* a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of subsection 1 shall ensure that the ~~{mother}~~ *person who gave birth* and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of paternity.

Sec. 2. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop a declaration to be signed under penalty of perjury for the voluntary acknowledgment of parentage in this State; and

(b) Distribute the declarations to each hospital or ~~{obstetric center}~~ *freestanding birthing center* in this State.

2. Before providing a declaration for the acknowledgment of parentage to the ~~{mother of}~~ *person who gave birth to* a child or a person who wishes to acknowledge the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that the ~~{mother}~~ *person who gave birth* and the person who wishes to acknowledge parentage are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage.

Sec. 2.3. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a ~~{mother}~~ *person who has given birth* or a person who has signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the ~~{mother}~~ *person who has given birth* rescinds the acknowledgment pursuant to subsection 2 of NRS 126.053, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged paternity or parentage, as applicable, unless a court issues an order establishing that the person who acknowledged paternity or parentage, as applicable, is not the father or parent, as applicable, of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 2.6. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity or parentage of a child being established by the:

(a) ~~{Mother}~~ *Person who gave birth* and ~~{father}~~ *other parent* acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;

(b) ~~{Mother}~~ *Person who gave birth* and another person acknowledging parentage of the child by signing a declaration for the voluntary

acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

(c) Order of a district court,

↪ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 2.9. NRS 440.610 is hereby amended to read as follows:

440.610 Each certificate, as provided for in this chapter, filed within 6 months after the time prescribed for their filing, shall be prima facie evidence of the facts therein stated. Data pertaining to the ~~{father of}~~ parent who did not give birth to a child is such evidence if the alleged ~~{father}~~ parent is, or becomes, the ~~{husband}~~ spouse of the ~~{mother}~~ person who gave birth to the child in a legal marriage; if not, the data pertaining to the ~~{father of}~~ parent who did not give birth to a child is not such evidence in any civil or criminal proceeding adverse to the interests of the alleged father, or of his heirs, devisees or other successors in interest, if the paternity is controverted.

Sec. 3. NRS 442.003 is hereby amended to read as follows:

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

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Division" means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol syndrome" includes fetal alcohol effects.

6. "Freestanding birthing center" has the meaning ascribed to it in section 11 of this act.

7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

~~{7.}~~ 8. "Midwife" means:

(a) A person certified as:

(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(2) *A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or*

(b) *Any other type of midwife.*

9. ~~["Obstetric center" has the meaning ascribed to it in NRS 449.0155.~~

~~8.]~~ "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; or

(i) The holder of a certificate of registration as a pharmacist.

Sec. 4. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell disease and its variants and sickle cell trait.

2. Except as otherwise provided in this subsection, the examinations and tests required pursuant to subsection 1 must include tests and examinations for each disorder recommended to be screened by the Health Resources and Services Administration of the United States Department of Health and Human Services by not later than 4 years after the recommendation is published. The State Board may exclude any such disorder upon request of the Chief Medical Officer or the person in charge of the State Public Health Laboratory based on:

(a) Insufficient funding to conduct testing for the disorder; or

(b) Insufficient resources to address the results of the examination and test.

3. Any examination or test required by the regulations adopted pursuant to subsection 1 which must be performed by a laboratory must be sent to the State Public Health Laboratory. If the State Public Health Laboratory increases the amount charged for performing such an examination or test pursuant to NRS 439.240, the Division shall hold a public hearing during which the State Public Health Laboratory shall provide to the Division a written and verbal fiscal analysis of the reasons for the increased charges.

4. Except as otherwise provided in subsection 7, the regulations adopted pursuant to subsection 1 concerning tests for the presence of sickle cell disease and its variants and sickle cell trait must require the screening for sickle cell disease and its variants and sickle cell trait of:

(a) Each newborn child who is susceptible to sickle cell disease and its variants and sickle cell trait as determined by regulations of the State Board of Health; and

(b) Each biological parent of a child who wishes to undergo such screening.

5. Any physician, midwife, nurse, ~~[obstetric center]~~ *freestanding birthing center* or hospital of any nature attending or assisting in any way any infant, or the ~~[mother of]~~ *person who gave birth to* any infant, at childbirth shall:

(a) Make or cause to be made an examination of the infant, including standard tests that do not require laboratory services, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such preventable or inheritable disorders.

(b) Collect and send to the State Public Health Laboratory or cause to be collected and sent to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory and are required by the regulations adopted pursuant to subsection 1.

6. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, ~~[obstetric center]~~ *freestanding birthing center* or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the ~~[mother of]~~ *person who gave birth to* the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

7. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

8. As used in this section, "sickle cell disease and its variants" has the meaning ascribed to it in NRS 439.4927.

Sec. 5. NRS 442.040 is hereby amended to read as follows:

442.040 1. Any physician, midwife, nurse, ~~[obstetric center]~~ *freestanding birthing center* or hospital of any nature, parent, relative or person attending or assisting in any way any infant, or the ~~[mother of]~~ *person who gave birth to* any infant, at childbirth, or any time within 2 weeks after childbirth, knowing the condition defined in NRS 442.030 to exist, shall immediately report such fact in writing to the local health officer of the county, city or other political subdivision within which the infant or the ~~[mother of]~~ *person who gave birth to* any infant may reside.

2. Midwives shall immediately report conditions to some qualified practitioner of medicine and thereupon withdraw from the case except as they may act under the physician's instructions.

3. On receipt of such report, the health officer, or the physician notified by a midwife, shall immediately give to the parents or persons having charge of such infant a warning of the dangers to the eye or eyes of the infant, and shall,

for indigent cases, provide the necessary treatment at the expense of the county, city or other political subdivision.

Sec. 6. (Deleted by amendment.)

Sec. 6.3. NRS 442.130 is hereby amended to read as follows:

442.130 1. The Department is hereby designated as the agency of this State to administer, through the Division, a maternal and child health program, and to supervise the administration of those services included in the program which are not administered directly by it.

2. The purpose of such program shall be to develop, extend and improve health services, and to provide for development of demonstration services in needy areas for ~~mothers~~ *persons who are pregnant, are giving birth or have given birth* and children.

Sec. 6.7. NRS 442.137 is hereby amended to read as follows:

442.137 The purpose of the Advisory Board is to advise the Administrator of the Division concerning perinatal care to enhance the survivability and health of infants and ~~mothers~~ *persons who are pregnant, are giving birth and have given birth*, and concerning programs to improve the health of preschool children, to achieve the following objectives:

1. Ensuring the availability and accessibility of primary care health services;

2. Reducing the rate of infant mortality;

3. Reducing the incidence of preventable diseases and handicapping conditions among children;

4. Identifying the most effective methods of preventing fetal alcohol syndrome and collecting information relating to the incidence of fetal alcohol syndrome in this state;

5. Preventing the consumption of alcohol by women during pregnancy;

6. Reducing the need for inpatient and long-term care services;

7. Increasing the number of children who are appropriately immunized against disease;

8. Increasing the number of children from low-income families who are receiving assessments of their health;

9. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services;

10. Assisting the Division in developing a program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol syndrome;

11. Assisting the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390; and

12. Promoting the health of infants and ~~mothers~~ *persons who are pregnant, are giving birth or have given birth* by ensuring the availability and accessibility of affordable perinatal services.

Sec. 7. (Deleted by amendment.)

Sec. 7.2. NRS 442.400 is hereby amended to read as follows:

442.400 The agency which provides child welfare services or a licensed child-placing agency shall inquire, during its initial contact with a natural parent of a child who is to be placed for adoption, about consumption of alcohol by or any substance use disorder of the ~~[mother of]~~ *person who gave birth to the child during pregnancy*. The information obtained from the inquiry must be:

1. Included in the report provided to the adopting parents of the child pursuant to NRS 127.152; and

2. Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

Sec. 7.5. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol by or any substance use disorder of the ~~[mother of]~~ *person who gave birth to the child during pregnancy*. The information obtained from the inquiry must be:

(a) Provided to the provider of foster care pursuant to NRS 424.038; and

(b) Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, "family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 7.7. NRS 442.410 is hereby amended to read as follows:

442.410 An agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child whom a court has determined must be kept in temporary or permanent custody, about consumption of alcohol by or any substance use disorder of the ~~[mother of]~~ *person who gave birth to the child during pregnancy*. The information obtained from the inquiry must be:

1. Included in the report the agency is required to make pursuant to NRS 432B.540; and

2. Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 442.650 is hereby amended to read as follows:

442.650 A provider of health care who attends or assists at the delivery of a child shall, if the ~~[mother]~~ *person giving birth* has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, ensure that a rapid test for the human immunodeficiency virus is performed on the child unless a parent or legal guardian of the child objects to the performance of the test because it is contrary to the religious beliefs of the parent or legal guardian.

Sec. 9. (Deleted by amendment.)

Sec. 9.3. NRS 442.761 is hereby amended to read as follows:

442.761 "Severe maternal morbidity" means an unexpected incident during childbirth that has a serious negative effect on the short-term or long-term health of the ~~{mother,}~~ *person who is giving birth or has given birth to a child.*

Sec. 9.7. NRS 442.774 is hereby amended to read as follows:

442.774 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a maternal death or incident of severe maternal morbidity being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to the death or incident;

(c) Any medical or mental health records of the ~~{mother,}~~ *person who gave birth to a child;*

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the ~~{mother}~~ *person who gave birth to a child* or the ~~{mother's}~~ *family {,} of the person who gave birth to a child; {and}*

(e) *The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230; and*

(f) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of severe maternal morbidity being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a maternal death or incident of severe maternal morbidity for the purpose of research or to prevent future maternal mortality and severe maternal morbidity if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must

not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. The meetings of the Committee are closed to the public.

Sec. 10. (Deleted by amendment.)

Sec. 11. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Freestanding birthing center" means a facility that provides maternity care and birthing services using a family-centered approach in which births are planned to occur in a location similar to a residence that is not the usual place of residence of the person giving birth to a child.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, and section 11 of this act have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 449.0151 is hereby amended to read as follows:

449.0151 "Medical facility" includes:

1. A surgical center for ambulatory patients;
2. ~~[An obstetric center;]~~ A freestanding birthing center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A facility for hospice care;
8. A hospital;
9. A psychiatric hospital;
10. A facility for the treatment of irreversible renal disease;
11. A rural clinic;
12. A nursing pool;
13. A facility for modified medical detoxification;
14. A facility for refractive surgery;
15. A mobile unit; and
16. A community triage center.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 16.5. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups

pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➔ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

↪ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. *The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:*

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 449.102 is hereby amended to read as follows:

449.102 A medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed shall:

1. Maintain the confidentiality of personally identifiable information concerning the sexual orientation of a patient or resident, whether the patient or resident is transgender or has undergone ~~the gender transition~~ *gender-affirming surgery* and the human immunodeficiency virus status of the patient or resident and take reasonable actions to prevent the unauthorized disclosure of such information;

2. Prohibit employees or independent contractors of the facility who are not performing a physical examination or directly providing care to a patient or resident from being present during any portion of the physical examination or care, as applicable, during which the patient or resident is fully or partially unclothed without the express permission of the patient or resident or the authorized representative of the patient or resident;

3. Use visual barriers, including, without limitation, doors, curtains and screens, to provide privacy for patients or residents who are fully or partially unclothed; and

4. Allow a patient or resident to refuse to be examined, observed or treated by an employee or independent contractor of the facility for a purpose that is primarily educational rather than therapeutic.

Sec. 23. NRS 449.103 is hereby amended to read as follows:

449.103 1. To enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who provides care to a patient or resident of the facility to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

- (a) From various ~~gender,~~ racial and ethnic backgrounds;
- (b) From various religious backgrounds;
- (c) ~~{Lesbian, gay, bisexual, transgender and questioning persons;}~~ *Persons with various sexual orientations and gender identities or expressions;*
- (d) Children and senior citizens;
- (e) Persons with a mental or physical disability; and
- (f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

2. The training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be

licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 29.5. NRS 449.198 is hereby amended to read as follows:

449.198 ~~[An obstetric]~~ 1. A freestanding birthing center must:

~~[1.]~~ (a) Provide sufficient space for members of the family of the pregnant ~~[woman]~~ person and other persons chosen by the ~~[woman]~~ pregnant person to assist ~~[her]~~ with the birth; ~~and~~

~~—2.]~~ (b) Have obstetrical services available to meet the needs of an acute patient ~~[]~~; and

(c) Be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.

2. Surgery, including, without limitation, the use of forceps, vacuum extractions, cesarean sections and tubal ligations, must not be performed at a freestanding birthing center.

3. A freestanding birthing center must have a director who is responsible for the operation of the freestanding birthing center. The director of a freestanding birthing center must be:

(a) A physician;

(b) A person who:

(1) Is certified as a Certified Professional Midwife by the North American Registry of Midwives, or its successor organization;

~~[(c) A person who:~~

~~(1) Is certified as a Certified Midwife by the American Midwifery Certification Board, or its successor organization;]~~ and

(2) Has successfully completed a program of education and training in midwifery that:

(I) Is accredited by the Midwifery Education Accreditation Council, or its successor organization; and

(II) Provides instruction and training in the Essential Competencies for Midwifery Practice prescribed by the International Confederation of Midwives, or its successor organization; or

~~[(d)]~~ (c) A certified nurse-midwife.

4. As used in this section, "certified nurse-midwife" means a person who is:

(a) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(b) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 33.5. NRS 449.245 is hereby amended to read as follows:

449.245 1. No hospital licensed under the provisions of NRS 449.029 to 449.2428, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the ~~mother~~ *person who gave birth to the child* if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent address of the person or agency to whom physical custody of the child was delivered.

4. Except as otherwise provided in NRS 239.0115, all information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to 127.310, inclusive, governing placements for adoption and permanent free care.

6. A violation of any provision of this section is a misdemeanor.

Sec. 34. (Deleted by amendment.)

Sec. 34.2. NRS 449A.001 is hereby amended to read as follows:

449A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[449A.003]~~ 449A.007 to 449A.081, inclusive, have the meanings ascribed to them in those sections.

Sec. 34.5. NRS 449A.050 is hereby amended to read as follows:

449A.050 "Medical facility" ~~includes:~~

- ~~1. A surgical center for ambulatory patients;~~
- ~~2. An obstetric center;~~
- ~~3. An independent center for emergency medical care;~~
- ~~4. An agency to provide nursing in the home;~~

~~5. A facility for intermediate care;~~
~~6. A facility for skilled nursing;~~
~~7. A facility for hospice care;~~
~~8. A hospital;~~
~~9. A psychiatric hospital;~~
~~10. A facility for the treatment of irreversible renal disease;~~
~~11. A rural clinic;~~
~~12. A nursing pool;~~
~~13. A facility for modified medical detoxification;~~
~~14. A facility for refractive surgery;~~
~~15. A mobile unit; and~~
~~16. A community triage center.]~~ *has the meaning ascribed to it in NRS 449.0151.*

Sec. 34.7. NRS 449A.114 is hereby amended to read as follows:

449A.114 1. Except as otherwise provided in subsection 2, before a facility for intermediate care, facility for skilled nursing or residential facility for groups transfers a patient to another medical facility or facility for the dependent or discharges the patient from the facility, the facility shall:

(a) At least 30 calendar days before transferring or discharging the patient, provide the patient and the Ombudsman with written notice of the intent to transfer or discharge the patient; and

(b) Within 10 calendar days after providing written notice to the patient and the Ombudsman pursuant to paragraph (a), allow the patient and any person authorized by the patient the opportunity to meet in person with the administrator of the facility to discuss the proposed transfer or discharge.

2. The provisions of this section do not apply to:

(a) A voluntary discharge or transfer of a patient to another medical facility or facility for the dependent at the request of the patient; or

(b) The transfer of a patient to another facility because the condition of the patient necessitates an immediate transfer to a facility for a higher level of care.

3. As used in this section ~~[-]~~:

(a) *"Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.*

(b) *"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.*

(c) "Ombudsman" means the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125.

(d) *"Residential facility for groups" had the meaning ascribed to it in NRS 449.017.*

Sec. 34.9. NRS 449A.218 is hereby amended to read as follows:

449A.218 "Facility" means a facility licensed pursuant to chapter 449 of NRS that is a psychiatric hospital, *as defined in NRS 449.0165*, or a unit of a hospital that is specifically designated to provide care and services to persons with psychiatric or developmental disabilities.

Sec. 35. (Deleted by amendment.)

Sec. 36. Any valid license as an obstetric center issued before January 1, 2022, shall be deemed to be a license as a freestanding birthing center and remains valid until its date of expiration.

Sec. 36.3. The Legislative Counsel shall:

1. In preparing the Nevada Revises Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "freestanding birthing center" for the term "obstetric center" as previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "freestanding birthing center" for the term "obstetric center" as previously used.

Sec. 36.5. The regulations adopted by the State Board of Health pursuant to NRS 439.200 and 449.0302 which are codified as NAC 449.6113 to 449.61178, inclusive, are hereby declared void. In preparing the supplements to the Nevada Administrative Code on or after January 1, 2022, the Legislative Counsel shall remove those regulations.

Sec. 36.7. NRS 449.0155, 449A.003, 449A.005, 449A.009, 449A.011, 449A.013, 449A.015, 449A.019, 449A.021, 449A.023, 449A.025, 449A.027, 449A.029, 449A.033, 449A.035, 449A.037, 449A.039, 449A.041, 449A.043, 449A.047, 449A.052, 449A.054, 449A.056, 449A.058, 449A.060, 449A.062, 449A.066, 449A.068, 449A.073, 449A.075, 449A.077 and 449A.079 are hereby repealed.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 36.7, 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 January 1, 2022, for all other purposes.

LEADLINES OF REPEALED SECTIONS

449.0155 "Obstetric center" defined.

449A.003 "Agency to provide nursing in the home" defined.

449A.005 "Agency to provide personal care services in the home" defined.

449A.009 "Community-based living arrangement services" defined.

449A.011 "Community health worker" defined.

449A.013 "Community health worker pool" defined.

449A.015 "Community triage center" defined.

449A.019 "Facility for hospice care" defined.

449A.021 "Facility for intermediate care" defined.

449A.023 "Facility for modified medical detoxification" defined.

449A.025 "Facility for refractive surgery" defined.

449A.027 "Facility for skilled nursing" defined.

449A.029 "Facility for the care of adults during the day" defined.

449A.033 "Facility for the treatment of alcohol or other substance use disorders" defined.

449A.035 "Facility for the treatment of irreversible renal disease" defined.

- 449A.037 "Facility for transitional living for released offenders" defined.
449A.039 "Halfway house for persons recovering from alcohol or other substance use disorders" defined.
449A.041 "Home for individual residential care" defined.
449A.043 "Hospice care" defined.
449A.047 "Independent center for emergency medical care" defined.
449A.052 "Mobile unit" defined.
449A.054 "Nursing pool" defined.
449A.056 "Obstetric center" defined.
449A.058 "Palliative services" defined.
449A.060 "Peer support recovery organization" defined.
449A.062 "Peer support services" defined.
449A.066 "Provider of supported living arrangement services" defined.
449A.068 "Psychiatric hospital" defined.
449A.073 "Residential facility for groups" defined.
449A.075 "Rural clinic" defined.
449A.077 "Supported living arrangement services" defined.
449A.079 "Surgical center for ambulatory patients" defined.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 729 to Assembly Bill No. 287 revises provisions regarding who can serve as the director of a freestanding birthing center.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 287 replaces the term "obstetric center" with the term "freestanding birth center," thereby requiring such centers to meet certain requirements currently applicable to obstetric centers. Freestanding birthing centers, which must be licensed as and comply with provisions governing medical facilities, provide maternity care and birthing services in a location similar to a residence. These centers must be located within 30 miles of a hospital that provides services related to pregnancy and newborn infants, may not provide surgery and must have a director who possess certain qualifications.

The bill replaces the term "mother" and similar terms with references to a person who is pregnant, a person giving birth or a person who has given birth, as appropriate, for purposes relating to vital statistics, maternal and child health, medical facilities and related entities. Assembly Bill No. 287 authorizes the Maternal Mortality Review Committee to access information contained in the State's reporting system for cancer and other neoplasms.

Roll call on Assembly Bill No. 287:

YEAS—12.

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

Assembly Bill No. 287 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 290.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 290 revises the definition of a fiduciary to provide that a trust company or a savings bank that acts as a custodian for an individual retirement account is not a fiduciary for the purposes of certain provisions of law governing the business of a trust company. The bill also applies to savings banks certain rules relating to bank deposits and required collateralization of fiduciary funds that are applicable to bank charters other than savings banks. The bill requires any trust company or savings bank that assumes from any affiliate of the trust company or savings bank the role of custodian for any Individual Retirement Account (IRA) to provide each IRA account holder notice of the assumption of the role of custodian of the account.

Roll call on Assembly Bill No. 290:

YEAS—21.

NAYS—None.

Assembly Bill No. 290 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 296.

Bill read third time.

Remarks by Senators Ohrenschall, Settelmeyer, Pickard, Seevers Gansert, Kieckhefer and Scheible.

SENATOR OHRENSCHALL:

Assembly Bill No. 296 establishes a civil cause of action against a person who disseminates personal identifying information or sensitive information of another person without the consent of that person, knowing that the person could be identified. The act of disseminating such information is commonly referred to as "doxing." A person is found liable for doxing if the dissemination of information: would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation, or it causes the death, bodily injury, stalking or mental anguish of the person whose information was disseminated or a close relation of the person.

If a person is found liable, the person whose information was disseminated may recover damages, reasonable attorney's fees and costs under certain circumstances. A court may issue a temporary restraining order or a permanent or temporary injunction to prevent the dissemination of any personal identifying information or sensitive information of a person. Assembly Bill No. 296 clarifies that these provisions do not apply to the dissemination of such information under certain circumstances including good-faith communication in furtherance of the right to protest or the right to free speech in connection with an issue of public concern.

SENATOR SETTELMEYER:

One issue at the hearing was, under the idea of doxing, law enforcement were exempted out and allow them to be harassed.

SENATOR PICKARD:

I agree with my colleague from Douglas County. As I read section 1, subsection 3(b), while it does not expressly authorize the publishing of personal identifying or sensitive information about law enforcement or public officials, by exempting them from the bill, it impliedly does so. Reasonable legal minds may disagree, but it is important to avoid the things we saw from the emotional testimony of Heather Korbolic. When she testified, the bill would not have protected her. We had to amend it to make sure that occurred but ... (unintelligible statement) ... This impliedly authorizes the doxing of personal publication, personal information of law enforcement and elected officials for the purposes of harassment. I am voting "no" on Assembly Bill No. 296.

SENATOR SEEVERS GANSERT:

I read this bill several times. Section 1.1(a).1 discusses "... with the intent to aid, assist, encourage, facilitate, further promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking ..." and then recognizes the exclusion for law enforcement and the elected. This surprised me because I would imagine there are people in this Body who have had, or who know law enforcement officers who have received threats of bodily injury, death or stalking. I have experienced some of these things. We are out there all the time. Is it okay for somebody to release our personal information? I cannot support Assembly Bill No. 296.

SENATOR KIECKHEFER:

I agree with my colleague from Senate District 15. This does not go far enough to protect people who deserve protecting. However, it does take a step forward in protecting some who deserve it. It does not capture everyone, but the intent moves us in the right direction. Due to the fact it does not go as far as I like does not mean I will vote against it. I support this bill today and hope that in future years, we can move further down the road.

SENATOR SCHEIBLE:

We addressed these questions in the Judiciary Committee hearing and had Legal weigh-in. It was Legal's interpretation the bill does not implicitly or explicitly allow the doxing of anyone be they an elected official, peace officer or another public officer. The bill has some differing language for members of the public as opposed to those who have chosen to be elected and have opened up ourselves to additional levels of scrutiny and are expected to make ourselves available to our constituents. This bill does not allow for the publication of personal identifying information of police or peace officers. In fact, they are protected under other parts of NRS. The bill does not exclude public officers. We made that change to ensure that this bill protects anyone working in government and has agreed to become a public servant. It provides protections for everyone. For elected officials, it provides some protections, but they are not as strong as they are for other members of the community because we put ourselves in these positions.

This bill is expertly crafted to cover situations we want to cover and not cover those we do not. Some of the exceptions you see in the bill, such as allowing for the publication of a photograph that might have a peace officer or public officer in it. This is different from publishing a photo of your neighbor or of someone who has not signed up to be in the public eye. For that reason, I am in strong support of this bill and hope my colleagues will join me in voting in favor of it.

SENATOR OHRENSCHALL:

Assembly Bill No. 296 supplements existing remedies available in common law but does not supplant them. It will aid a person who is attacked through doxing, but it will not replace current civil actions for harassment or defamation already available. This will help. In the technological age we are now in, with cyberbullying and cyberstalking, a statute like this is needed. I will be supporting this bill.

Roll call on Assembly Bill No. 296:

YEAS—15.

NAYS—Buck, Hansen, Hardy, Pickard, Seevers Gansert, Settelmeyer—6.

Assembly Bill No. 296 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 298.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 298 sets forth provisions that govern a "consumer vehicle lease." The measure provides that default on the part of the lessee in a consumer vehicle lease is only enforceable under certain conditions. A lessor who is a dealer must use a lease agreement for a consumer vehicle lease of a used vehicle that provides certain requirements and contains

disclosures, notices and provisions. In addition, the bill sets forth certain requirements for a retail consumer vehicle lease that are similar to certain requirements for retail installment contracts.

The term "open-end vehicle lease" is defined to establish that the lessee's obligation upon termination or expiration of the lease is based on the difference between the residual value of the leased vehicle and its realized value. A violation of the provisions of this bill constitutes a deceptive trade practice and a lessee and certain other persons are authorized to bring a civil action against a dealer for such a violation.

Roll call on Assembly Bill No. 298:

YEAS—21.

NAYS—None.

Assembly Bill No. 298 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 301.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 301 requires tow-car operators to release immediately a vehicle to its owner at no charge if the vehicle is towed from a residential complex for a lack of registration and the owner provides evidence of registration that predates the tow. The Nevada Transportation Authority (NTA) must implement a hardship tariff program that allows owners of vehicles towed for lack of registration to pay reduced tariff rates to recover their vehicles if they are unable to provide proof of registration that predates the tow and, if for reasons outside of their control, they cannot pay the normal charges. The NTA must adopt regulations establishing a range of tariffs and what qualifies as a reason outside the control of the owner. The measure also provides that a tow operator shall not charge any fees for a vehicle towed at the request of someone other than the vehicle owner or law enforcement until at least 48 hours after the vehicle's arrival at the storage facility.

Assembly Bill No. 301 prohibits the owner of a residential complex or the unit-owners' association of a common-interest community from requesting the towing of a vehicle based solely on an expired registration. The measure exempts owners of residential complexes and unit-owners' associations from being guilty of a misdemeanor if they have more than two unregistered vehicles on their property. Finally, the measure adds persons employed by a local government to enforce codes or ordinances to the list of persons not subject to the restrictions on the towing of a vehicle by a person other than the owner.

Roll call on Assembly Bill No. 301:

YEAS—21.

NAYS—None.

Assembly Bill No. 301 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 302.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 302 authorizes the Nevada Commission on Minority Affairs of the Department of Business and Industry to request the drafting of up to two legislative measures for each regular Session of the Legislature that relate to matters within its scope of authority.

Roll call on Assembly Bill No. 302:

YEAS—19.

NAYS—Hansen, Pickard—2.

Assembly Bill No. 302 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 304.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 304 requires POST Commission to expand its regulations requiring all peace officers to complete annually not less than 12 hours of continuing education to address crisis intervention as a part of topics related to mental health.

Roll call on Assembly Bill No. 304:

YEAS—21.

NAYS—None.

Assembly Bill No. 304 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 307.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 307 requires DETR to prepare one or more notices concerning job training or employment programs conducted by the Department and to provide the notices to the Labor Commissioner. The Labor Commissioner must make each such notice available to each employer in private employment in this State and require each employer to post and maintain each notice in a conspicuous location at the workplace.

Roll call on Assembly Bill No. 307:

YEAS—21.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 316.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 316 makes the following requirements concerning veterans' benefits, with certain exceptions: any person who advertises or promotes any event or other public gathering relating to benefits or entitlements for veterans must disclose certain information, including that the event is not associated with the United States Department of Veterans Affairs or the Department of Veterans Services and that the veteran may qualify for benefits other than those discussed at the event; any person who advertises or promotes services to represent or assist veterans in matters relating to benefits or entitlements must disclose certain information regarding compensation and the availability of free services, and any person who provides services to obtain veterans' benefits in exchange for compensation must provide a written disclosure before entering into an agreement with a client for the provision of those services.

Finally, this measure authorizes the Attorney General to collect a civil penalty of up to \$10,000 for each violation of the provisions of the bill. The bill specifies that such a violation constitutes consumer fraud, and a victim may bring a civil action.

Roll call on Assembly Bill No. 316:

YEAS—21.

NAYS—None.

Assembly Bill No. 316 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 318.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 318 revises various provisions relating to trusts and estates, including: authorizing a principal or person granted authority to act for a principal under a power of attorney to obtain declaratory relief under the power of attorney; exempting certain fiduciaries who take temporary possession or title to residential property solely to facilitate the sale of the property from providing a seller's disclosure form; revising provisions governing electronic wills; revising the acts of personal representatives and their powers and duties; authorizing a trustee to reimburse a settlor for the payment of tax on trust income or principal; providing that a trust is irrevocable unless a right to revoke the trust is expressly reserved by the settlor under the terms of the trust instrument; revising provisions relating to the nomination of a guardian, and requiring that public administrators or similar persons be given certain information relating to a decedent and access to the safe deposit box of a decedent in certain circumstances.

Roll call on Assembly Bill No. 318:

YEAS—21.

NAYS—None.

Assembly Bill No. 318 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 320.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 320 authorizes the operation of a large all-terrain vehicle (ATV) on a portion of a highway designated as a main county road or on a street within a city whose population is less than 25,000 if the large ATV has the equipment required for operation on a highway; the large ATV is registered with the DMV as a motor vehicle intended for operation on a highway and the governing body of the city or county having jurisdiction over the street or highway enacts an ordinance or resolution authorizing the operation of large ATVs on any portion of the street or highway.

Roll call on Assembly Bill No. 320:

YEAS—21.

NAYS—None.

Assembly Bill No. 320 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 325.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 325 authorizes the submission of a certified paper copy of an electronic document for recording to a county recorder who has elected to receive and record electronic documents. The bill also prescribes a certificate sufficient for certifying that a paper copy is a true and correct copy of an electronic document.

Roll call on Assembly Bill No. 325:

YEAS—21.

NAYS—None.

Assembly Bill No. 325 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 326.

Bill read third time.

Remarks by Senators Spearman and Hansen.

SENATOR SPEARMAN:

Assembly Bill No. 326 authorizes the district attorney or a city attorney to bring a civil action against a person who engages in certain activities relating to cannabis without the required license or registration card issued by the Cannabis Compliance Board. The bill prohibits a person from acting as a receiver for a cannabis establishment subject to a receivership unless the person has been issued a cannabis-establishment agent registration card for a cannabis receiver and sets forth certain requirements for obtaining such a card. The bill provides that holding a cannabis-establishment agent registration card is a revocable privilege. If any proposed owners, officers or board members have previously had this type of card revoked, the card is unrenewable.

The Board must adopt regulations prescribing procedures and requirements by which a court-appointed receiver who has an appropriate, cannabis-establishment agent registration card may take possession of, manage the operations of and take any other action authorized by the court with respect to a cannabis establishment. The Board may adopt regulations to give priority to a transfer of a license to another party who is qualified to hold such a license if the transfer is subject to a receivership, involved in a recapitalization or party to a court proceeding involving financial distress.

This bill requires that all advertising by a cannabis establishment contain the name of the cannabis establishment, the adult-use cannabis-establishment license number or the medical cannabis-establishment license number or other unique identifier of the cannabis establishment. If a cannabis establishment holds more than one license, it may use any one of the license numbers or unique identifiers to satisfy this requirement.

SENATOR HANSEN:

I support Assembly Bill No. 326 and found the testimony interesting. The voters recently passed legalization in this State. One of the main arguments was it would eliminate or greatly reduce illegal trade in cannabis. The hearing testimony indicated that, if anything, this has expanded. When I talk to Metro, they believe there is more illegal marijuana on the streets now than prior to the passage of that bill. Our hope was to capture a market for tax purposes, but it is interesting that, in spite of our best interests, that black market has expanded. Now, we have more not taxed than taxed according to testimony on the bill. I urge my colleagues to support Assembly Bill No. 326, but at some point, we may want to revisit the whole marijuana and tax issue.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 326:

YEAS—20.

NAYS—None.

NOT VOTING—Ohrenschall.

Assembly Bill No. 326 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 4:12 p.m.

SENATE IN SESSION

At 8:36 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 67 be taken from the Secretary's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 327.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 327 requires certain mental-health professionals to biennially complete two hours of instruction relating to cultural competency and diversity, equity and inclusion as part of their continuing education. The bill requires the curriculum for training is based upon a range of research from diverse sources and that the instruction address persons of different cultural backgrounds. A healthcare provider who receives cultural competency training as part of his or her employment at a healthcare facility may use that training to satisfy his or her continuing education requirement.

Roll call on Assembly Bill No. 327:

YEAS—15.

NAYS—Buck, Hammond, Hansen, Hardy, Pickard, Settelmeyer—6.

Assembly Bill No. 327 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 330.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 330 provides that a person who, in secondary or postsecondary education, completes a training program in career, occupational, technical, trade or vocational education and receives a certificate for the completion of the program is eligible to receive equivalent credit towards related professional and occupational licenses and certifications. However, participation

in, completion of or receipt of a certificate for the completion of such a training program is not a substitute for participation in or completion of an apprenticeship program approved by the State Apprenticeship Council, unless the Council determines otherwise. The measure provides for the appeal of a denial of equivalent credit by a regulatory body. Each regulatory body must adopt regulations regarding the eligibility of equivalent credits towards such a license and certificate.

Roll call on Assembly Bill No. 330:

YEAS—21.

NAYS—None.

Assembly Bill No. 330 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 333.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 333 provides that in a county whose population is less than 700,000, currently all counties other than Clark County, certain requirements related to the appropriation of water do not apply. It would not apply to the retention or detention of developed storm-water flow for the purpose of flood-control or storm-water management, if such retention or detention is required by the governing body of the county or city as a condition of approval of the development, and it does not impair the predevelopment recharge of relevant sources of groundwater or offsite predevelopment flow of relevant sources of surface water.

The bill establishes deadlines relating to judicial review of certain land-use planning decisions of a governing body, commission or board. The court is authorized to extend the deadlines and requires all memoranda of points and authorities to comply with Rule 28 of the Nevada Rules of Appellate Procedure.

Roll call on Assembly Bill No. 333:

YEAS—21.

NAYS—None.

Assembly Bill No. 333 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 335.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 335 reorganizes existing requirements for an employment plan that applies to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, currently the City of Las Vegas. The bill requires the employment plan to include a description of how the developer will seek the participation in the redevelopment project of local small-business contractors and subcontractors licensed in this State and whose place of business is located within 100 miles of the project. The bill requires that a redevelopment agency submit the employment plan and progress reports to the Nevada Commission on Minority Affairs of the Department of Business and Industry and the Southern Nevada Enterprise Community Board.

The bill also requires developers and businesses that receive incentives from an agency for a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, currently the City of Las Vegas, to submit progress reports on the employment plan to the agency. These provisions also apply to a public agency that uses redevelopment funds for the design or construction of a redevelopment project built as a public work in a redevelopment area of a city whose population is 500,000 or more.

Additionally, the bill requires that a redevelopment plan, and any amendments to the plan, for a county whose population is 700,000 or more, currently Clark County, terminate no later than 45 years after the original redevelopment plan is adopted. The bill allows a community, either a city or county, to enact its own procedural ordinance and exercise certain powers related to redevelopment. Finally, the bill provides that the Southern Nevada Enterprise Community Board must include two members who are residents of the community or an area that is located within ten miles of the community.

Roll call on Assembly Bill No. 335:

YEAS—12.

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

Assembly Bill No. 335 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 336.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 336 requires the POST Commission to adopt regulations establishing standards for an annual behavioral-wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

Roll call on Assembly Bill No. 336:

YEAS—17.

NAYS—Buck, Hansen, Hardy, Settlemeyer—4.

Assembly Bill No. 336 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 342.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 342 revises the frequency of the review of the State Board of Parole Commissioners' standards by providing that the reviewing of such standards occur at least once every five years.

Roll call on Assembly Bill No. 342:

YEAS—21.

NAYS—None.

Assembly Bill No. 342 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 343.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 343 requires the regional transportation commission in a county whose population is 100,000 or more, in collaboration with various other State and local agencies, to develop a written plan for conducting walking audits of urbanized areas within the county to assess

whether an area is safe and has adequate lighting at night; healthy food is available in the area; sidewalks are in good condition and free of barriers; benches and other places are available for pedestrians to rest, and that there are curb cuts and audible crosswalks that provide pedestrians with sufficient time to cross the street. The plans must be submitted to the respective district health department and the Legislative Committee on Health Care no later than June 1, 2022.

In addition, the bill authorizes each regional transportation commission in a county whose population is 100,000 or more to request, for each regular Session of the Legislature, the drafting of not more than one legislative measure that relates to matters within the scope of the commission.

Roll call on Assembly Bill No. 343:

YEAS—21.

NAYS—None.

Assembly Bill No. 343 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 344.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 344 authorizes the Aging and Disability Services Division of DHHS to establish a program to facilitate the transition of older persons and persons with a disability from a hospital to their places of residence. The bill requires such a program to provide for collaboration between hospital staff responsible for a discharge, the older person or person with a disability being discharged, and his or her caregivers, and facilitate the coordination of health-care and social services for an older or person with a disability.

Roll call on Assembly Bill No. 344:

YEAS—21.

NAYS—None.

Assembly Bill No. 344 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 345 provides that it is not unlawful to provide, administer or use a testing product to assist a person in determining whether a controlled substance contains chemicals, toxic substances or hazardous compounds. It exempts a person or entity who acts in good faith and with reasonable care in providing, administering or using a testing product for that purpose from professional discipline and civil liability. The bill further excludes testing products used to analyze a controlled substance for the presence of adulterants from the definition of "drug paraphernalia," thereby authorizing the delivery, sale, possession, manufacture, advertising or use of such products.

Roll call on Assembly Bill No. 345:

YEAS—21.

NAYS—None.

Assembly Bill No. 345 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 348 transfers the Patient Protection Commission from the Office of the Governor to the Office of the Director of DHHS and revises provisions governing the composition and operation of the Commission. In addition, the bill designates the Commission as the sole State agency responsible for administering and coordinating matters relating to the participation in the Peterson-Milbank Program for Sustainable Health Care Costs.

Roll call on Assembly Bill No. 348:

YEAS—12.

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

Assembly Bill No. 348 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 356.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 356 prohibits, with certain exceptions, the use of water from the Colorado River to irrigate nonfunctional turf on certain property. The bill creates the Nonfunctional Turf Removal Advisory Committee to provide recommendations to the Board of Directors of the Southern Nevada Water Authority regarding turf removal and authorizes the Board to approve an extension or waiver for the turf removal. Lastly, the bill requires the Legislative Committee on Public Lands to conduct a study during the 2021-2022 Interim concerning water conservation in this State.

There are 5,000 acres of nonfunctional turf in the Las Vegas Valley. That is at least 25,000-acre feet of water, when you only have 300,000-acre feet in the puddle. That has to have some action. I hope you vote in favor of this bill.

Roll call on Assembly Bill No. 356:

YEAS—21.

NAYS—None.

Assembly Bill No. 356 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 359.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 359 requires certain financial institutions that provide credit cards and automobile loans, and in the course of business advertises and negotiates certain transactions in a language other than English, to provide a translation of the contract or agreement in the language that was used in the advertisement and the negotiation to the person who is party to the contract. Such translated disclosures must be provided before the execution of the contract or agreement. A person who is aggrieved by a party that fails to comply with these provisions may rescind the contract or agreement. A person who knowingly violates these provisions is guilty of a deceptive trade practice. The provisions of this bill do not apply to certain financial institutions that have a physical location and engage in transactions other than the issuance of credit cards or automobile loans.

Roll call on Assembly Bill No. 359:

YEAS—21.

NAYS—None.

Assembly Bill No. 359 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 360.

Bill read third time.

Remarks by Senators Neal, Hansen and Dondero Loop.

SENATOR NEAL:

Assembly Bill No. 360 requires retailers to utilize advanced, age-verification technology at the point of sale for cigarettes or other tobacco products purchased by a person under 40 years of age to ensure the purchaser is old enough to make the purchase of the cigarettes or other tobacco products.

SENATOR HANSEN:

I realize this has to do with federal law, but frankly, this is blackmail. Are we going to expect store clerks in a 7-11 to ask someone who is 39 years old to provide ID before they can buy chewing tobacco or cigarettes? That is ridiculous. I am voting "no" on principle. I realize if we do not do this, it is somehow going to foul up federal funding, but that is an example of federal blackmail. It is wrong to hold store clerks responsible for doing something like this.

SENATOR DONDERO LOOP:

I was in Target last weekend, and I got carded because I bought a bottle of wine. It happens in real life.

Roll call on Assembly Bill No. 360:

YEAS—19.

NAYS—Hansen, Settelmeyer—2.

Assembly Bill No. 360 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 362.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 362 requires the Board of Trustees of the College Savings Plans of Nevada to adopt and, as necessary, revise a policy for the use of any money in the Nevada Higher Education Prepaid Tuition Trust Fund that is in excess of the amount of money determined by the Board to be required to establish a guaranteed rate for tuition under a prepaid tuition contract. The bill authorizes the use of money in the Trust Fund for the payment of qualified higher-education expenses for qualified beneficiaries.

Roll call on Assembly Bill No. 362:

YEAS—21.

NAYS—None.

Assembly Bill No. 362 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 366.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 730.

SUMMARY—Revises provisions governing mental health records. (BDR 54-456)

AN ACT relating to mental health; exempting recordings of certain training activities from requirements concerning the retention, maintenance and disclosure of health care records under certain circumstances; requiring the destruction of such a recording after a certain period of time; prescribing certain additional requirements governing such a recording; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various requirements concerning the retention, maintenance and disclosure of health care records, including the patient or client records of a psychologist, marriage and family therapist, clinical professional counselor, social worker, independent social worker, clinical social worker, clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor. (NRS 629.051-629.069) This bill provides that a program of education for such mental health professionals approved by the applicable licensing board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of services by such a mental health professional to a patient if: (1) the recording is used for a training activity; (2) the patient has provided informed written consent to the use of the recording in the training activity; (3) destroying the recording does not result in the maintenance of incomplete patient records; and (4) the recording is destroyed after a period of time prescribed by the licensing board responsible for regulating the mental health professional. This bill requires such a recording to meet certain federal requirements designed to prevent the reproduction, copying or theft of the recording. This bill also prohibits the inclusion of personally identifiable information concerning a patient or client unless the patient or client, as applicable, has provided specific informed written consent to the inclusion of that information in the recording.

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

Section 1. NRS 629.021 is hereby amended to read as follows:

629.021 "Health care records" means , except as otherwise provided in section 2, 3, 4 or 5 of this act, any reports, notes, orders, photographs, X-rays or other recorded data or information whether maintained in written, electronic or other form which is received or produced by a provider of health care, or any person employed by a provider of health care, and contains information relating to the medical history, examination, diagnosis or treatment of the patient. ~~The term does not include a recording used for a training activity by a program of education for mental health professionals, a mental health~~

~~professional or a person receiving training for mental health professionals that is not required to be retained pursuant to section 2, 3, 4 or 5 of this act.~~

Sec. 2. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist to a patient that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist to a patient used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a psychologist who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain

records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, marriage and family therapist, clinical professional counselor, social worker, independent social worker, clinical social worker, clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor.

Sec. 3. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The client has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the client unless the client has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a marriage and family therapist or clinical professional counselor who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a marriage and family therapist or clinical professional counselor to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to clients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, marriage and family therapist, clinical professional counselor, social worker, independent social worker, clinical social worker, clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor.

Sec. 4. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a social worker, independent social worker or clinical social worker to a client that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The client has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a social worker, independent social worker or clinical social worker to a client used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the client unless the client has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a social worker, independent social worker or clinical social worker who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a social worker, independent social worker or clinical social worker to a client for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a social worker, independent social worker or clinical social worker to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to clients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a social worker, independent social worker or clinical social worker to a client that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, marriage and family therapist, clinical professional counselor, social worker, independent social worker, clinical social worker, clinical

alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor.

Sec. 5. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor to a client that meets the requirements of subsection 2 if:*

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The client has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. *A recording of the provision of mental health services by a clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor to a client used for the purpose described in paragraph (a) of subsection 1:*

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the client unless the client has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. *The Board shall adopt regulations:*

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor to a client for the purposes

described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to clients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor to a client that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, marriage and family therapist, clinical professional counselor, social worker, independent social worker, clinical social worker, clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 5, 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.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 730 to Assembly Bill No. 366 revises the definition of "health care records" in section 1 and clarifies throughout the bill that recordings for training activities are not considered part of a medical record.

Amendment adopted.

Bill read third time.

Roll call on Assembly Bill No. 366:

YEAS—20.

NAYS—Pickard.

Assembly Bill No. 366 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 368.

Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 368 adds information that the Department of Taxation must include in the periodic report that must be issued relating to Tourism Improvement Districts (TID) in a municipality. The name and geographical location of each TID, the total amount of pledged sales-tax revenue distributed to each TID, the remaining number of payments and the amounts of those payments on any bonds or notes issued by a municipality on behalf of the TID must be reported. The bill includes alternative reporting requirements for the Department if the Department cannot report information about a TID without disclosing proprietary information about an individual business.

Assembly Bill No. 368 eliminates the authority in NRS chapter 271A for the governing body of any city or county to create a TID or to pledge revenue from certain sales and use taxes imposed in that district to finance certain projects within the district.

Finally, the bill eliminates the authority in NRS chapter 271 for a city, county or town in a county whose population is less than 700,000, currently all counties other than Clark County, to finance certain projects for the promotion of economic development and tourism in a local improvement district.

Roll call on Assembly Bill No. 368:

YEAS—21.

NAYS—None.

Assembly Bill No. 368 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 374.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 374 creates the Statewide Substance Use Response Working Group within the Office of the Attorney General to review various aspects of substance misuse and substance-use disorders as well as programs and activities to address these issues. The bill requires DHHS to annually report to the Working Group the use of State and local funds to address substance misuse and substance-use disorders. It requires the Working Group to study, evaluate and make recommendations concerning the use of these funds by submitting annually a report if its recommendations to the Governor, the Attorney General, the Legislature and certain other entities.

Roll call on Assembly Bill No. 374:

YEAS—21.

NAYS—None.

Assembly Bill No. 374 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 378.

Bill read third time.

Remarks by Senators Dondero Loop and Hansen.**SENATOR DONDERO LOOP:**

Assembly Bill No. 378 revises the purpose of the State Land Office to include, where appropriate, disposing of State lands. The bill eliminates the definition of "public lands" for the purposes of State planning for the use of certain lands and eliminates from the list of priorities of the State Land Use Planning Agency activities relating to federal lands in this State; the investigation and review of proposals for the designation of areas of critical environmental

concern, and the development of standards and plans. Additionally, the measure revises other duties of the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources and of the State Land Use Planning Agency. Finally, the bill repeals various provisions relating to the management, regulation and acquisition of public lands.

SENATOR HANSEN:

I oppose Assembly Bill No. 378. This is a sad bill for me. When it was presented to our Committee, it was essentially about undoing the Sagebrush Rebellion and how bad it was. This is where term limits hurt our Body. Most of the things that occurred during what we call the Sagebrush Rebellion are what we want right now. They are the powers presented and created by Senator Dean Rhoads who served in this building for 33 years and who is known as the father of the Sagebrush Rebellion. He helped get these kinds of laws in place to give Nevada some level of sovereignty over what happens within the boundaries of our own State. I think of John Carpenter and John Marvel. Debbie Smith would have opposed this bill, as would Alan Glover. They all worked hard, in a bipartisan way, to try to create some level of sovereignty, and now we, without understanding the background, are sweeping things away and mocking the Sagebrush Rebellion.

This Session, we had a bunch of bills on outdoor recreation, a completely new industry. What people do not realize is that in the 80s and 90s, the Bureau of Land Management (BLM) and the Forest Service were shutting down thousands of miles of roads in the State of Nevada. It was finally when Nye County Commissioner Dick Carver got on his bulldozer, went to Jefferson Canyon, confronted a bunch of fully armed BLM men and opened up the road making national headlines that the federal government started to back off.

The shovel brigade reopened the South Canyon Road at Jarbridge on July 4, 2000, because the Forest Service was shutting down roads. Since that time and because of those activities in the State of Nevada, we have been able to keep our public lands open. We do not even realize those things do not happen by the goodness of the federal government. These were men and women who aggressively pushed for this, and now, we all benefit from it. Instead of being thankful to Senator Rhoads and Mr. Carpenter and those who did this before us, we mock them because of our misunderstandings.

The initial roots of the Sagebrush Rebellion started when the MX missile came out and all of eastern Nevada was going to become an underground nuclear missile silo. We voted last Session to try to block the Air Force from taking half-a-million acres away in the backyard of Clark County. We have no sovereignty over these types of things anymore. We are giving up the little bit we have in State law if we pass this bill. It is a big mistake.

Yesterday, we voted on Assembly Bill No. 171, the swamp cedar bill. In that bill, we violated federal law. We told the federal government we are going allow Nevada's government officials to go into areas with swamp cedars and enforce our laws. We have no business doing that. That was an open act of Sagebrush-Rebellion-type defiance of the federal government. We passed a law saying we are going to determine those swamp cedars should be used by the Shoshone and the Goshute Indians as a sacred area. It was not our land about which to make the decision. In giving those types of sovereignty rights to our State, you all participated in an open act of the Sagebrush Rebellion. We should be able to give the Indians a piece of sacred ground without having to crawl on our belly to the federal government.

We were talking about 9-million acres that burned. If we had State control over those lands, our colleague from Eureka could quickly give us ideas on how to prevent those fires. If we had been in control of the lands in the State of Nevada, I can guarantee we would not have seen 9-million acres burn up. This happened because of mismanagement by federal agencies over whom we have no say.

I encourage my colleagues to vote against this bill in respect to Dean Rhoads and others who were pioneers in this area and who helped give us the sovereignty and equal footing we have in State law. I hear young Legislators mock the Sagebrush Rebellion while at the same time being frustrated that the federal government ignores us, takes away millions of acres from the State and does not deal with the horses or fires. We then turn around and say, we want to give more power to the federal government. I encourage you to think carefully about these types of laws. This harms our right as Legislators to protect the public lands within the boundaries of our State. What

happens within the boundaries of the State of Nevada should be something about which the Legislature has a say.

Roll call on Assembly Bill No. 378:

YEAS—11.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Neal, Pickard, Seevers Gansert, Settelmeyer—10.

Assembly Bill No. 378 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385.

Bill read third time.

The following amendment was proposed by Senator Lange:

Amendment No. 719.

SUMMARY—Revises provisions relating to compensation received by public officers and employees. (BDR 23-52)

AN ACT relating to public employment; revising provisions relating to the compensation received by officers and employees of certain public bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, this bill prohibits a public body from entering into an employment contract that entitles an officer or employee of the public body to receive: (1) any fringe benefit, unless the public body has adopted a policy authorizing all persons employed in a similar position to receive the benefit; (2) any bonus, unless the bonus is based on merit and awarded at a public meeting; and (3) certain wages or other payments upon the termination of the employment of the officer or employee for cause or resignation of the officer or employee when an investigation relating to his or her employment is pending. This bill also prescribes certain payments and benefits to which an officer or employee of a public body is entitled or remains entitled upon termination of employment. This bill exempts from these requirements employment contracts for officers and employees of the Nevada System of Higher Education and employment contracts that are negotiated pursuant to a collective bargaining agreement.

For the purposes of this bill, the term "public body" has the same meaning as in the Open Meeting Law. (NRS 241.015)

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

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, a public body shall not enter into an employment contract that entitles an officer or employee of the public body to receive:*

(a) Any fringe benefit, unless the public body has adopted a policy authorizing all persons employed by the public body in a similar position to receive the benefit.

(b) Any bonus, unless the bonus is based on merit and awarded at a public meeting.

(c) Upon the termination of the employment of the officer or employee for cause or the resignation of the officer or employee when an investigation relating to his or her employment is pending, any:

(1) Wages in lieu of notice or administrative leave;

(2) Salary, benefits or equivalent compensation, including, without limitation, severance pay;

(3) Bonus; or

(4) Other form of payment.

2. Upon the termination of the employment of an officer or employee of a public body, the person:

(a) Must be paid for any portion of accumulated annual leave and compensatory time and unused sick leave authorized by law or policy of the public body.

(b) Remains entitled to any pension or retirement benefit provided by the Public Employees' Retirement System or other retirement or pension program of which he or she is a member.

3. Nothing in this section shall be construed to limit or prohibit:

(a) A person from:

(1) Receiving compensation for past services upon his or her termination;

(2) Bringing any cause of action for wrongful or unlawful acts committed against the person relating to his or her employment or termination; or

(3) Accepting any legal or equitable relief awarded or recovered for wrongful or unlawful acts committed against the person relating to his or her employment or termination.

(b) A public body from entering into an agreement to pay the cost of purchasing credit for service on behalf of an officer or employee pursuant to NRS 286.3007 or under any other retirement or pension program, if applicable.

4. The provisions of this section do not apply to:

(a) Any contract negotiated pursuant to a collective bargaining agreement.

(b) Officers and employees of the Nevada System of Higher Education.

5. As used in this section, "public body" has the meaning ascribed to it in NRS 241.015.

Sec. 2. (Deleted by amendment.)

Sec. 3. The amendatory provisions of this act do not apply to a contract entered into before ~~October 1, 2021,~~ December 1, 2022, but do apply to any renewal or extension of such a contract.

Sec. 4. This act becomes effective on December 1, 2022.

Senator Lange moved the adoption of the amendment.

Remarks by Senators Lange and Seevers Gansert.

SENATOR LANGE:

Assembly Bill No. 385 prohibits a public body from entering into an employment contract that entitles an officer or employee of the public body to receive any fringe benefit unless the public body has adopted a policy authorizing all persons employed in a similar position to receive the benefit; any bonus unless the bonus is based on merit and awarded at a public meeting; certain wages or other payments upon the termination of the employment of the officer or employee for cause or resignation of the officer or employee when an investigation relating to his or her employment is pending. This bill prescribes certain payments and benefits to which an officer or employee of a public body is entitled or remains entitled upon termination of employment.

SENATOR SEEVERS GANSERT:

I appreciate the transparency provided in this bill, but I do not think the State should be telling local governments and quasi-governmental entities how to contract. That is why I am not supporting this bill even though the transparency makes a lot of sense to me.

Amendment adopted.

Bill read third time.

Remarks by Senators Lange.

SENATOR LANGE:

Initially, I was against Assembly Bill No. 385. In talking with the cities and counties in Henderson and the sponsor of the bill, I was able to get the agreement to move the effective date. I encourage you to vote in favor of it.

Roll call on Assembly Bill No. 385:

YEAS—12.

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

Assembly Bill No. 385 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 388 requires the State Treasurer to enact regulations establishing a program enabling providers of broadband or commercial radio service to participate in a voluntary contribution program for broadband infrastructure. This program enables customers to opt in and make voluntary contributions as part of their monthly bill to support the expansion of broadband deployment. Money collected under this program must be deposited into the Account for the Grant Program for Broadband Infrastructure, which is created within the State General Fund. The Account is to be administered by the Director of the Office of Science, Innovation and Technology (OSIT) in the Office of the Governor and the money used to make infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State.

On at least a biennial basis, the Director of OSIT must prepare and submit a report concerning the availability of broadband service in Nevada to the Governor and Legislature. The measure requires OSIT to establish a Broadband Ready Community Certification Program to advance the expansion of broadband infrastructure to underserved communities on or before October 31, 2021, in collaboration with local governments and other stakeholders.

Roll call on Assembly Bill No. 388:

YEAS—21.

NAYS—None.

Assembly Bill No. 388 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 390.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 390 requires any notice of a contest to an election must also be provided to the candidate whose election is being contested. The person contesting the election must notify the candidate. If the contest is for a candidate in the general election for the offices of Governor, Lieutenant Governor, member of the Assembly or State Senate, Supreme Court Justice or Appeals Court Judge, both the person contesting the election and the Secretary of State must notify the candidate whose election is being contested.

Roll call on Assembly Bill No. 390:

YEAS—21.

NAYS—None.

Assembly Bill No. 390 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 391.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 391 revises provisions relating to the Board of Dispensing Opticians and the practice of licensees regulated by the Board. It makes various changes to provisions governing the operation of the Board and its members, staff and employees to align it with those of other boards. The measure imposes an administrative fine that may be assessed for violating certain provisions.

Roll call on Assembly Bill No. 391:

YEAS—21.

NAYS—None.

Assembly Bill No. 391 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 394.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 394 provides that behavioral-health specialists performing mobile crisis-intervention services by telephone or audio-video communication are immune from any civil liability in the performance of those services under certain circumstances.

Roll call on Assembly Bill No. 394:

YEAS—21.

NAYS—None.

Assembly Bill No. 394 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 9:24 p.m.

SENATE IN SESSION

At 9:28 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 396 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 397.

Bill read third time.

Remarks by Senators Hansen and Settelmeyer.

SENATOR HANSEN:

Assembly Bill No. 397 revises provisions related to the payment and use of marriage license fees and fees charged for the filing and recording or issuing certain bonds, declarations and certificates. In addition to other provisions, the bill revises the permitted uses of these proceeds by providing that the fees may be used in the office of the county clerk to: acquire, improve, support or maintain technology. It can train employees in the operation of the technology and acquire temporary or permanent staff or professional services to implement, support or maintain technology that enhances customer service, improves efficiency or promotes transparency in government.

SENATOR SETTELMEYER:

I had the opportunity to reach out to some of the wedding chapels. I realize this creates a savings of time and resources for the clerk's office, but by deviating from the statutory hours, it creates a situation where fewer weddings are likely to result. A bill we did earlier this year on domestic violence allowed me to have all of the numbers for this, which this will potentially decrease by decreasing the number of marriages. I will be voting against this bill.

Roll call on Assembly Bill No. 397:

YEAS—19.

NAYS—Buck, Settelmeyer—2.

Assembly Bill No. 397 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 398.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 398 prohibits a seller's agent from completing a disclosure form on behalf of the seller of a residential property. A seller's agent is not liable to the purchaser if the seller is aware of a defect and fails to disclose the defect to the purchaser on the disclosure form as required or after service of the completed disclosure form but before conveyance of the property to the purchaser; or the seller discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form and fails to inform the purchaser or the purchaser's agent of that fact as required.

Roll call on Assembly Bill No. 398:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 399.

Bill read third time.

Remarks by Senators Harris, Hansen, Goicoechea, Kieckhefer and Donate.

SENATOR HARRIS:

Assembly Bill No. 399 prohibits certain farm owners or operators from knowingly confining an egg-laying hen in an enclosure that does not comply with the bill's provisions, with certain exceptions. It requires such owners or operators to obtain a renewable endorsement from the State Department of Agriculture indicating compliance before selling or transporting for sale eggs or egg products in the State. The Department may use a government inspector or a private inspection or process-verification provider to ensure such compliance.

These requirements do not apply to the production, sale or transport for sale in Nevada of shell eggs by a farm owner or operator who has an annual shell egg production from 3,000 or fewer egg-laying hens if all shell eggs sold or transported for sale in this State are derived from those hens.

The bill declares that the Legislature finds the regulation of egg production on farms and the sale of eggs and egg products in this State is necessary to protect the health and welfare of its citizens, promote food safety and advance animal welfare.

SENATOR HANSEN:

I am voting "no" on this bill. We have had several bills and discussion on the fact there are people in Nevada who still struggle with hunger. Eggs are one of the most inexpensive foods you can have; you can buy a dozen eggs for a couple of bucks. Cage-free eggs are five or six bucks, I know because my Assemblywoman wife buys cage-free eggs. A few dollars adds up for some folks. I cannot ask the chickens what size cages they want, but, from what I can tell, they have been doing fine for a long time. To make poorer people pay more for eggs down the road, which is really what this bill would do, is not right. I will vote against this bill not to be cruel to chickens but to ensure poorer people have opportunities to pay as little as possible for good, solid food.

SENATOR GOICOECHEA:

I oppose Assembly Bill No. 399. The industry somewhat supported it, but the restrictions imposed by this bill may impair the poultry-egg production in this State forever. I would also like to know who in the Department of Agriculture is going to count 3,000 chickens.

SENATOR KIECKHEFER:

I voted in favor of this bill in Committee, and I am sticking with my vote. The industry wants some consistency, and this is an adopted standard around the Country. It is a win for big "egg" but, in the end, will trigger effective egg production around the Country.

SENATOR DONATE:

Throughout this pandemic, it has become clear how impactful zoonotic diseases can be and the effect they can have on human health. I am in full support of this bill and urge my colleagues to vote in favor of this bill.

Roll call on Assembly Bill No. 399:

YEAS—16.

NAYS—Goicoechea, Hansen, Pickard, Seevers Gansert, Settelmeyer—5.

Assembly Bill No. 399 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 722.

SUMMARY—Revises provisions relating to prohibited acts concerning the use of marijuana ~~and~~ and certain other controlled substances. (BDR 43-485)

AN ACT relating to public safety; revising provisions relating to prohibited acts concerning the use of marijuana ~~and~~ and certain other controlled substances; establishing provisions relating to administrative suspensions of commercial drivers' licenses, permits and driving privileges; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from driving or being in actual physical control of a vehicle ~~for commercial motor vehicle~~ on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State if the person: (1) is under the influence of intoxicating liquor or a controlled substance; (2) has specified amounts of certain prohibited substances in his or her blood or urine; or (3) has specified amounts of marijuana or marijuana metabolite in his or her blood. (NRS 484C.110, ~~484C.120,~~ 488.410) ~~Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000~~ For the purposes of any such offense punishable as a misdemeanor, sections 1.7 and 6 of this bill remove the prohibition against such a person having specified amounts of marijuana or marijuana metabolite in his or her blood, thereby providing that a person who uses marijuana is subject to the general prohibition against driving or being in actual physical control of a vehicle ~~for commercial motor vehicle~~ on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State if the person is under the influence of a controlled substance. ~~Sections 3-5 and 7-16 of this bill make conforming changes to remove references in the Nevada Revised Statutes to marijuana or marijuana metabolite in a person's blood.~~

~~Existing law prohibits a child who is taken into custody or a person who is arrested for violating a temporary or extended order for protection against domestic violence, stalking, aggravated stalking, harassment or sexual assault~~

~~from being released from custody or admitted to bail, as applicable, sooner than 12 hours after being taken into custody or arrested in certain circumstances, including if the child or person has, at the time of or within 2 hours after the violation, an amount of marijuana or marijuana metabolite in his or her system that is equal to or greater than the amount that prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access. (NRS 62C.020, 178.484) Under the conforming changes made in sections 11 and 14 of this bill, respectively, a child who is taken into custody or a person who is arrested for violating any such order for protection and is under the influence of marijuana is no longer subject to such a prohibition.] Thus, sections 1.7 and 6 provide that the specified amounts of marijuana or marijuana metabolite apply to those circumstances where the violation is punishable as a felony.~~

Existing law provides that in certain circumstances compensation is not payable to employees in this State for an injury that occurred while an employee was under the influence of a controlled or prohibited substance unless the employee can prove that being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. Existing law specifies that an employee is under the influence of a controlled or prohibited substance for the purpose of such a provision when the employee has an amount of certain prohibited substances, including marijuana or marijuana metabolite, in his or her system that is equal to or greater than the amount that prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access and for which the employee does not have a current and lawful prescription. (NRS 616C.230) Section 17 of this bill retains the amounts of such prohibited substances that are currently set forth in existing law for the purpose of determining whether an employee is under the influence of a prohibited substance, but removes the specified amount of marijuana metabolite.

Existing law also prohibits a person from driving or being in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access if the person: (1) is under the influence of intoxicating liquor or a controlled substance; (2) has specified amounts of certain prohibited substances in his or her blood or urine; or (3) has specified amounts of marijuana or marijuana metabolite in his or her blood. (NRS 484C.120) Section 2 of this bill prohibits a person from driving or being in control of a commercial motor vehicle if there is any prohibited substance, as defined by 21 C.F.R. 1308.11, including, without limitation, marijuana, in the blood or urine of the person.

Existing law provides that if certain tests show that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his or her blood or breath at the time of the test, the person's driver's license, permit or privilege to drive must be suspended for 90 days. (NRS 483.461) Section 1 of this bill establishes similar provisions relating to commercial motor vehicles. Specifically, section 1 provides that if certain tests

show that a person 18 years of age or older had a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath at the time of the test, or the person had any detectable amount of a schedule I controlled substance in his or her blood or urine at the time of the test, the person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle must be suspended for 1 year. Sections 1.1-1.3 and 17.5 of this bill make conforming changes relating to such suspensions.

Existing law prohibits a person from driving a commercial motor vehicle at any time when the driving privilege of the person is subject to disqualification and directs the Department of Motor Vehicles, upon receipt of notice of a disqualification, to: (1) suspend the privilege of the person to drive a commercial motor vehicle; and (2) charge the person a civil penalty. (NRS 483.924, 483.939) Sections 1.4 and 1.5 of this bill expressly provide that the disqualifying conduct includes disqualifications described by certain federal regulations.

Existing federal regulations prohibit an employer from allowing, requiring, permitting or authorizing a driver to operate a commercial motor vehicle if the employer should have reasonably known that certain circumstances exist, including, a violation of an out-of-service order. (49 C.F.R. § 383.37) Existing state law authorizes the Department to impose a civil penalty against an employer who should have reasonably known that there was a violation of an out-of-service declaration. (NRS 483.939) Section 1.6 expands the circumstances under which the Department may impose the civil penalty on the employer to all the circumstances described in the federal regulation. Section 2 authorizes the imposition of the civil penalty described in section 1.6 on a person who commits certain unlawful acts relating to driving or being in actual physical control of a commercial motor vehicle on a highway or on a premises to which the public has access.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the result of a test given pursuant to NRS 484C.150 or 484C.160 shows that a person 18 years of age or older had a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath or any detectable amount of a substance described in 21 C.F.R. 1308.11 in his or her blood or urine at the time of the test, the person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle must be suspended for a period of 1 year.

2. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle pursuant to any other provision of law.

Sec. 1.1. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484C.150 or 484C.160 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his or her blood or breath at the time of the test, the person's license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, ~~[484C.110,]~~ 484C.120, 484C.130 or 484C.430 follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, ~~[484C.110,]~~ 484C.120, 484C.130 or 484C.430, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 1.2. NRS 483.900 is hereby amended to read as follows:

483.900 The purposes of NRS 483.900 to 483.940, inclusive, and section 1 of this act are to implement the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313 (§§ 31301 et seq.), and reduce or prevent commercial motor vehicle crashes, fatalities and injuries by:

1. Permitting drivers of commercial motor vehicles to hold only one license;

2. Providing for the disqualification of drivers of commercial motor vehicles who have committed certain serious traffic violations or other specified offenses;

3. Strengthening the licensing and testing standards for drivers of commercial motor vehicles; and

4. Ensuring that drivers of commercial motor vehicles carrying hazardous materials are qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to the transportation of hazardous materials and have the skills and knowledge necessary to respond appropriately to any emergency arising out of the transportation of hazardous materials.

Sec. 1.3. NRS 483.902 is hereby amended to read as follows:

483.902 The provisions of NRS 483.900 to 483.940, inclusive, and section 1 of this act apply only with respect to commercial drivers' licenses.

Sec. 1.4. NRS 483.904 is hereby amended to read as follows:

483.904 As used in NRS 483.900 to 483.940, inclusive, and section 1 of this act, unless the context otherwise requires:

1. "Commercial driver's license" means a license issued to a person which authorizes the person to drive a class or type of commercial motor vehicle.

2. "Commercial Driver's License Information System" means the information system maintained by the Secretary of Transportation pursuant to 49 U.S.C. § 31309 to serve as a clearinghouse for locating information relating to the licensing, identification and disqualification of operators of commercial motor vehicles.

~~{3. "Out of service order" means a temporary prohibition against:~~

~~(a) A person operating a commercial motor vehicle as such a prohibition is described in 49 C.F.R. § 395.13; or~~

~~(b) The operation of a commercial motor vehicle as such a prohibition is described in 49 C.F.R. § 396.9(c).}~~

Sec. 1.5. NRS 483.924 is hereby amended to read as follows:

483.924 A person shall not drive a commercial motor vehicle on the highways of this State:

1. Unless the person has been issued and has in his or her immediate possession a:

(a) Commercial driver's license with applicable endorsements valid for the vehicle the person is driving issued by this State or by any other jurisdiction in accordance with the minimum federal standards for the issuance of a commercial driver's license; or

(b) Valid learner's permit for the operation of a commercial motor vehicle and is accompanied by the holder of a commercial driver's license valid for the vehicle being driven.

2. At any time while the person's driving privilege is suspended, revoked or cancelled, or while subject to a disqualification, including, without limitation, a disqualification for ~~{violating an out of service order that is imposed pursuant to}~~ any conduct described in 49 C.F.R. § ~~{383.51(c)}~~ 383.51.

Sec. 1.6. NRS 483.939 is hereby amended to read as follows:

483.939 1. If the Department receives notice that a person who holds a commercial driver's license has been convicted of driving a commercial motor vehicle in violation of ~~{an out of service declaration, as}~~ the prohibitions described in 49 C.F.R. § 395.13, the Department shall:

(a) Suspend the privilege of the person to operate a commercial motor vehicle for the period set forth in 49 C.F.R. § ~~{383.51(c)}~~ 383.51; and

(b) In addition to any other applicable fees and penalties that must be paid to reinstate the commercial driver's license after suspension, impose against the person a civil penalty in the amount set forth in 49 C.F.R. § 383.53(b)(1).

2. If the Department receives notice that the employer of a person who holds a commercial driver's license has been convicted of a violation of 49 C.F.R. § ~~{383.37(c)}~~ 383.37 for knowingly allowing, requiring, permitting or authorizing the person to operate a commercial motor vehicle during any period in which the person or the commercial motor vehicle is subject to ~~{an out of service order,}~~ the circumstances described in 49 C.F.R. § 383.37, the Department shall impose against the employer a civil penalty in the amount set forth in 49 C.F.R. § ~~{383.53(b)(2)}~~ 383.53.

3. All money collected by the Department pursuant to paragraph (b) of subsection 1 or subsection 2 must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

4. The Department shall adopt regulations to carry out the provisions of this section.

~~[Section 1.]~~ Sec. 1.7. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

↪ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

↪ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100

(h) Phencyclidine 25 10

4. ~~4.1~~ *For any violation that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, it is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:*

	Blood
	Nanograms
Prohibited substance	per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. ~~5.1~~ A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 2. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

➔ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

- (a) Is under the influence of a controlled substance;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➔ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with ~~[an amount of]~~ any ~~[of the following]~~ prohibited ~~[substances]~~ substance in his or her blood or urine, ~~[that is equal to or greater than]~~

	Urine	Blood
	Nanograms	Nanograms
Prohibited substance	per milliliter	per milliliter
~~(a) Amphetamine~~	~~500~~	~~100~~
~~(b) Cocaine~~	~~150~~	~~50~~
~~(c) Cocaine metabolite~~	~~150~~	~~50~~
~~(d) Heroin~~	~~2,000~~	~~50~~
~~(e) Heroin metabolite:~~		
~~(1) Morphine~~	~~2,000~~	~~50~~
~~(2) 6-monoacetyl morphine~~	~~10~~	~~10~~
~~(f) Lysergic acid diethylamide~~	~~25~~	~~10~~
~~(g) Methamphetamine~~	~~500~~	~~100~~
~~(h) Phencyclidine~~	~~25~~	~~10~~

As used in this subsection, "prohibited substance" means any substance described in 21 C.F.R. 1308.11.

4. ~~[It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:]~~

	Blood
	Nanograms
Prohibited substance	per milliliter
~~(a) Marijuana (delta 9 tetrahydrocannabinol)~~	~~2~~
~~(b) Marijuana metabolite (11-OH tetrahydrocannabinol)~~	~~5~~

~~5.]~~ If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~6.]~~ 5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 483.939, 484B.130 or 484B.135.

~~7.]~~ 6. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver;

or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 3. ~~NRS 484C.120 is hereby amended to read as follows:~~

~~484C.120 1. A person commits vehicular homicide if the person:~~

~~(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:~~

~~— (1) Is under the influence of intoxicating liquor;~~

~~— (2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~— (3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~— (4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~— (5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or~~

~~— (6) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 484C.110; (b) Proximately causes the death of another person while driving or in actual physical control of a vehicle on or off the highways of this State; and~~

~~— (c) Has previously been convicted of at least three offenses.~~

~~2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~3. As used in this section, "offense" means:~~

~~(a) A violation of NRS 484C.110, 484C.120 or 484C.430;~~

~~(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484C.110 or 484C.430; or~~

~~(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b). (Deleted by amendment.)~~

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[NRS 484C.430 is hereby amended to read as follows:~~

~~484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or~~

~~(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 484C.110,~~

~~and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.~~

~~3. Except as otherwise provided in subsection 4, if consumption is proven by a preponderance of the evidence, it is an affirmative defense under~~

~~paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~4. If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection 3.~~

~~5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.]~~
(Deleted by amendment.)

Sec. 6. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or
- (c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,
 ↪ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. It is unlawful for any person who:

- (a) Is under the influence of a controlled substance;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or
- (c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail,
 ↪ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

	Urine	Blood
Prohibited substance	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50

(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. ~~It~~ For any violation that is punishable pursuant to NRS 488.427, it is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

Blood	
Nanograms	
Prohibited substance	per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. ~~5.7~~ Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 7. ~~NRS 488.420 is hereby amended to read as follows:~~

~~488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:~~

- ~~(a) Is under the influence of intoxicating liquor;~~
- ~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~
- ~~(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~
- ~~(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~
- ~~(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under power or sail; or~~

~~— (f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 2 [or 4] of NRS 488.410,~~

~~→ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~— 2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.~~

~~— 3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~— 4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 488.425 is hereby amended to read as follows:~~

~~488.425 1. A person commits homicide by vessel if the person:~~

~~— (a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:~~

~~— (1) Is under the influence of intoxicating liquor;~~

~~— (2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~— (3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~— (4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~—(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail; or~~

~~—(6) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 488.410;~~

~~—(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under power or sail; and~~

~~—(c) Has previously been convicted of at least three offenses.~~

~~—2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:~~

~~—(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~—(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~—3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~—4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.~~

~~—5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~—6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.~~

~~—7. As used in this section, "offense" means:~~

~~—(a) A violation of NRS 488.410 or 488.420;~~

~~—(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or~~

~~— (c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b). (Deleted by amendment.)~~

Sec. 9. (Deleted by amendment.)

Sec. 10. ~~[NRS 33.030 is hereby amended to read as follows:~~

~~33.030 1. The court by a temporary order may:~~

~~— (a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;~~

~~— (b) Exclude the adverse party from the applicant's place of residence;~~

~~— (c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;~~

~~— (d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;~~

~~— (e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;~~

~~— (f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and~~

~~— (g) Order such other relief as it deems necessary in an emergency situation.~~

~~2. The court by an extended order may grant any relief enumerated in subsection 1 and:~~

~~— (a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;~~

~~— (b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and~~

~~— (c) Order the adverse party to:~~

~~— (1) Avoid or limit communication with the applicant or minor child;~~

~~— (2) Pay rent or make payments on a mortgage on the applicant's place of residence;~~

~~— (3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;~~

~~— (4) Pay all costs and fees incurred by the applicant in bringing the action; and~~

~~— (5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.~~

~~3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.~~

~~5. A temporary or extended order must provide notice that:~~

~~(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and~~

~~(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

~~(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(2) The person has previously violated a temporary or extended order for protection; or~~

~~(3) At the time of the violation or within 2 hours after the violation, the person has:~~

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

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

Sec. 11. [NRS 62C.020 is hereby amended to read as follows:

~~62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:~~

~~(a) Respite care or another out of home alternative to secure detention is available for the child;~~

~~(b) An out of home alternative to secure detention is not necessary to protect the victim from injury; or~~

~~(c) Family services are available to maintain the child in the home and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.~~

~~2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or for violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378 and:~~

~~— (a) The peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~— (b) The child has previously violated a temporary or extended order for protection of the type for which the child has been taken into custody; or~~

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

~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

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

~~— 3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 125.555 is hereby amended to read as follows:~~

~~125.555 1. A restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence which is issued in an action or proceeding brought pursuant to this title must provide notice that a person who is arrested for violating the order or injunction will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

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

~~— (b) The person has previously violated a temporary or extended order for protection; or~~

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

~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

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

~~— 2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 171.1225 is hereby amended to read as follows:~~

~~171.1225 1. When investigating an act of domestic violence, a peace officer shall:~~

~~— (a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community;~~

~~— (b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:~~

~~— (1) My name is Officer (naming the investigating officer). Nevada law requires me to inform you of the following information:~~

~~— (2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.~~

~~— (3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.~~

~~— (4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.~~

~~— (5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:~~

~~— (I) Stop threatening, harassing or injuring you or your children;~~

~~— (II) Move out of your residence;~~

~~— (III) Stay away from your place of employment;~~

~~— (IV) Stay away from the school attended by your children;~~

~~— (V) Stay away from any place you or your children regularly go;~~

~~— (VI) Avoid or limit all communication with you or your children;~~

~~— (VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and~~

~~— (VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.~~

~~— (6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:~~

~~— (I) Pay the rent or mortgage due on the place in which you live;~~

~~— (II) Pay the amount of money necessary for the support of your children;~~

~~— (III) Pay part or all of the costs incurred by you in obtaining the order for protection; and~~

~~———— (IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.~~

~~———— (7) To get an order for protection, go to room number (state the room number of the office at the court) at the court, which is located at (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.~~

~~———— (8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:~~

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

~~———— (II) The person has previously violated a temporary or extended order for protection; or~~

~~———— (III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 484C.110,~~

~~→ the person will not be admitted to bail sooner than 12 hours after arrest.~~

~~———— (9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at (state toll-free telephone number of Statewide Program).~~

~~— 2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.~~

~~— 3. As used in this section:~~

~~— (a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:~~

~~———— (1) A battery;~~

~~———— (2) An assault;~~

~~———— (3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform;~~

~~———— (4) A sexual assault;~~

~~———— (5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:~~

~~———— (I) Stalking;~~

~~— (II) Arson;~~
~~— (III) Trespassing;~~
~~— (IV) Larceny;~~
~~— (V) Destruction of private property;~~
~~— (VI) Carrying a concealed weapon without a permit;~~
~~— (VII) Injuring or killing an animal;~~
~~— (6) False imprisonment;~~
~~— (7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry;~~
~~— (b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context. (Deleted by amendment.)~~

Sec. 14. ~~[NRS 178.484 is hereby amended to read as follows:~~
~~178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail;~~
~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~
~~(a) A court issues an order directing that the person be admitted to bail;~~
~~(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~
~~(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail;~~
~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~
~~(a) A court issues an order directing that the person be admitted to bail; or~~
~~(b) A department of alternative sentencing directs the detention facility to admit the person to bail;~~
~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense;~~
~~5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person;~~

~~6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~

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

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

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

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

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

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

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

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

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

~~8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature~~

~~of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

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

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

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

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

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

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

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

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

~~—(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary~~

~~or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~
~~↗ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 200.591 to 200.593, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. ~~[NRS 200.378 is hereby amended to read as follows:~~

~~200.378 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court;~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~(b) A hearing is held on the petition.~~

~~4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

~~(a) A temporary order is guilty of a gross misdemeanor.~~

~~(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~6. Any court order issued pursuant to this section must:~~

~~(a) Be in writing;~~

~~(b) Be personally served on the person to whom it is directed; and~~

~~(c) Contain the warning that violation of the order:~~

~~(1) Subjects the person to immediate arrest.~~

~~(2) Is a gross misdemeanor if the order is a temporary order.~~

~~(3) Is a category C felony if the order is an extended order.~~

~~7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the arrest if:~~

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

~~(b) The person has previously violated a temporary or extended order for protection; or~~

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

~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~— (2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 484C.110. (Deleted by amendment.)~~

Sec. 16. ~~[NRS 200.591 is hereby amended to read as follows:~~

~~200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:~~

~~— (a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court;~~

~~— (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime;~~

~~— (c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~— 2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~— (a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court;~~

~~— (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime;~~

~~— (c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~— 3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~— (a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~— (b) A hearing is held on the petition.~~

~~— 4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in~~

~~question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

~~(a) A temporary order is guilty of a gross misdemeanor;~~

~~(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~6. Any court order issued pursuant to this section must:~~

~~(a) Be in writing;~~

~~(b) Be personally served on the person to whom it is directed; and~~

~~(c) Contain the warning that violation of the order:~~

~~(1) Subjects the person to immediate arrest;~~

~~(2) Is a gross misdemeanor if the order is a temporary order;~~

~~(3) Is a category C felony if the order is an extended order.~~

~~7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

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

~~(b) The person has previously violated a temporary or extended order for protection; or~~

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

~~(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 484C.110.] (Deleted by amendment.)~~

Sec. 17. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself or herself.

(b) Caused by the employee's willful intention to injure another.

(c) That occurred while the employee was in a state of intoxication, unless the employee can prove by clear and convincing evidence that his or her state of intoxication was not the proximate cause of the injury. For the purposes of this paragraph, an employee is in a state of intoxication if the level of alcohol in the bloodstream of the employee meets or exceeds the limits set forth in subsection 1 of NRS 484C.110.

(d) That occurred while the employee was under the influence of a controlled or prohibited substance, unless the employee can prove by clear and convincing evidence that his or her being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. For the purposes of this paragraph, an employee is under the influence of a controlled or prohibited substance if the employee had an amount of a controlled or

prohibited substance *for which the employee did not have a current and lawful prescription issued in the employee's name* in his or her system at the time of his or her injury that was equal to or greater than ~~the limits set forth in subsection 3 or 4 of NRS 484C.110 and for which the employee did not have a current and lawful prescription issued in the employee's name.~~ :

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>
<i>Amphetamine</i>	500	100
<i>Cocaine</i>	150	50
<i>Cocaine metabolite</i>	150	50
<i>Heroin</i>	2,000	50
<i>Heroin metabolite:</i>		
<i>Morphine</i>	2,000	50
<i>6-monoacetyl morphine</i>	10	10
<i>Lysergic acid diethylamide</i>	25	10
<i>Methamphetamine</i>	500	100
<i>Phencyclidine</i>	25	10
<i>Marijuana (delta-9-tetrahydrocannabinol)</i>		2

2. For the purposes of paragraphs (c) and (d) of subsection 1:

(a) The affidavit or declaration of an expert or other person described in NRS 50.310, 50.315 or 50.320 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled or prohibited substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.

(c) The results of any testing for the use of alcohol or a controlled or prohibited substance, irrespective of the purpose for performing the test, must be made available to an insurer or employer upon request, to the extent that doing so does not conflict with federal law.

3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his or her recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his or her recovery, the employee's compensation may be reduced or suspended.

5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

➔ The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

6. As used in this section, "prohibited substance" ~~has the meaning ascribed to it in NRS 484C.080.~~ means any of the following substances if the person who uses the substance has not been issued a valid prescription to use the substance and the substance is classified in schedule I or II pursuant to NRS 453.166 or 453.176 when it is used:

(a) Amphetamine.

(b) Cocaine.

(c) Cocaine metabolite.

(d) Heroin.

(e) Heroin metabolite:

(1) Morphine.

(2) 6-monoacetyl morphine.

(f) Lysergic acid diethylamide.

(g) Methamphetamine.

(h) Phencyclidine.

(i) Marijuana (delta-9-tetrahydrocannabinol).

Sec. 17.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the result of a test given pursuant to NRS 484C.150 or 484C.160 shows that a person 18 years of age or older had a concentration of alcohol of 0.04 or more but less than ~~0.08~~ 0.10 in his or her blood or breath or any detectable amount of a substance described in 21 C.F.R. 1308.11 in his or her blood or urine at the time of the test, the person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle must be suspended for a period of 1 year.

2. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle pursuant to any other provision of law.

Sec. 18. 1. This ~~act becomes~~ section and sections 1 to 17, inclusive, of this act become effective on July 1, 2021.

2. Section 17.5 of this act becomes effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 722 to Assembly Bill No. 400 provides that the *per se* limits for marijuana no longer apply to misdemeanor offenses but remain applicable to felony DUI offenses per current statute. In such cases, a person is under the influence of marijuana if the person has two or more nanograms per milliliter of marijuana metabolite in his or her blood. It also provides that drivers of commercial motor vehicles cannot be under the influence of alcohol or have any detectable amount of a federally defined schedule 1 controlled substance in their blood while operating a commercial motor vehicle and sets forth penalties for such an offense. Finally, it provides that DMV may sanction both the driver and the employer of a driver of a commercial motor vehicle for having an amount of alcohol of .04 or more but less than .08 or any detectable amount of a federally defined schedule 1 controlled substance in his or her blood while operating a commercial motor vehicle consistent with federal regulations.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 400 prohibits a person who uses marijuana from driving or being in physical control of a vehicle or commercial motor vehicle on a highway or premises where the public has access. It prohibits a person who uses marijuana from operating or being in physical control of a vessel under power or sail on the waters of this State in the same manner as a person being under the influence of a controlled substance in certain circumstances. Under this measure, *per se* limits currently in statute regarding marijuana now apply only to felony offenses. In such cases, a person is under the influence of marijuana if the person's blood contains two or more nanograms of marijuana per milliliter.

The bill also revises the workers' compensation statutes by retaining the amounts of certain prohibited substances in existing law for determining whether an employee is under the influence of a prohibited substance. Similarly, the measure provides that drivers of commercial motor vehicles cannot be under the influence of alcohol or have any amount of a federally defined schedule 1 controlled substance in their blood while operating a commercial vehicle. The DMV may sanction both the driver of a commercial motor vehicle and the driver's employer in accordance with federal law.

Roll call on Assembly Bill No. 400:

YEAS—15.

NAYS—Buck, Goicoechea, Hammond, Hansen, Kieckhefer, Seevers Gansert—6.

Assembly Bill No. 400 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 405.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 405 makes it unlawful for a person to engage in certain offenses related to gaming through an agreement with a player, participant, judge, referee, manager, coach or other official with the intent for such persons to use less than their best efforts to win, judge, referee,

manage, coach or officiate to limit a margin of victory or adversely affect the outcome of a sporting event. The bill deletes from statute obsolete language regarding certain reports on foreign gaming.

Roll call on Assembly Bill No. 405:

YEAS—21.

NAYS—None.

Assembly Bill No. 405 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 409.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 409 requires the POST Commission to adopt regulations concerning the recruitment and selection of peace officers which must include evaluations to identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

Roll call on Assembly Bill No. 409:

YEAS—17.

NAYS—Goicoechea, Hansen, Hardy, Settelmeyer—4.

Assembly Bill No. 409 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 410.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 410 revises the qualifications of a construction manager as agent and requires the selection of a construction manager as agent to be made based on competence and qualifications and not based on competitive fees. The bill also requires that a construction manager at risk must not have entered into a contract with a public body to act as a construction manager as agent during the four years immediately preceding the date of an advertisement for proposals. Finally, the bill removes the prospective sunset of the authority to enter into a contract with a construction manager at risk to construct a public work.

Roll call on Assembly Bill No. 410:

YEAS—19.

NAYS—Hardy, Settelmeyer—2.

Assembly Bill No. 410 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 412.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 412 provides that a neighborhood occupantless vehicle, defined as a low-speed vehicle not designed for human occupancy, may operate on roadways with speed limits greater than 35 miles per hour but not more than 45 miles per hour.

The measure provides that a fully autonomous vehicle that is exclusively operated by an automated driving system is exempt from requirements for equipment to illuminate with multiple

beams, mirrors to reflect to the driver a view of the highway, windshield wipers and a muffler unless the vehicle contains an internal combustion engine.

Roll call on Assembly Bill No. 412:

YEAS—21.

NAYS—None.

Assembly Bill No. 412 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 414.

Bill read third time.

Remarks by Senator Neal.

Under current statute, a transfer of real property by a deed that becomes effective upon the death of the grantor is exempt from the real property transfer tax. Assembly Bill No. 414 extends this exemption to a death of grantor affidavit recorded in the office of the county recorder pursuant to NRS 111.699. The bill establishes a procedure for claims to be made against property transferred pursuant to a deed upon death if the grantor of the deed dies on or after July 1, 2021. Any property transferred pursuant to such a deed remains subject to any claim by DHHS to recover public assistance provided to the grantor. The bill also provides certain rights and protections to a person dealing with a beneficiary of a deed upon death.

Roll call on Assembly Bill No. 414:

YEAS—21.

NAYS—None.

Assembly Bill No. 414 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 419.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 419 requires the sponsor of a charter school to establish standards for and provide training on the governance of the charter school. The sponsor may allow an organization to provide the training. The bill requires the governing body of a charter school to disclose and post on its website certain information regarding contracts made between the school and a charter-management organization or educational-management organization.

Assembly Bill No. 419 requires the sponsor of a charter school that received a one- or two-star performance rating in each of the last three consecutive years to submit a report to the Legislative Committee on Education on actions taken to reconstitute the governing body or terminate the charter contract.

The bill also requires a proposed sponsor of a new charter school, in reviewing an application to form a charter school, and the sponsor of an existing charter school, in reviewing a request to amend a charter contract, to consider the academic, financial and organizational performance of charter schools that currently hold a contract with the proposed operator.

Roll call on Assembly Bill No. 419:

YEAS—21.

NAYS—None.

Assembly Bill No. 419 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 421.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 421 establishes the preferred manner of referring to persons with mental illness and persons who are deaf or hard of hearing. The measure makes specific reference to what is considered the preferred language in NRS for these individuals and lists words and terms that are not preferred when referring to these individuals. In addition, the bill specifies that the Nevada Administrative Code (NAC) must also use the preferred language and sentence structure when referring to persons with mental illness or persons who are deaf or hard of hearing. To conform with the provisions of the bill, the Legislative Counsel is required to update these wording changes in reprints and supplements of the NRS and supplements to the NAC.

Roll call on Assembly Bill No. 421:

YEAS—21.

NAYS—None.

Assembly Bill No. 421 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 424.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 738.

SUMMARY—Revises provisions relating to pretrial release. (BDR 14-374)

AN ACT relating to criminal procedure; ~~removing the requirement that an arrested person show good cause before being released without bail, requiring courts to conduct a pretrial release hearing to determine the custody status of an arrested person;~~ authorizing a court to adopt an administrative order relating to pretrial release; requiring a pretrial release hearing to be held within [24] 48 hours after a person has been taken into custody; removing mandatory amounts of bail for certain offenses; requiring certain pretrial custody determinations to be made in a specific order of priority; requiring courts to consider certain information in making pretrial custody determinations; affording persons certain rights concerning pretrial release hearings; making various changes relating to the standard used by courts in making pretrial release determinations; establishing provisions relating to circumstances under which prosecuting attorneys make certain requests relating to pretrial release determinations; requiring courts to make specific findings of fact concerning the imposition of bail or conditions of release under certain circumstances; revising provisions relating to persons who fail to comply with a condition of release; revising provisions relating to the disposition of money deposited as bail; authorizing a justice of the peace to conduct a pretrial release hearing for

a person located in another township; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

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

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

~~Existing law mandates the imposition of specific amounts of bail for persons arrested for offenses involving domestic violence and violations of certain orders for protection. (NRS 178.484) Section 7 removes the mandatory amounts of bail and instead requires courts to determine the custody status of persons arrested for such offenses at a pretrial release hearing pursuant to section 8.~~

~~Existing law authorizes a court to admit a person arrested for murder of the first degree to bail unless proof is evident and the presumption is great. (NRS 178.484) Section 8 establishes a uniform standard for pretrial release~~

determinations, regardless of the underlying offense. Specifically, section 8 provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is necessary to protect the community and to ensure the appearance of the person in court.

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

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

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

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

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

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

~~Existing law requires money deposited as bail to be applied towards the payment of fines and costs assessed against the defendant. (NRS 178.529) Section 11.5 of this bill prohibits money deposited as bail from being applied to such fines or costs if the bail was posted by a pretrial release organization.~~

~~Existing law prohibits a court from admitting a person to bail in an amount less than the amount of certain fines if the person is arrested for a violation of certain laws relating to vehicles. (NRS 484D.680, 706.756) Sections 13 and 14 of this bill remove the provisions tying the amount of bail to the amount of the fines, meaning that a court is required to determine the amount of bail, if applicable, at a pretrial release hearing pursuant to section 8.~~

~~Section 4 of this bill expresses the intent of the Legislature to discourage courts from imposing bail or a condition of release, or both, on a person in a manner that would cause the person to remain detained because of his or her~~

~~inability to pay the amount of bail or costs associated with the condition of release], unless good cause is shown by a party, in which case the court is authorized to continue the pretrial release hearing.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS [178.484 or] 178.4851 if:~~

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

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

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

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

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

Sec. 3. (Deleted by amendment.)

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

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

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

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

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

Sec. 5. (Deleted by amendment.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (a) A court issues an order directing that the person be admitted to bail; or~~
~~— (b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

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

~~— 5.] A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be [admitted to bail or released on the person's own recognizance] brought before a court for a pretrial release hearing pursuant to NRS 179.4951 unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~— [6.] 2. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be [admitted to bail or released on the person's own recognizance] brought before a court for a pretrial release hearing pursuant to NRS 179.4951 sooner than 12 hours after arrest.~~

~~— [7.] 3. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be [admitted to bail] brought before a court for a pretrial release hearing pursuant to NRS 179.4951 sooner than 12 hours after arrest. [If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

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

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

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

~~— (2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for~~

~~which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

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

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

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

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

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

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

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

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

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

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

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

~~— (a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic~~

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

~~—(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~
~~—The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~16.] 5. For the purposes of [subsections 8 and 9,] subsection 4, an order or injunction is in the nature of a temporary or extended order for protection~~

against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 32.017 to 32.100, inclusive.

~~[17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.491.]] (Deleted by amendment.)~~

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

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

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

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

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

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

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

~~(1) Present evidence; and~~

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

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

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

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

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

~~(c) Release with monetary bail;~~

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

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

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

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

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

~~—3.] ;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—5.] , if applicable.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~9. The likelihood of more criminal activity by the person after release; and~~

~~10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.] (Deleted by amendment.)~~

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

~~178.498 If the [defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably] court determines that the imposition of conditions of release alone would not ensure~~

~~the appearance of the [defendant] person at the times and places ordered by the court and protect the safety of [other persons and of] the community, [having regard to:] the court shall consider the following factors in determining the amount of bail to impose on the person:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~178.528 [When]~~

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

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

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

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

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

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

~~484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, [and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court,] the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630. (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—(g) Advertises as providing:~~
~~—(1) The services of a fully regulated carrier; or~~
~~—(2) Towing services,~~
~~—without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;~~
~~—(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;~~
~~—(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;~~
~~—(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;~~
~~—(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;~~
~~—(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or~~
~~—(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter;~~
~~—is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.~~
~~—2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:~~
~~—(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months;~~
~~—(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months;~~
~~—3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor;~~
~~—4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

an action for the issuance of a temporary or extended order for protection against domestic violence:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has

not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

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

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

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

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

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senators Harris and Hansen.

SENATOR HARRIS:

Amendment No. 738 to Assembly Bill No. 424 allows a court to adopt an administrative order relating to the circumstances under which a person may be released pending trial, including circumstances under which a sheriff or chief of police may release a person without bail who is charged with a misdemeanor. It requires a pretrial release hearing to be held within 48 hours after a person has been taken into custody, and it provides that a continuance may be granted for good cause shown. It provides for a pretrial release hearing by remote communication by methods other than telephone. It allows a justice of the peace to conduct a hearing for a person located in another township. It deletes all other provisions of the bill.

SENATOR HANSEN:

I support the concept behind the bill. I want to thank the Senator from District 11 for her work on this bill. I am not sure if the amendment takes care of the serious logistical problems in rural areas. I am voting "no." People do not belong in jail without a conviction of a crime simply because they cannot afford bail. It is a civil right, a simple justice issue.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris and SeEVERS Gansert.

SENATOR HARRIS:

Assembly Bill No. 424 expresses the intent of the Legislature to discourage courts from imposing bail or a condition of release or both on a person in a manner that will cause the person to remain detained because of his or her inability to pay the amount of bail or costs associated with the condition of release. It removes the requirement that an arrested person show good cause before being released without bail and, instead, provides that a court may only impose bail or a condition of release or both on a person if the imposition is necessary to protect the community and to ensure the appearance of the person in court.

The bill requires the court to conduct a pretrial release hearing under certain circumstances and establishes procedures for doing so. A pretrial release hearing must be held within 48 hours of arrest, except for good cause shown, in which case a continuance may be granted. The bill requires the preventative detention with bail set in an amount that the accused cannot afford is the lowest

priority custody determination available to the court. The bill also authorizes the court to make a pretrial custody determination prior to a pretrial release hearing in some instances, and it revises provisions related to the pretrial release of persons arrested for offenses while on parole or probation. The court is authorized to adopt an administrative order regarding the circumstances under which a person may be released from custody pending trial without bail including being released by a sheriff or chief of police. Revisions are made to provisions regarding when governmental entities may release a person who has been arrested for a felony while released on parole or probation. The bill expands the ability for remote communication in pretrial release matters and allows a justice of the peace to hold a hearing for a person located in another township. Parties to a pretrial release hearing are entitled to counsel and to review certain documents prior to the hearing, and they may present evidence at the hearing. Finally, the bill consolidates existing provisions regarding certain arrests and documents related to pretrial release that a person must sign and file with the clerk of the court.

This bill is the result of the work of the Interim Committee on Pretrial Release. It is a labor of love that has come together over almost a year. I am proud to present the bill to this Body and urge your support.

SENATOR SEEVERS GANSERT:

There are some good points in this legislation, but there were some concerns from people who work in the domestic violence and assault area about releasing individuals. I will be voting against this bill.

Roll call on Assembly Bill No. 424:

YEAS—17.

NAYS—Buck, Hansen, Hardy, Seevers Gansert—4.

Assembly Bill No. 424 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 430.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 430 revises or removes certain obsolete terms used in statutes to describe the provision of certain services to persons with intellectual disabilities and persons with developmental disabilities.

Roll call on Assembly Bill No. 430:

YEAS—21.

NAYS—None.

Assembly Bill No. 430 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 435 amends the definition of "business entity," for the purposes of the Commerce Tax, to exclude a person who takes part in an exhibition, trade show, industry or corporate meeting or similar event held in this State for a purpose related to the conduct of a business, including, without limitation, an organizer, manager or sponsor of such an event or an exhibitor at such an event. The provisions of this bill would exempt these persons from being subject to the Commerce Tax.

Roll call on Assembly Bill No. 435:

YEAS—20.

NAYS—Neal.

Assembly Bill No. 435 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 436.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 436 prohibits an insurer from entering into a contract with a provider of vision care that places certain limitations on coverage. An insurer must provide the provider of vision care with a list of reimbursement rates that the insurer provides for covered vision care in the network of the insurer. Additionally, an insurer must disclose, in any vision insurance policy or related materials, any ownership or other pecuniary interest of the insurer in a manufacturer of goods covered by the policy or in a provider of vision care and imposes certain restrictions concerning the advertising and marketing of vision coverage. The Commissioner of Insurance is authorized to enforce these requirements.

Roll call on Assembly Bill No. 436:

YEAS—21.

NAYS—None.

Assembly Bill No. 436 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 10:02 p.m.

SENATE IN SESSION

At 10:05 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Scheible moved that Assembly Bill No. 440 be taken from the General File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 444.

Bill read third time.

The following amendment was proposed by Senator Harris:

Amendment No. 705.

SUMMARY—Revises provisions governing limousines. (BDR 58-1020)

AN ACT relating to limousines; authorizing a transportation network company to contract with a limousine motor carrier to provide limousine

services through the use of the digital network or software application service of the transportation network company; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a transportation network company to enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company. (NRS 706A.160) Section 5 of this bill authorizes a transportation network company to enter into a contract with certain limousine motor carriers who hold a certificate of public convenience and necessity to operate a limousine to allow drivers employed by the limousine motor carrier to receive connections to potential passengers from the transportation network company in exchange for the payment of a fee by the limousine motor carrier. Section 5 requires a limousine motor carrier that has entered into such a contract to notify the transportation network company of any change in the status of the certificate of public convenience and necessity of the limousine motor carrier. Section 5 applies certain excise taxes imposed on transportation network companies to limousine services provided pursuant to a contract with a transportation network company. Sections 2-4 of this bill define terms relating to limousines.

Section 7 of this bill amends the term "driver" as used in the provisions of NRS governing transportation network companies to exclude a limousine driver providing limousine services pursuant to a contract between a transportation network company and a limousine motor carrier.

Sections 8-10 of this bill make conforming changes to reflect that a limousine driver and limousine motor carrier that provide limousine services pursuant to a contract with a transportation network company remain subject to the provisions of NRS governing motor carriers.

Existing law requires a transportation network company to obtain certain information concerning a driver before allowing the driver to be connected to potential passengers. (NRS 706A.160) Section 11 of this bill exempts a limousine driver who is providing limousine services pursuant to an agreement with a limousine motor carrier from these requirements.

Section 11.5 of this bill authorizes a transportation network company to charge a fare on behalf of a limousine motor carrier for limousine services provided pursuant to a contract with the company and requires the method of calculating the fare and, if a passenger elects to receive it, an estimate of the fare to be disclosed by the transportation network company before the passenger enters the limousine of the limousine driver. Section 11.5 also prohibits a limousine driver when providing limousine services from soliciting or accepting cash as payment of the fare.

Section 12 of this bill requires a transportation network company to transmit to a passenger a photo of the limousine driver who will be providing limousine services and the license plate of the limousine before the passenger enters the limousine.

Section 13 of this bill requires a transportation network company to transmit an electronic receipt to a passenger who receives limousine services through the transportation network company.

Section 14 of this bill authorizes a transportation network company to transmit the name and telephone number of a passenger to a limousine driver for the purposes of correctly identifying and communicating with the passenger.

Section 14.5 of this bill : (1) prohibits a local governmental entity, with certain exceptions, from imposing any tax or fee or imposing certain requirements on a limousine motor carrier that has entered into a contract with a transportation network company or ~~imposing certain other requirements on~~ a limousine driver when providing limousine services ~~---~~; and (2) authorizes a local government or airport to require a limousine motor carrier that has entered into a contract with a transportation network company or a limousine driver who provides limousine services to obtain a local business license or comply with certain requirements to operate at the airport.

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

Section 1. Chapter 706A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Limousine driver" means a person who has been issued a driver's permit by the Authority pursuant to NRS 706.462 and is employed or under a contract to operate a limousine for a limousine motor carrier.*

Sec. 3. *"Limousine motor carrier" means a motor carrier who has obtained a certificate of public convenience and necessity to operate a limousine which does not limit the number of limousines that the motor carrier is authorized to operate.*

Sec. 4. *"Limousine services" means the transportation in a limousine by a limousine driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a limousine driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the limousine operated by the limousine driver.*

Sec. 5. 1. A transportation network company may enter into a contract with a limousine motor carrier whereby limousine drivers employed by the limousine motor carrier may receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee by the limousine motor carrier to the transportation network company.

2. Notwithstanding any contract entered into pursuant to subsection 1, a limousine motor carrier shall not provide limousine services through a

transportation network company unless the transportation network company holds a valid permit issued by the Authority pursuant to this chapter.

3. A limousine motor carrier which enters into a contract pursuant to subsection 1:

(a) Remains subject to the provisions of chapter 706 of NRS and any regulations adopted pursuant thereto, including with respect to limousine services provided pursuant to a contract entered into pursuant to subsection 1.

(b) Shall notify the transportation network company of any change in the status of the certificate of public convenience and necessity of the limousine motor carrier within 24 hours after the limousine motor carrier receives notice of or becomes aware of such a change.

4. The fare charged for the transportation of a passenger by a limousine driver pursuant to a contract entered into pursuant to subsection 1 is subject to the excise tax imposed pursuant to NRS 372B.140 and exempt from the excise tax imposed pursuant to NRS 372B.150.

Sec. 6. NRS 706A.020 is hereby amended to read as follows:

706A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 706A.030 to 706A.060, inclusive, and sections 2, 3 and 4 of this act, have the meanings ascribed to them in those sections.

Sec. 7. NRS 706A.040 is hereby amended to read as follows:

706A.040 "Driver" ~~means~~ :

1. Means a natural person who:

~~{1-}~~ (a) Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

~~{2-}~~ (b) Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

2. Does not include a limousine driver who provides limousine services under a contract entered into pursuant to section 5 of this act.

Sec. 8. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) Except as otherwise provided in NRS 706.88396 ~~{-}~~ and section 5 of this act, the provisions of chapter 706 of NRS,

➡ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 9. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. Except as otherwise provided in NRS 706.88396 ~~and~~ *and section 5 of this act*, the Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 10. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Except as otherwise provided in NRS 706.88396 ~~and~~ *and section 5 of this act*, does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 11. NRS 706A.160 is hereby amended to read as follows:

706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the

company, *except for a contract entered into pursuant to section 5 of this act*, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

- (1) The name, age and address of the applicant.
- (2) A copy of the driver's license of the applicant.
- (3) A record of the driving history of the applicant.
- (4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A driver shall, not later than 6 months after a transportation network company allows the driver to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company and annually thereafter, on or before the anniversary date of that agreement, provide to the company verification that the driver holds a valid state business license pursuant to chapter 76 of NRS. Such verification may consist of the business identification number assigned by the Secretary of State to the driver upon compliance with the provisions of chapter 76 of NRS.

5. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

(e) Fails to comply with the provisions of subsection 4.

Sec. 11.5. NRS 706A.170 is hereby amended to read as follows:

706A.170 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver ~~or~~ *or a limousine motor carrier with which the company has entered into a contract pursuant to section 5 of this act*, charge a fare for transportation services *or limousine services* provided to a passenger by the driver ~~or~~ *limousine driver*.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver ~~or~~ *or limousine of a limousine driver*, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver *or limousine driver when providing limousine services* shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services *or a limousine driver who provides limousine services* to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 12. NRS 706A.200 is hereby amended to read as follows:

706A.200 For each instance in which a driver *or limousine driver* provides transportation services *or limousine services* to a passenger, the transportation network company which connected the passenger to the driver *or limousine driver* shall provide to the passenger, before the passenger enters the motor vehicle of a driver ~~or~~ *or limousine of a limousine driver*, a photograph of the driver *or limousine driver* who will provide the transportation services *or limousine services* and the license plate number of the motor vehicle operated by the driver ~~or~~ *or limousine operated by the limousine driver*. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or
2. Within the digital network or software application service of the company.

Sec. 13. NRS 706A.210 is hereby amended to read as follows:

706A.210 A transportation network company which connected a passenger to a driver *or limousine driver when providing limousine services* shall, within a reasonable period following the provision of transportation services *or limousine services* by the driver *or limousine driver* to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services ~~or~~ *or limousine services*;
2. The total time for which transportation services *or limousine services* were provided;
3. The total distance traveled; and
4. An itemization of the fare, if any, charged for the transportation services ~~or~~ *or limousine services*.

Sec. 14. NRS 706A.250 is hereby amended to read as follows:

706A.250 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

- (a) The disclosure is otherwise required by law;
- (b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or
- (c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver *or limousine driver when providing limousine services* the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver *or limousine driver* and the passenger.

Sec. 14.5. NRS 706A.310 is hereby amended to read as follows:

706A.310 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver ~~for limousine motor carrier~~ who has entered into an agreement with such a company , a limousine motor carrier that has entered into a contract with such a company pursuant to section 5 of this act for the provision of limousine services or a vehicle operated by such a driver *or by a limousine driver when providing limousine services* or for transportation services *or limousine services* provided by such a driver ~~[-]~~ *or limousine driver*.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver ~~for limousine motor carrier~~ who has entered into an agreement with such a company , a limousine motor carrier who has entered into a contract with a transportation network company pursuant to section 5 of this act *or a limousine driver when providing limousine services* to obtain from the local government any certificate, license or permit to provide transportation services ~~[-]~~ *or limousine services*.

(c) Impose any other requirement upon a transportation network company or a driver , a limousine motor carrier who has entered into an agreement with a transportation network company pursuant to section 5 of this act *or a limousine driver when providing limousine services* which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company ~~or~~ , a driver , a limousine motor carrier that has entered into a contract with a transportation network company pursuant to section 5 of

this act or a limousine driver who provides limousine services to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company, ~~for~~ a driver, a limousine motor carrier that has entered into a contract with a transportation network company pursuant to section 5 of this act or a limousine driver who provides limousine services to:

- (1) Obtain a permit or certification to operate at the airport;
- (2) Pay a fee to operate at the airport; or
- (3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver, a limousine motor carrier that has entered into a contract with a transportation network company pursuant to section 5 of this act or a limousine driver who provides limousine services from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 15. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 16. This act becomes effective on July 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 705 to Assembly Bill No. 444 clarifies that limousine motor carriers or limousine drivers, when operating under a transportation network company contract, may be required to obtain a local business license or a permit or other permissions to operate at an airport.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 444 provides the chance for limousine carriers to enter into a contract with transportation network companies and provides conditions under which that is possible.

Roll call on Assembly Bill No. 444:

YEAS—21.

NAYS—None.

Assembly Bill No. 444 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 450.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 450 directs the Governor to appoint a committee to conduct an interim study concerning opportunities to align the need for workforce training and programs offered by community colleges in Nevada to meet the needs of the evolving economy of the State. The bill establishes the membership of the committee and the subjects the committee is required to study. It requires the committee to report its findings to the Governor, the Chair of the Board of Regents of the University of Nevada and the Legislature on or before August 1, 2022.

Roll call on Assembly Bill No. 450:

YEAS—21.

NAYS—None.

Assembly Bill No. 450 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 452.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 452 requires certain State agencies and entities to submit information to the State Department of Conservation and Natural Resources for the purposes of preparing the required annual report on greenhouse-gas emissions in Nevada. If the balance in the Fund for Cleaning Up Discharges of Petroleum is estimated at \$7.5 million or more at the end of any fiscal year, the Department shall transfer from the Fund an amount not to exceed \$500,000 to the Account for the Management of Air Quality to be expended only to pay the costs of preparing the required annual report on greenhouse-gas emissions.

Roll call on Assembly Bill No. 452:

YEAS—17.

NAYS—Buck, Hansen, Hardy, Settlemeyer—4.

Assembly Bill No. 452 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 476 changes the name of the Division of Management Services and Programs in DMV to the Division of Research and Project Management.

Roll call on Assembly Bill No. 476:

YEAS—21.

NAYS—None.

Assembly Bill No. 476 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 10:12 p.m.

SENATE IN SESSION

At 10:18 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 67 be taken from the General File and placed on the Secretary's desk.

Motion carried.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 417, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 22, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 40, 51, 93, 219, 236, 310, 340, 341, 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

Madam President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 424, 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 Natural Resources, to which was referred Senate Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

FABIAN DONATE, *Chair*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 21, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 98, 114, 125, 127, 160, 181, 444.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 94, Amendment No. 600; Senate Bill No. 102, Amendment No. 579; Senate Bill No. 184, Amendment No. 635; Senate Bill No. 439, Amendment No. 718 and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Cannizzaro.

For: Senate Bill No. 254.

To Waive: Senate Bill No. 254

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 21, 2021.

NICOLE J. CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

A Waiver requested by Assemblyman Frierson.

For: Senate Bill No. 395.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 21, 2021.

NICOLE J. CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

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

Senator Spearman moved that Senate Bill No. 222 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 55 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Dondero Loop moved that Assembly Bill No. 211 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 10:23 p.m.

SENATE IN SESSION

At 10:26 p.m.

President Marshall presiding.

Quorum present.

Senator Cannizzaro moved that the action whereby Senate Bill No. 222 was taken from the Secretary's desk and placed on the General File be rescinded.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 222 be taken from the Secretary's desk and placed on the General File.

Motion carried.

By Senator Cannizzaro and Assemblyman Frierson (emergency request of Senate Majority Leader):

Senate Concurrent Resolution No. 13—Creating an interim committee to conduct an investigation into matters relating to reapportionment and redistricting in the State of Nevada.

Senator Cannizzaro moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Ohrenschall has approved the addition of Senators Dondero Loop and Harris as primary sponsors and Senators Brooks, Buck, Cannizzaro, Denis, Donate, Hammond, Hansen, Goicoechea, Lange, Neal, Ratti, Scheible, SeEVERS Gansert and Settelmeyer as sponsors of Senate Bill No. 96.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Cannizzaro (emergency request of the Senate Majority Leader):

Senate Bill No. 455—AN ACT relating to radiation; revising the qualifications to perform computed tomography and fluoroscopy; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 417.

Bill read second time and ordered to third reading.

Senate Bill No. 424.

Bill read second time.

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

Amendment No. 737.

SUMMARY—Creates the Public Health Resource Office.
(BDR ~~{40-1107}~~, 18-1107)

AN ACT relating to public health; creating the Public Health Resource Office within the ~~{Division of Public and Behavioral Health of the Department of Health and Human Services;}~~ Office of the Governor; providing for the appointment of the Public Health Resource Officer; prescribing the duties of the Public Health Resource Office; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~{requires the Division of Public and Behavioral Health of the Department of Health and Human Services to administer provisions of law relating to public health. (NRS 439.010) This}~~ establishes various offices within the Office of the Governor. (NRS 223.400-223.930) Section 1 of this bill: (1) creates the Public Health Resource Office within the ~~{Division;}~~ Office of the Governor; and (2) ~~{provides for the appointment of}~~ requires the Governor to appoint the Public Health Resource Officer ~~. {to oversee the Office. This bill}~~ Section 1 requires the Office to perform certain duties to improve the delivery of public health services and otherwise meet the public health needs of this State. Section 1.3 of this bill authorizes the Governor to employ staff for the Public Health Resource Office, and section 1.6 of this bill makes an appropriation for the personnel, travel, operating and equipment costs of the Office.

Existing law creates the Office of Minority Health and Equity within the Department of Health and Human Services to: (1) improve the quality of health care services for members of minority groups; (2) increase access to health care services for members of minority groups; (3) disseminate information to and educate the public on matters concerning health care issues of interest to members of minority groups; and (4) develop recommendations for changes in policy and advocate on behalf of minority groups. (NRS 232.474) Section 1.5 of this bill requires the Office of Minority Health and Equity to advise the Public Health Resource Officer concerning strategies to address disparate health outcomes in certain communities. Section 1.9 of this bill makes an appropriation for the personnel, travel, operating and equipment costs to perform this duty.

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

Section 1. Chapter ~~{439}~~ 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Public Health Resource Office is hereby created within the ~~{Division;}~~ Office of the Governor.*

2. *The ~~{Administrator}~~ Governor shall appoint a person who is knowledgeable in the field of public health to serve as the Public Health Resource Officer. The Public Health Resource Officer is not in the classified or unclassified service of the State ~~{,}~~ and serves at the pleasure of the Governor.*

3. ~~[[The Public Health Resource Officer may employ such persons as are necessary to carry out the duties of the Office. Such employees are in the unclassified service of the State.~~

~~4.]~~ The Public Health Resource Office may accept gifts, grants and donations to support its duties.

~~5.]~~ 4. The Public Health Resource Office shall:

(a) Analyze the existing infrastructure for meeting the public health needs of this State and the relationships between persons and entities involved in the provision of public health services, including, without limitation, the Division ~~of Public and Behavioral Health of the Department of Health and Human Services,~~ local health authorities, providers of health care, health care facilities and nonprofit organizations; and

(b) Identify and make recommendations to the Governor, the Legislature, the Director of the Department of Health and Human Services and the Administrator of the Division of Public and Behavioral Health of the Department concerning:

(1) Unmet needs for public health services;

(2) Opportunities to obtain federal or private funding to support public health services; and

(3) Ways in which to improve coordination between providers of public health services and maximize efficiency in the delivery of public health services.

Sec. 1.3. NRS 223.085 is hereby amended to read as follows:

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

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

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

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

3. The Governor may:

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

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

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

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

Sec. 1.5. NRS 232.475 is hereby amended to read as follows:

232.475 1. In accomplishing its purposes, the Office shall:

(a) Provide a central source of information for the use of the public concerning health care services for members of minority groups and health care issues of interest to those members;

(b) Identify and use any available resources for the improvement of the quality of health care services for members of minority groups and for increased access to health care services for those members;

(c) Develop and coordinate plans and programs to improve the quality of health care services for members of minority groups and to increase access to health care services for those members, including, without limitation, plans and programs that primarily serve local communities;

(d) Research and make recommendations to the Public Health Resource Officer appointed pursuant to section 1 of this act concerning strategies to address disparate health outcomes in:

(1) Communities of Black persons, Indigenous persons and persons of color resulting from systemic racism and structures of racial discrimination; and

(2) Rural communities and other underserved communities;

(e) Hold conferences and provide training concerning cultural diversity in the workplace for public and private entities that offer services in the field of health care, including, without limitation, providing recommendations and opportunities for training for such public and private entities to improve recruitment of members of minority groups;

~~((e))~~ (f) Whenever possible, incorporate the use of bilingual communication in its programs and activities;

~~((f))~~ (g) Publicize health care issues of interest to members of minority groups; and

~~((g))~~ (h) Develop and carry out such other programs and activities as the Office deems appropriate.

2. In carrying out the duties set forth in subsection 1, the Office may seek assistance from and cooperate with a public or private entity.

Sec. 1.6. 1. There is hereby appropriated from the State General Fund to the Public Health Resource Office within the Office of the Governor created by section 1 of this act for personnel, travel, operating and equipment costs the following sums:

For the Fiscal Year 2021-2022..... \$176,079

For the Fiscal Year 2022-2023..... \$226,799

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or

otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 1.9. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for the personnel, travel, operating and equipment costs to carry out the provisions of paragraph (d) of subsection 1 of NRS 232.475, as amended by section 1.5 of this act, the following sums:

For the Fiscal Year 2021-2022..... \$76,062

For the Fiscal Year 2022-2023..... \$98,511

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 2. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 3. 1. This ~~act becomes~~ section and section 2 of this act become effective ~~on~~ upon passage and approval.

2. Sections 1, 1.3 and 1.5 of this act become effective:

~~1.1~~ (a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks; and

~~1.2~~ (b) On ~~October~~ July 1, 2021, for all other purposes.

3. Sections 1.6 and 1.9 of this act become effective on July 1, 2021.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 737 to Senate Bill No. 424 establishes the Public Health Resource Office within the Office of the Governor rather than in the Division of Public and Behavioral Health of DHHS. It requires the Office of Minority Health and Equity, within the Department, to research and make recommendations to the public-health resource officer concerning strategies to address disparate health outcomes in communities of black, indigenous or other people of color resulting from systematic racism and structures of racial discrimination, as well as in rural and underserved communities. It makes appropriations from the State General Fund to the State Public Health Resource Office and the Department to carry out the requirements of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 445.

Bill read second time.

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

Amendment No. 704.

SUMMARY—Revises provisions relating to state purchasing. (BDR 27-1075)

AN ACT relating to state purchasing; prohibiting certain provisions in certain contracts; ~~authorizing the Administrator of the Purchasing Division of the Department of Administration to suspend or debar certain persons from eligibility to submit a bid or proposal on or be awarded certain contracts for a certain period; requiring the Administrator to post a list of such suspended or debarred persons on an Internet website;~~ revising provisions relating to advertisements for certain bids or proposals; revising certain requirements relating to the purchase of prescription drugs, pharmaceutical services or medical supplies from an entity other than the Purchasing Division; revising the authority of the Clerk of the State Board of Examiners to approve certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Purchasing Act governs the purchasing of services, supplies, materials and equipment by agencies of the Executive Department of the State Government, with certain exceptions. (Chapter 333 of NRS) Section 2 of this bill prohibits any contract entered into or renewed under the Act from: (1) requiring the filing of any action or the arbitration of any dispute that arises from the contract to be instituted or heard in another state or nation; or (2) requiring the State to indemnify another party against liability for damages.

~~[Existing law makes a person who has entered into a contract with the Purchasing Division of the Department of Administration or another agency of this State and who does not perform according to the terms of the contract liable for certain penalties for a breach of contract. Existing law additionally authorizes the Administrator of the Purchasing Division to refuse to accept a bid from such a person or refuse to award a contract to the person for not more than 2 years. (NRS 333.365) Section 3 of this bill authorizes the Administrator to suspend or debar a person from eligibility to submit a bid or proposal on or be awarded a contract under the State Purchasing Act if he or she determines that the person: (1) provided false or misleading information to the Purchasing Division; (2) entered into a contract with the Purchasing Division or another agency and did not perform according to the terms of the contract; or (3) failed to comply with any provision of the State Purchasing Act. Section 3 authorizes the Administrator or a using agency to refuse to accept a bid or proposal from a suspended or debarred person or refuse to award a contract to such a person for not more than 2 years. Section 3 also: (1) requires the Administrator to post~~

~~a list of suspended or debarred persons on the Internet website maintained by the Purchasing Division; and (2) authorizes a person who is suspended or debarred to apply to the Administrator to review the decision. Section 5 of this bill makes a conforming change by removing certain provisions of law that are now addressed by section 3.]~~

With certain exceptions, existing law requires the Administrator to advertise for bids or proposals and prescribes the required contents of an advertisement. (NRS 333.310) Section 4 of this bill removes an obsolete requirement relating to quotation forms in the contents of an advertisement. Existing law requires the Administrator to publish each advertisement in at least one newspaper of general circulation in this State and on the Internet website of the Purchasing Division. (NRS 333.310) Section 4 removes the requirement that the Administrator publish an advertisement in a newspaper.

Existing law requires an agency that is subject to the State Purchasing Act to purchase prescription drugs, pharmaceutical services and medical supplies and related services through the Purchasing Division unless the agency can obtain the best value from an entity other than the Purchasing Division. Existing law requires an agency that purchases prescription drugs, pharmaceutical services or medical supplies and related services from an entity other than the Purchasing Division to report certain information relating to the purchase to the Purchasing Division. (NRS 333.435) Section 6 of this bill instead requires such an agency to maintain a record of that information and provides that any such record is a public record.

With certain exceptions, existing law requires contracts for the services of an independent contractor to be approved by the State Board of Examiners before becoming effective. Existing law authorizes the State Board of Examiners to allow its Clerk, who is the Director of the Office of Finance in the Office of the Governor, or a designee to approve such contracts for amounts less than \$50,000. (NRS 333.700) Section 7 of this bill increases the maximum amount of the contracts that the Clerk of the Board or designee may be authorized to approve from \$50,000 to \$100,000.

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

Section 1. ~~[Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

Any contract that is entered into or renewed pursuant to this chapter may not:

1. *Require the filing of any action or the arbitration of any dispute that arises from the contract to be instituted or heard in another state or nation; or*
2. *Require the State to indemnify another party against liability for damages.*

Sec. 3. ~~{1. The Administrator may suspend or debar a person from eligibility to submit a bid or proposal on or be awarded a contract pursuant to this chapter if the Administrator determines that the person:~~

~~— (a) Provided false or misleading information to the Purchasing Division or a using agency;~~

~~— (b) Entered into a contract with the Purchasing Division or another agency of this State and did not perform according to the terms of the contract, including, without limitation, by delivering goods that did not conform in all respects with the requirements prescribed in the contract; or~~

~~— (c) Failed to comply with any provision of this chapter.~~

~~2. If the Administrator suspends or debars a person pursuant to subsection 1, the Administrator or a using agency may refuse to accept a bid or proposal from the person, refuse to award a contract to the person, or both, for not more than 2 years.~~

~~3. The Administrator shall post a list of persons who have been suspended or debarrred pursuant to subsection 1 on the Internet website maintained by the Purchasing Division.~~

~~4. A person who is suspended or debarrred pursuant to subsection 1 may apply to the Administrator to review the decision pursuant to chapter 233B of NRS.~~ (Deleted by amendment.)

Sec. 4. NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications ~~{and quotation forms}~~ may be obtained.

(c) If the advertisement is for bids, whether the Administrator is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the preferences set forth in NRS 333.3354 and 333.3366.

(e) Notice of the written certification required pursuant to NRS 333.338.

(f) The date and time not later than which responses must be received by the Purchasing Division.

(g) The date and time when responses will be opened.

➤ The Administrator or a designated agent of the Administrator shall approve the copy for the advertisement.

2. Each advertisement must be published {:

~~— (a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the~~

manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation; and

~~—(b) On~~ on the Internet website of the Purchasing Division.

Sec. 5. ~~[NRS 333.365 is hereby amended to read as follows:~~

~~333.365 1. [A] In addition to any penalty imposed pursuant to section 3 of this act, a person who has entered into a contract with the Purchasing Division or another agency of this state and who does not perform according to the terms of the contract is liable for, in addition to any other applicable damages for breach of contract, a penalty of not more than 5 percent of the total value of the bid or contract. The penalty must be recovered in a civil action upon the complaint of the Administrator in any court of competent jurisdiction. [In addition to recovering the penalty and any other applicable damages, the Administrator may refuse to accept a bid from the person or refuse to award a contract to the person, or both, for not more than 2 years.]~~

~~2. If the Administrator does not bring an action to recover the penalty prescribed by subsection 1, he or she may [:~~

~~—(a) Refuse to accept a bid from the person, refuse to award a contract to the person, or both, for not more than 2 years; and~~

~~—(b) Impose] impose an administrative penalty, in an amount not to exceed 5 percent of the total value of the bid or contract. Such a penalty may be recovered only after notice is given to the person by mail.~~

~~3. A penalty imposed pursuant to subsection 1 or 2 may be deducted from any payment due the person or, if a bond has been issued or a check received, a claim may be made against the bond or check. If no payment is due and no bond was issued or check received, the Administrator may issue a claim for payment of the penalty. The claim must be paid within 30 days.] (Deleted by amendment.)~~

Sec. 6. NRS 333.435 is hereby amended to read as follows:

333.435 1. Except as otherwise provided in subsection 2, a using agency shall purchase prescription drugs, pharmaceutical services, or medical supplies and related services, or any combination thereof, only through the Purchasing Division.

2. A using agency may, on its own behalf or in cooperation with one or more other using agencies or other governmental entities within or outside this State, purchase prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division if the using agency or using agencies or other governmental entities, as applicable, can obtain the best value for prescription drugs, pharmaceutical services, or medical supplies and related services from the other entity and the Purchasing Division is unable to match or exceed that best value in a timely manner.

3. If a using agency purchases prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division pursuant to subsection 2, the using agency shall ~~report to~~

~~the Purchasing Division, within 10 days after the initial purchase;]~~ maintain a record of:

(a) The purchase price for the prescription drugs, pharmaceutical services, or medical supplies and related services; and

(b) The name, address and telephone number of the entity that sold the using agency the prescription drugs, pharmaceutical services, or medical supplies and related services.

4. *Any record created pursuant to subsection 3 is a public record.*

Sec. 7. NRS 333.700 is hereby amended to read as follows:

333.700 1. Except as otherwise provided in NRS 333.705, a using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

(1) Withholding of income taxes by the State;

(2) Coverage for industrial insurance provided by the State;

(3) Participation in group insurance plans which may be available to employees of the State;

(4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;

(5) Accumulation of vacation leave or sick leave; or

(6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. If the contract is for services for which a license, certificate, registration, permit or other type of authorization is required by law, an independent contractor must hold the appropriate, current authorization that is required by law for the services.

6. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 8, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and

the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than \$2,000.

7. Except as otherwise provided in subsection 8, and except for contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or a designee to approve contracts which are:

- (a) For amounts less than ~~[\$50,000;]~~ \$100,000; or
- (b) Entered into by the Nevada Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

8. Copies of the following types of contracts need not be filed or approved as provided in subsections 6 and 7:

- (a) Contracts executed by the Department of Transportation, other than contracts subject to the provisions of NRS 333.705 or 408.353.
- (b) Contracts executed by the State Public Works Division of the Department of Administration or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.
- (c) Contracts executed by the Housing Division of the Department of Business and Industry.

- (d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

9. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 7 to consider:

- (a) Whether sufficient authority exists to expend the money required by the contract; and
- (b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

➡ If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

10. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require that the independent contractor identify in all pleadings the specific state agency which he or she is representing.

11. Except as otherwise provided in this subsection, a contract for the services of an independent contractor may be performed in parts or phases. A contract for the services of an independent contract must not be split into separate contracts for the purpose of avoiding any requirements for competitive bidding.

12. The State Board of Examiners may adopt regulations to carry out the provisions of this section.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 704 to Senate Bill No. 445 deletes section 3 and section 5 thereby deleting provisions regarding a suspended or debarred vendors' list.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

Senate Bill No. 454.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 424 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

Assembly Bill No. 55.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 55 revises the charter of the City of North Las Vegas. The bill creates a charter committee to prepare recommendations and present them to the Legislature on behalf of the City concerning all necessary amendments to the charter. The bill specifies that the removal of the City Attorney must be in accordance with the terms of his or her employment contract. It authorizes the City Manager and City Attorney to take certain legal action for the collection and disposition of certain money. It authorizes the City Council to hold an emergency meeting on the call of the Mayor or by a majority of the Council. It clarifies that the City Council is authorized to establish an animal shelter rather than a pound.

Roll call on Assembly Bill No. 55:

YEAS—21.

NAYS—None.

Assembly Bill No. 55 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 143.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 143 requires the Administrator of the Division of Child and Family Services of DHHS to designate a human-trafficking specialist within the program for compensation for victims of crime. It ensures that a directory of services for victims of human trafficking is publicly accessible on the Internet. The bill provides to develop a Statewide plan for the delivery of services to victims of human trafficking and form the State of Nevada Human Trafficking Coalition to assist the designated human-trafficking specialist in carrying out his or her duties and in maximizing resources for local human-trafficking task forces. Finally, the bill requires the Administrator to review the Statewide plan and its implementation for compliance with the established requirements.

Roll call on Assembly Bill No. 143:

YEAS—21.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 211.

Bill read third time.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 747.

SUMMARY—Revises provisions relating to land use planning. (BDR 22-795)

AN ACT relating to land use planning; requiring , with certain exceptions, a copy of the tentative map of the design of a proposed subdivision of land to be forwarded to the Department of Wildlife for review; revising the factors that are considered before taking final action on a tentative map; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth an approval process for the subdivision of land that requires a subdivider of land to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for review. (NRS 278.335)

Section 1.5 of this bill requires the tentative map to be forwarded to the Department of Wildlife for review unless : (1) the governing body has adopted a habitat conservation plan for multiple species that includes a determination of the impact to wildlife and wildlife habitat and the habitat conservation plan was approved by the United States Fish and Wildlife Service ~~for~~ ; or (2) the proposed subdivision is infill development which is proposed on a vacant or substantially vacant tract of land that is surrounded by land that is already developed. Section 1.2 of this bill authorizes the Board of Wildlife Commissioners to establish by regulation certain fees for the review of a tentative map by the Department. Section 2.5 of this bill makes a conforming change related to the requirement in section 1.2 to deposit such fees in the Wildlife Account in the State General Fund.

Existing law requires a governing body or planning commission to consider certain factors before taking final action on a tentative map. (NRS 278.349) Section 2 of this bill additionally requires the governing body or planning commission to consider the potential impact to wildlife and wildlife habitat before taking final action on a tentative map.

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

Section 1. (Deleted by amendment.)

Sec. 1.2. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board of Wildlife Commissioners may establish by regulation reasonable fees for the review of a tentative map by the Department of Wildlife pursuant to NRS 278.335. The amount of such fees for the Department to review a tentative map must not exceed a flat fee of \$250 plus an additional fee of not more than \$5 per acre shown on the tentative map.*

2. *All fees collected pursuant to subsection 1 must be deposited in the Wildlife Account in the State General Fund pursuant to NRS 501.356.*

3. *The Board of Wildlife Commissioners may adopt any other regulations necessary for the Department of Wildlife to carry out its duties pursuant to NRS 278.335.*

Sec. 1.3. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1.2 of this act* unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.5. NRS 278.335 is hereby amended to read as follows:

278.335 1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, for review to:

(a) The Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources .
~~{;}~~

(b) The district board of health acting for the Division of Environmental Protection pursuant to subsection 2 . ~~{;and}~~

(c) If the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada.

(d) *Except as otherwise provided in this paragraph, the Department of Wildlife. This paragraph does not apply if ~~the~~ :*

(1) The governing body has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service ~~{;}~~ ; or

(2) The proposed subdivision is infill development which is proposed on a vacant or substantially vacant tract of land that is surrounded by land that is already developed.

2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections must be exercised by the district board of health.

3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the Division of Environmental Protection which subdivisions met these requirements of law and have been certified by the district board of health.

4. The State is not chargeable with any expense incurred by a district board of health acting pursuant to this section.

5. Each reviewing agency shall, within 15 days after the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

Sec. 2. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➡ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➡ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; ~~and~~

(k) *The potential impacts to wildlife and wildlife habitat; and*

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless the subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest. Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 2.5. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) *Fees described in section 1.2 of this act;*

(c) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

~~[(e)]~~ (d) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

~~[(d)]~~ (e) Appropriations made by the Legislature; and

~~[(e)]~~ (f) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

↪ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

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

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are

required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

- (a) Only for the protection, propagation and management of wildlife; and
- (b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. This act becomes effective on July 1, 2021.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

I appreciate the opportunity to work with Assemblywoman Jauregui to sponsor the bill and ensure the amendment exempts in-fill development from this new requirement.

Amendment adopted.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 211 requires tentative maps for the subdivision of lands to be forwarded to the Department of Wildlife for review of potential impacts for wildlife and wildlife habitat unless the governing body has adopted a habitat-conservation plan for multiple species which includes a determination of the impacts for wildlife and wildlife habitat and the habitat-conservation plan was approved by the United States Fish and Wildlife Service of the U.S. Department of Interior. The bill also authorizes the Board of Wildlife Commissioners to establish by regulation certain fees for the review of tentative maps by the Department. The measure requires the governing body or planning commission to consider the potential impacts to wildlife and wildlife habitat before taking final action on a tentative map.

In the last 48 hours, Assembly Bill No. 211 has had much work done on it. There is now a cap in place, \$250 and \$5 an acre. It clarifies provisions do not apply to any in-field projects. I urge your support.

Roll call on Assembly Bill No. 211:

YEAS—16.

NAYS—Buck, Hammond, Hansen, Pickard, Settlemeyer—5.

Assembly Bill No. 211 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 222.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 733.

SUMMARY—Revises provisions governing employment practices.
(BDR 53-739)

AN ACT relating to employment; ~~making it an unlawful employment practice for an employer to take certain actions against an employee who reports or reasonably refuses to engage in certain conduct that is illegal or unsafe or who provides notice of certain safety or health violations;~~ revising provisions governing periods of limitation in certain civil actions concerning unlawful employment practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[The Nevada Supreme Court has determined that under existing law an employer violates the public policy of this State protecting what is commonly referred to as whistleblowing if the employer terminates the employment of an at will employee because the employee reports to the appropriate external authorities conduct by the employer that the employee reasonably and in good faith suspects may be illegal. However, the Court has also determined that this protection does not extend to a whistleblower who reports such conduct only to a supervisor or other person within the employer's organization. (Wiltzie v. Baby Grand Corp., 105 Nev. 291, 293 (1989); Allum v. Valley Bank of America, 114 Nev. 1313, 1325 (1998)) Section 1 of this bill codifies in statute the whistle blower protections established by the Nevada Supreme Court for employees who report to appropriate external authorities, or to the employer, conduct by the employer that the employee reasonably and in good faith suspects may be illegal. Section 1 also provides that those provisions apply to conduct by the employer that the employee reasonably and in good faith suspects may be unsafe. Section 1 further provides the same protections to employees who reasonably refuse to engage in such conduct.~~

~~—Existing law establishes the Division of Industrial Relations within the Department of Business and Industry and, in addition to its other duties, requires the Division to supervise and regulate all matters relating to occupational safety and health. (NRS 232.510, 618.175) To carry out those duties under existing law, the Administrator of the Division and his representatives are authorized to inspect workplaces. (NRS 618.325) Existing law further provides that before or during such an inspection, any employee is entitled to notify the Division of a safety or health violation that the employee has reason to believe exists in the workplace. (NRS 618.435) Section 1 extends its whistleblower protections to employees who notify the Division of such violations. Section 2 of this bill makes a conforming change to indicate the placement of section 1 within the Nevada Revised Statutes.]~~

Under existing law, if, after a complaint alleging an unfair employment practice is filed with the Nevada Equal Rights Commission, the Commission does not conclude that an unfair employment practice has occurred, the person alleging such a practice has occurred is authorized to bring a civil action in the district court for an order granting or restoring to that person the rights to which the person is entitled. (NRS 613.420) Existing law prohibits a person from bringing such a civil action more than 180 days after the act constituting the unfair employment practice occurred or more than 90 days after the receipt of a right-to-sue letter issued by the Commission, whichever is later. Existing law further provides that the 90-day and 180-day periods of limitation are tolled during the pendency of the complaint before the Commission. (NRS 613.430) ~~[Section 4 of this]~~ This bill extends the coverage of those provisions to: (1) actions in the district court for the occurrence of unlawful employment practices prohibited under Title VII of the Civil Rights Act of 1964; (2) issuance of right-to-sue letters by the federal Equal Employment Opportunity

Commission; and (3) the tolling of the 90-day and 180-day periods of limitation during the pendency of a complaint before the federal Equal Employment Opportunity Commission.

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

Section 1. ~~[Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. It is an unlawful employment practice for an employer to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because the employee:~~

~~(a) Reports to his or her employer or an appropriate external authority, or reasonably refuses to engage in, conduct that the employee reasonably and in good faith suspects may violate a local, state or federal law or regulation or pose an unreasonable risk to the health or safety of any person; or~~

~~(b) Notifies the Division of Industrial Relations of the Department of Business and Industry, pursuant to NRS 618.435, of a safety or health violation that the employee has reason to believe exists in the workplace.~~

~~2. An employee who is discharged, discriminated against or otherwise suffers an adverse employment action as a result of a violation of subsection 1 by his or her employer may bring a civil action against the employer and obtain:~~

~~(a) Any wages and benefits lost as a result of the violation;~~

~~(b) An order of reinstatement without loss of position, seniority or benefits;~~

~~(c) Any past or future compensatory damages; and~~

~~(d) Punitive damages, if appropriate pursuant to NRS 42.005. The provisions of NRS 42.007 do not apply to an action brought pursuant to this section.~~

~~3. The court shall award reasonable costs, including, without limitation, court costs and attorney's fees, to an employee who is the prevailing party in an action brought pursuant to this section.~~

~~4. The remedy provided by this section is the exclusive remedy for an action brought pursuant to this section.~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 613.310 is hereby amended to read as follows:~~

~~613.310 As used in NRS 613.310 to 613.4383, inclusive, and section 1 of this act, unless the context otherwise requires:~~

~~1. "Disability" means, with respect to a person:~~

~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;~~

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

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

~~2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:~~

~~— (a) The United States or any corporation wholly owned by the United States.~~

~~— (b) Any Indian tribe.~~

~~— (c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).~~

~~— 3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.~~

~~— 4. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~

~~— 5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.~~

~~— 6. "Person" includes the State of Nevada and any of its political subdivisions.~~

~~— 7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality. (Deleted by amendment.)~~

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 613.430 is hereby amended to read as follows:

613.430 *To the extent consistent with federal law:*

1. No action authorized by NRS 613.420 or Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., may be brought:

(a) More than 180 days after the date of the act complained of; or

(b) More than 90 days after the date of the:

(1) Issuance of the letter described in subsection 1 of NRS 613.420; or

(2) Receipt of the right-to-sue notice issued by the Nevada Equal Rights Commission pursuant to NRS 613.412 ~~[-]~~ or by the United States Equal Employment Opportunity Commission pursuant to 42 U.S.C. § 2000e-5(f)(1), as applicable,

↪ whichever is later.

2. When a complaint is filed with the Nevada Equal Rights Commission ~~[-]~~ or the United States Equal Employment Opportunity Commission, the limitation provided by this section is tolled as to any action authorized by NRS 613.420 or Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., during the pendency of the complaint before the Nevada Equal Rights Commission ~~[-]~~ or the United States Equal Employment Opportunity Commission, as applicable.

Sec. 5. This act becomes effective upon passage and approval.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 733 to Assembly Bill No. 222 deletes sections 1 and 2 of the bill, which propose to codify in statute whistleblower protections as interpreted by the Nevada Supreme Court for certain employees.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman

The bill does exactly what the amendment said it would do.

Roll call on Assembly Bill No. 222:

YEAS—21.

NAYS—None.

Assembly Bill No. 222 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 22.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 22 revises the order of priority of deductions the Director of Nevada's Department of Corrections is authorized to make from an offender's individual account within the Prisoners' Personal Property Fund or from an offender's gross wages to comply with the *Nevada Constitution* concerning restitution.

The bill also revises the order of priority of certain deductions depending upon whether the deduction is taken from the wages of an offender whose hourly wage is equal to or greater than the federal minimum wage or is less than the federal minimum wage. The Director must provide each offender with a monthly detailed account statement.

Finally, the bill requires the Director to establish and maintain a program for all offenders that authorizes an offender to order at least one clothing package and one food package, respectively, per quarter that are exempt from deductions and may only be restricted under certain circumstances.

Roll call on Senate Bill No. 22:

YEAS—21.

NAYS—None.

Senate Bill No. 22 having received a constitutional 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. 27 be taken from the General File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 40.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 723.

SUMMARY—Provides for the collection of certain data relating to health care. (BDR 40-415)

AN ACT relating to health care; authorizing the Patient Protection Commission to request certain reports from a state or local governmental entity; requiring the Department of Health and Human Services to establish an all-payer claims database containing information relating to health insurance claims for benefits provided in this State ~~to~~ under certain circumstances; requiring certain insurers to submit data to the database; authorizing certain additional insurers to submit data to the database; providing for the release and use of data in the database under certain circumstances; requiring the Department to publish a report on the quality and cost of health care using data from the database; requiring the Department to submit certain other reports concerning the database to the Legislature; providing immunity from civil and criminal liability for certain persons and entities; authorizing the imposition of administrative penalties and other administrative sanctions for violations of certain requirements concerning the database; prescribing authorized uses for certain administrative penalties; requiring the Department to compile a report containing an inventory of certain data; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Patient Protection Commission, which is made up of certain stakeholders in the delivery of health care. (NRS 439.908) Existing law requires the Commission to systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care. (NRS 439.916) Existing law: (1) authorizes the Executive Director of the Commission to request any information maintained by a state agency that is necessary for the performance of his or her duties; and (2) prohibits the Executive Director from disclosing confidential information obtained from a state agency to any person or entity, including the Commission or a member thereof. (NRS 439.914) Section 1 of this bill additionally authorizes the Commission to request not more than two reports each year concerning certain issues relating to health care from a state or local governmental entity. Section 1 requires any governmental entity that receives such a request to submit the report to provide the report to the Executive Director of the Commission and a copy of the report to the Attorney General, to the extent that the entity has resources to compile the report and disclosure of the information requested would not violate the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Existing law provides for the collection and maintenance of data and the issuance of reports concerning: (1) the prices of prescription drugs for the treatment of diabetes and asthma; and (2) cancer. (NRS 439B.600-439B.695, 457.230-457.280) Section 9 of this bill requires to the extent that federal money is available for this purpose, the Department of Health and Human Services to establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits

provided in this State. Sections 3-8.5 of this bill define terms relevant to the all-payer claims database. Section 9: (1) requires the Department to adopt regulations to establish an advisory committee to make recommendations concerning the collection, analysis and reporting of data in the database, secure access to such data and the release of such data; and (2) authorizes the Department to establish an advisory committee to assist the Department in establishing and maintaining the database. Section 10 of this bill requires any public or private insurer that provides health benefits and is regulated under state law, with certain exceptions, to submit data to the database. Section 10 also authorizes certain insurers that are regulated under federal law to submit data to the database. Section 10 requires any entity submitting information to the database to remove information that can be used to directly identify a patient and instead assign a unique identifier that can be used to track data pertaining to a specific patient without identifying the patient.

Sections 11 and 19 of this bill provide for the confidentiality of the data contained in the database. Section 12 of this bill requires a person or entity that wishes to obtain data from the database to submit a request to the Department. Section 13 of this bill: (1) authorizes the Department to access and use information in the database; and (2) requires the Department to release the information in the database to the Attorney General for purposes relating to unfair or deceptive trade practices. Section 13 authorizes the release from the database of: (1) de-aggregated data to certain governmental entities or an entity that submits information to the database pursuant to section 10; or (2) aggregated data to other persons and entities. Section 13 also prohibits a person or entity to whom data is released from using or disclosing the data in a manner not specified in the request made by the person or entity. Section 13 requires any published document that contains or uses data from the database to contain certain information. Section 14 of this bill requires the Department to publish a report at least annually concerning the quality, efficiency and cost of health care in this State using data from the database. Sections 15 and 21 of this bill require the Department to submit certain reports to the Legislature concerning the establishment, operation and funding of the database.

Section 16 of this bill provides an exemption from civil and criminal liability to: (1) a person or entity that provides information to the Department, including data submitted to the database, in good faith; and (2) the Department and its members, officers and employees for failing to provide data from the database or providing incorrect data from the database. Section 17 of this bill requires the Department to adopt regulations necessary for the establishment and maintenance of the database. Section 17 requires such regulations to establish administrative penalties to be imposed against persons and entities that fail to comply with provisions of law or regulations governing the database. Section 17 authorizes the Department to use those administrative penalties to: (1) maintain the all-payer claims database and the program to collect and maintain data concerning prescription drugs; and (2) establish and carry out programs to educate patients concerning ways to reduce the cost of health care

and prescription drugs. Section 18 of this bill authorizes the use of administrative penalties collected for failure to comply with requirements to provide certain information relating to prescription drugs for similar purposes. Section 19.5 of this bill also authorizes the Commissioner of Insurance to refuse to continue, suspend, limit or revoke an insurer's certificate of authority for failure to comply with provisions of law or regulations governing the database.

Section 20 of this bill requires the Department of Health and Human Services and the Division of Insurance of the Department of Business and Industry to develop and submit to the Patient Protection Commission and the Legislature a report containing an inventory of certain types of data reported to the Department of Health and Human Services or the Division of Insurance of the Department of Business and Industry.

Section 19.7 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the development of the all-payer claims database if the database is established pursuant to section 9.

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

Section 1. NRS 439.916 is hereby amended to read as follows:

439.916 1. The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:

(a) Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care.

(b) Identifying gaps and duplication in the roles of such boards, commissions and other bodies.

(c) Examining the cost of health care and the primary factors impacting those costs.

(d) Examining disparities in the quality and cost of health care between different groups, including, without limitation, minority groups and other distinct populations in this State.

(e) Reviewing the adequacy and types of providers of health care who participate in networks established by health carriers in this State and the geographic distribution of the providers of health care who participate in each such network.

(f) Reviewing the availability of health benefit plans, as defined in NRS 687B.470, in this State.

(g) Reviewing the effect of any changes to Medicaid, including, without limitation, the expansion of Medicaid pursuant to the Patient Protection and

Affordable Care Act, Public Law 111-148, on the cost and availability of health care and health insurance in this State.

(h) Reviewing proposed and enacted legislation, regulations and other changes to state and local policy related to health care in this State.

(i) Researching possible changes to state or local policy in this State that may improve the quality, accessibility or affordability of health care in this State, including, without limitation:

(1) The use of purchasing pools to decrease the cost of health care;

(2) Increasing transparency concerning the cost or provision of health care;

(3) Regulatory measures designed to increase the accessibility and the quality of health care, regardless of geographic location or ability to pay;

(4) Facilitating access to data concerning insurance claims for medical services to assist in the development of public policies;

(5) Resolving problems relating to the billing of patients for medical services;

(6) Leveraging the expenditure of money by the Medicaid program and reimbursement rates under Medicaid to increase the quality and accessibility of health care for low-income persons; and

(7) Increasing access to health care for uninsured populations in this State, including, without limitation, retirees and children.

(j) Monitoring and evaluating proposed and enacted federal legislation and regulations and other proposed and actual changes to federal health care policy to determine the impact of such changes on the cost of health care in this State.

(k) Evaluating the degree to which the role, structure and duties of the Commission facilitate the oversight of the provision of health care in this State by the Commission and allow the Commission to perform activities necessary to promote the health care needs of residents of this State.

(l) Making recommendations to the Governor, the Legislature, the Department of Health and Human Services, local health authorities and any other person or governmental entity to increase the quality, accessibility and affordability of health care in this State, including, without limitation, recommendations concerning the items described in this subsection.

2. *The Commission may request that any state or local governmental entity submit not more than two reports each year containing or analyzing information that is not confidential by law concerning the cost of health care, consolidation among entities that provide or pay for health care or other issues related to access to health care. To the extent that a governmental entity from which such a report is requested has the resources to compile the report and the disclosure of the information requested is authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the governmental entity shall provide the report to the Executive Director of the Commission and submit a copy of the report to the Attorney General.*

3. As used in this section:

(a) "Health carrier" has the meaning ascribed to it in NRS 687B.625.

(b) "Network" has the meaning ascribed to it in NRS 687B.640.

Sec. 2. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. *As used in sections 3 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"All-payer claims database" means the all-payer claims database established pursuant to section 9 of this act.*

Sec. 4.5. *"Covered entity" has the meaning ascribed to it in 45 C.F.R. § 160.103.*

Sec. 5. *"Direct patient identifier" means data that directly identifies a patient, including, without limitation, a name, telephone number, social security number, number associated with a medical record, health plan beneficiary number or electronic mail address.*

Sec. 6. (Deleted by amendment.)

Sec. 7. *"Proprietary financial information" means data that discloses or allows the determination of:*

1. *A specific term of a contract, discount or other agreement between any or all of a provider of health care, a health facility, a manufacturer of prescription drugs and an entity described in section 10 of this act; or*

2. *An internal fee schedule or other unique pricing mechanism used by a provider of health care, a health facility or an entity described in section 10 of this act.*

Sec. 8. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 8.5. *"Unique identifier" means an identifier that is guaranteed to be unique for a patient and can be used to track information relating to the patient but is not a direct patient identifier.*

Sec. 9. 1. The Department shall, to the extent that federal money is available for this purpose, establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits provided in this State.

2. ~~The~~ If the Department establishes an all-payer claims database pursuant to subsection 1, the Department shall:

(a) *Establish a secure process for uploading data to the database pursuant to section 10 of this act. When establishing that process, the Department shall consider the time and cost incurred to upload data to the database.*

(b) *Establish and carry out a process to review the data submitted to the database to:*

(1) *Ensure the accuracy of the data and the consistency of records; and*

(2) *Identify and remove duplicate records.*

3. ~~The~~ If the Department establishes an all-payer claims database pursuant to subsection 1, the Department:

(a) *Shall adopt regulations to establish an advisory committee to make recommendations to the Department concerning the collection, analysis and*

reporting of data in the all-payer claims database, secure access to such data and the release of such data pursuant to sections 3 to 17, inclusive, of this act.

(b) May adopt regulations to establish any other advisory committee if necessary to assist the Department in carrying out the provisions of sections 3 to 17, inclusive, of this act.

4. The membership of any advisory committee established pursuant to subsection 3 must include, without limitation, representatives of providers of health care, health facilities, health authorities, as defined in NRS 439.005, health maintenance organizations, private insurers, nonprofit organizations that represent consumers of health care services and each of the two entities that submit data concerning the largest number of claims to the database.

Sec. 10. If an all-payer claims database is established pursuant to section 9 of this act:

__1. Except as otherwise provided in this section, each health carrier, governing body of a local governmental agency that provides health insurance through a self-insurance reserve fund pursuant to NRS 287.010 or entity required by the regulations adopted pursuant to section 17 of this act to submit data to the database and the Public Employees' Benefits Program shall submit to the all-payer claims database the data prescribed by the Department pursuant to section 17 of this act in the format prescribed by the Department pursuant to that section. The provisions of this subsection do not apply to:

(a) An issuer of insurance that only provides limited-scope dental or vision benefits or coverage that is only for a specified disease or illness, with respect to such coverage;

(b) An issuer of a Medicare supplemental policy, with respect to such a policy; or

(c) Any health carrier or other entity that provides health coverage to a total of less than 1,000 residents of this State.

2. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or the administrator of a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) are not required but may submit to the all-payer claims database the data prescribed by the Department pursuant to section 17 of this act.

3. Before submitting data to the all-payer claims database pursuant to subsection 1 or 2, an entity described in either of those subsections shall:

(a) Remove all direct patient identifiers from the data; and

(b) Assign a unique identifier to all data concerning a specific patient.

4. As used in this section:

(a) "Health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner of Insurance, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation

or any other entity providing a plan of health insurance, health benefits or health care services.

(b) "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

Sec. 11. 1. Except as otherwise provided in subsection 3 and section 13 of this act, data contained in the all-payer claims database if established pursuant to section 9 of this act, is confidential and is not a public record or subject to subpoena.

2. The Department shall comply with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto as if the Department were a covered entity maintaining protected health information, as defined in 45 C.F.R. § 160.103, with regard to the collection of data pursuant to section 10 of this act, the storage of data in the all-payer claims database and the procedures for releasing data from the all-payer claims database pursuant to section 13 of this act.

3. To the extent authorized by federal law, the Department may use data contained in the all-payer claims database in any proceeding to enforce the provisions of sections 3 to 17, inclusive, of this act.

Sec. 12. To obtain data ~~from the all-payer claims database~~ pursuant to subsection 3 of section 13 of this act from the all-payer claims database, if established pursuant to section 9 of this act, a person or entity must submit a request to the Department. The request must include, without limitation:

1. A description of the data the person or entity wishes to receive;
2. The purpose for requesting the data;
3. A description of the proposed use of the data, including, without limitation:

(a) The methodology of any study that will be conducted and any variables that will be used; and

(b) The names of any persons or entities to whom the applicant plans to disclose data from the all-payer claims database and the reasons for the proposed disclosure;

4. The measures that the requester plans to take to ensure the security of the data and prevent unauthorized use of the data in accordance with section 13 of this act and the regulations adopted pursuant to section 17 of this act; and

5. The method by which the data will be stored, destroyed or returned to the Department at the completion of the activities for which the data will be used.

Sec. 13. If the all-payer claims database is established pursuant to section 9 of this act:

1. The Department or any Division thereof may access and use data from the all-payer claims database for any purpose.

2. The Department shall release data from the all-payer claims database to the Attorney General upon request for the purpose of enforcing the provisions of chapters 598 and 598A of NRS.

3. Except as otherwise provided in subsection 4, the Department may release data from the all-payer claims database that does not contain proprietary financial information:

(a) In de-aggregated form with unique identifiers upon the submission of a request that meets the requirements of section 12 of this act to:

(1) A state or federal governmental entity, including, without limitation, a college or university within the Nevada System of Higher Education; or

(2) Any entity that submits data to the database pursuant to section 10 of this act.

(b) In aggregated form to any person or entity approved by the Department that has submitted a request that meets the requirements of section 12 of this act.

4. The Department shall not release data from the all-payer claims database in any form to any entity that is required or authorized to submit data to the all-payer claims database pursuant to section 10 of this act and fails to submit substantially complete data in accordance with the regulations adopted pursuant to section 17 of this act.

5. A person or entity that receives data from the all-payer claims database pursuant to this section:

(a) Shall comply with any regulations of the Department adopted pursuant to section 17 of this act.

(b) Shall not disclose or use the data in any manner other than as described in the request submitted pursuant to section 12 of this act.

6. The Department shall notify each person or entity to whom data is released pursuant to subsection 3 of the percentage of residents of this State who have health coverage for which data was submitted to the all-payer claims database for the time period to which the released data pertains. Any published document that contains or uses data from the all-payer claims database, including, without limitation, the report published by the Department pursuant to section 14 of this act, must state the percentage of residents of this State who have health coverage for which data was submitted to the database for the time period to which the data contained in or used by the published document pertains.

Sec. 14. 1. The Department shall, at least annually, publish a report concerning the quality, efficiency and cost of health care in this State based on the data in the all-payer claims database ~~for~~, if the all-payer claims database is established pursuant to section 9 of this act. Such a report must be peer-reviewed by entities that submit data pursuant to section 10 of this act before the report is released. The Department shall submit the report to:

(a) The Governor;

(b) The Patient Protection Commission created by NRS 439.908; and

(c) *The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the next regular session of the Legislature.*

2. *A report published pursuant to subsection 1 must, where feasible, separate data by demographics, income, health status and the geography of, and the language spoken by, patients to assist in the identification of variations in the efficiency and quality of care.*

3. *Any comparison of cost among providers of health care or health care systems presented in a report published pursuant to subsection 1 must account for differences in costs attributable to populations served, severity of illness, subsidies for uninsured patients and recipients of Medicaid and Medicare and expenses for educating providers of health care, where applicable.*

4. *A report published pursuant to subsection 1 must not:*

(a) *Contain proprietary financial information. Such a report may contain data concerning aggregate costs calculated using proprietary financial information if the manner in which the data is displayed does not disclose proprietary financial information.*

(b) *Include in any comparison of the performance of providers of health care information concerning a provider of health care who is a solo practitioner or practices in a group of fewer than four providers.*

5. *A report published pursuant to subsection 1 must not contain information identified as relating to a specific provider of health care, health facility or entity that submits data pursuant to section 10 of this act unless the provider of health care, health facility or entity to which the information pertains is allowed to view the report before publication, request corrections of any errors in the information and comment on the reasonableness of the conclusions of the report.*

6. *On or before October 31 of each year, the Department shall publish on an Internet website maintained by the Department a list of reports the Department intends to publish pursuant to this section during the next calendar year. The Department may solicit public comment concerning that list.*

Sec. 15. *If the all-payer claims database is established pursuant to section 9 of this act:*

1. *On or before December 31 of each even-numbered year, the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the cost, performance and effectiveness of the all-payer claims database and any recommendations to improve the all-payer claims database.*

2. *On or before July 1 and December 31 of each year, the Department shall:*

(a) *Compile a report of any grants received by the Department to carry out the provisions of sections 3 to 17, inclusive, of this act; and*

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

(1) On December 31 of an even-numbered year, the next regular session of the Legislature; and

(2) In all other cases, the Interim Finance Committee.

Sec. 16. 1. No person or entity providing information to the Department, including, without limitation, data submitted to the all-payer claims database , if established pursuant to section 9 of this act, in accordance with sections 3 to 17, inclusive, of this act, may be held liable in a civil or criminal action for disclosing confidential information unless the person or entity has done so in bad faith or with malicious purpose.

2. The Department and its members, officers and employees are not liable in any civil or criminal action for any damages resulting from any act, omission, error or technical problem that causes incorrect information from the all-payer claims database to be provided to any person or entity.

Sec. 17. If the all-payer claims database is established pursuant to section 9 of this act:

__1. The Department shall adopt regulations that prescribe:

(a) The data that must be submitted to the all-payer claims database pursuant to section 10 of this act, the format for submitting such data and the date by which such data must be submitted. Those regulations must align with applicable nationally and regionally recognized standards for all-payer claims databases, where applicable and to the extent that those standards do not conflict with each other or the provisions of sections 3 to 17, inclusive, of this act.

(b) The privacy and security of data maintained in the all-payer claims database and the procedure for releasing data from the all-payer claims database pursuant to subsection 3 of section 13 of this act, which must ensure compliance with subsection 2 of section 11 of this act.

(c) The use of data released from the all-payer claims database, including, without limitation, requirements concerning the reporting and publication of information from the database.

(d) Administrative penalties to be assessed against any person or entity who violates any provision of sections 3 to 17, inclusive, of this act or the regulations adopted pursuant thereto. Any penalties for the failure to comply with the requirements of section 10 of this act or the regulations adopted pursuant to this section concerning the submission of data to the all-payer claims database must not exceed \$5,000 for each day of such failure.

2. The Department may adopt:

(a) Regulations that require entities that provide health coverage in this State, in addition to the entities required by section 10 of this act but not including entities exempt from reporting pursuant to subsection 1 of that section, to upload data to the all-payer claims database; and

(b) Any other regulations necessary to carry out the provisions of sections 3 to 17, inclusive, of this act.

3. The Department may:

(a) Enter into any contract or agreement necessary to carry out the provisions of sections 3 to 17, inclusive, of this act; and

(b) Accept any gifts, grants and donations for the purpose of carrying out the provisions of sections 3 to 17, inclusive, of this act.

4. Any contract or agreement entered into pursuant to paragraph (a) of subsection 3 must:

(a) Prohibit the contractor from collecting data containing direct patient identifiers or using data for any purpose not specified by the contract; and

(b) Require the contractor to:

(1) Obtain certification by the HITRUST Alliance or its successor organization and maintain such certification for the term of the contract;

(2) Comply with the requirements of subsection 2 of section 11 of this act to the same extent as the Department; and

(3) Comply with any applicable standards prescribed by the National Institute of Standards and Technology of the United States Department of Commerce.

5. Any money collected as administrative penalties under the regulations adopted pursuant to this section must be accounted for separately and used by the Department to:

(a) Carry out the provisions of NRS 439B.600 to 439B.695, inclusive, and sections 3 to 17, inclusive, of this act; and

(b) Establish and carry out programs to educate patients concerning ways to reduce the cost of health care and prescription drugs.

Sec. 18. NRS 439B.695 is hereby amended to read as follows:

439B.695 1. If a pharmacy that is licensed under the provisions of chapter 639 of NRS and is located within the State of Nevada fails to provide to the Department the information required to be provided pursuant to NRS 439B.655 or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the pharmacy an administrative penalty of not more than \$500 for each day of such failure.

2. If a manufacturer fails to provide to the Department the information required by NRS 439B.635, 439B.640 or 439B.660, a pharmacy benefit manager fails to provide to the Department the information required by NRS 439B.645, a nonprofit organization fails to post or provide to the Department, as applicable, the information required by NRS 439B.665 or a manufacturer, pharmacy benefit manager or nonprofit organization fails to post or provide, as applicable, such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the manufacturer, pharmacy benefit manager or nonprofit organization, as applicable, an administrative penalty of not more than \$5,000 for each day of such failure.

3. If a pharmaceutical sales representative fails to comply with the requirements of NRS 439B.660, the Department may impose against the

pharmaceutical sales representative an administrative penalty of not more than \$500 for each day of such failure.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to ~~establish~~ :

(a) *Carry out the provisions of NRS 439B.600 to 439B.695, inclusive, and sections 3 to 17, inclusive, of this act; and*

(b) *Establish and carry out programs to* ~~provide~~ :

(1) *Educate patients concerning ways to reduce the cost of health care and prescription drugs; and*

(2) *Provide education concerning asthma and diabetes and prevent those diseases.*

Sec. 19. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850,

393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 11 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in

any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

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

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 19.5. NRS 680A.200 is hereby amended to read as follows:

680A.200 1. Except as otherwise provided in NRS 616B.472, the Commissioner may refuse to continue or may suspend, limit or revoke an insurer's certificate of authority if the Commissioner finds after a hearing thereon, or upon waiver of hearing by the insurer, that the insurer has:

- (a) Violated or failed to comply with any lawful order of the Commissioner;
- (b) Conducted business in an unsuitable manner;
- (c) Willfully violated or willfully failed to comply with any lawful regulation of the Commissioner; or

(d) Violated any provision of this Code other than one for violation of which suspension or revocation is mandatory.

➡ In lieu of such a suspension or revocation, the Commissioner may levy upon the insurer, and the insurer shall pay forthwith, an administrative fine of not more than \$2,000 for each act or violation.

2. Except as otherwise provided in chapter 696B of NRS, the Commissioner shall suspend or revoke an insurer's certificate of authority on any of the following grounds if the Commissioner finds after a hearing thereon that the insurer:

(a) Is in unsound condition, is being fraudulently conducted, or is in such a condition or is using such methods and practices in the conduct of its business as to render its further transaction of insurance in this State currently or prospectively hazardous or injurious to policyholders or to the public.

(b) With such frequency as to indicate its general business practice in this State:

(1) Has without just cause failed to pay, or delayed payment of, claims arising under its policies, whether the claims are in favor of an insured or in favor of a third person with respect to the liability of an insured to the third person; or

(2) Without just cause compels insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to secure full payment or settlement of such claims.

(c) Refuses to be examined, or its directors, officers, employees or representatives refuse to submit to examination relative to its affairs, or to produce its books, papers, records, contracts, correspondence or other documents for examination by the Commissioner when required, or refuse to perform any legal obligation relative to the examination.

(d) Except as otherwise provided in NRS 681A.110, has reinsured all its risks in their entirety in another insurer.

(e) Has failed to pay any final judgment rendered against it in this State upon any policy, bond, recognizance or undertaking as issued or guaranteed by it, within 30 days after the judgment became final or within 30 days after dismissal of an appeal before final determination, whichever date is the later.

3. *In addition to the grounds specified in subsections 1 and 2, the Commissioner may refuse to continue or may suspend, limit or revoke an insurer's certificate of authority if the Commissioner finds after a hearing thereon, or upon waiver of hearing by the insurer, that the insurer has failed to comply with any provision of sections 3 to 17, inclusive, of this act, if applicable, or any applicable regulation adopted pursuant thereto.*

4. The Commissioner may, without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation or other delinquency proceedings have been commenced in any state by the public officer who supervises insurance for that state.

~~[4.]~~ 5. No proceeding to suspend, limit or revoke a certificate of authority pursuant to this section may be maintained unless it is commenced by the giving of notice to the insurer within 5 years after the occurrence of the charged act or omission. This limitation does not apply if the Commissioner finds fraudulent or willful evasion of taxes.

Sec. 19.7. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the development of the all-payer claims database, if the database is established pursuant to section 9 of this act, the following sums:

For the Fiscal Year 2021-2022..... \$24,970

For the Fiscal Year 2022-2023..... \$300,188

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 20. On or before July 1, 2022, the Department of Health and Human Services shall, in consultation with the Division of Insurance of the Department of Business and Industry:

1. Develop a report containing an inventory of each category of data reported to the Department of Health and Human Services or the Division of Insurance of the Department of Business and Industry that could be used to analyze trends in the cost of health care, consolidation among entities that provide or pay for health care, disparities in access to health care or health outcomes related to race, ethnicity or social determinants of health or other issues related to access to health care; and

2. Submit the report to the Patient Protection Commission created by NRS 439.908 and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.

Sec. 21. 1. On or before December 1, 2021, and December 1, 2022, the Department of Health and Human Services shall ~~[4.]~~, if the all-payer claims database is established pursuant to section 9 of this act:

(a) Develop a report concerning the implementation of sections 3 to 17, inclusive, of this act, including, without limitation, the cost of implementing the all-payer claims database and the technical progress made toward full implementation of the all-payer claims database; and

(b) Submit the report to the Patient Protection Commission created by NRS 439.908 and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In 2021, the Legislative Committee on Health Care and the Interim Finance Committee.

(2) In 2022, the next regular session of the Legislature.

2. As used in this section, "all-payer claims database" has the meaning ascribed to it in section 4 of this act.

Sec. 21.5. 1. The Department of Health and Human Services shall not release any data ~~[from the all-payer claims database]~~ pursuant to subsection 3 of section 13 of this act from the all-payer claims database, if the database is established pursuant to section 9 of this act, until 6 months after the approval by the Legislative Commission or the Subcommittee to Review Regulations pursuant to NRS 233.067 of regulations adopted pursuant to section 17 of this act relating to the collection, privacy and security of data.

2. As used in this section, "all-payer claims database" has the meaning ascribed to it in section 4 of this act.

Sec. 22. 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. 23. 1. This section becomes effective upon passage and approval.

2. Sections 1, 18 ~~[, 20, 21, 21.5]~~ and 19.7 to 22 , inclusive, of this act become effective on July 1, 2021.

3. Sections 2 to 17, inclusive, 19 and 19.5 of this act become effective:

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

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

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Senate Amendment No. 723 amends Senate Bill No. 40, section 9, to specify that the provisions of the bill shall be carried out to the extent that federal money is available for this purpose. It adds section 19.3 to appropriate General Funds of \$24,970 in Fiscal Year 2022 and \$300,188 in Fiscal Year 2023 to the Division of Health Care Financing and Policy for costs associated with establishing and operating an all-payer claims database of information relating to health-insurance claims resulting from medical, dental or pharmacy benefits provided in Nevada.

Amendment adopted.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 40 authorizes DHHS to establish an all-payer claims database of information relating to health-insurance claims resulting from medical, dental or pharmacy benefits provided in Nevada, to the extent federal funding is available. Public or private insurers that provide health benefits regulated under State law must submit data to the database, with certain exceptions, and certain insurers regulated under federal law may submit data. The Department is authorized to adopt regulations to establish an advisory committee to make recommendations concerning the collection, analysis and reporting of data in the database. Senate Bill No. 40 requires the Department to submit reports regarding the cost, performance and effectiveness of the database and concerning the quality, efficiency and cost of health care in the State using data from the database.

Senate Bill No. 40 also authorizes the Patient Protection Commission to request reports concerning certain health-care issues from State or local governmental entities. Finally,

Senate Bill No. 40 appropriates General Funds of \$24,970 in Fiscal Year 2022 and \$300,188 in Fiscal Year 2023 to the Division of Health Care Financing and Policy for costs associated with establishing and operating the all-payer claims database.

Roll call on Senate Bill No. 40:

YEAS—14.

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

Senate Bill No. 40 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 685.

SUMMARY—Revises provisions relating to sex- or gender-based harassment in the Executive Department of the State Government. (BDR 23-243)

AN ACT relating to state employees; prohibiting an employee of the Executive Department of the State Government from engaging in sex- or gender-based harassment; providing for the adoption and annual review of a policy for such employees concerning sex- or gender-based harassment; prescribing certain duties of an appointing authority relating to sex- or gender-based harassment; creating the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division of Human Resource Management of the Department of Administration; providing for the investigation of a complaint by the Investigation Unit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Division of Human Resource Management of the Department of Administration; and (2) requires the Division to administer provisions governing employees of the Executive Department of the State Government. (NRS 284.025) Section 2 of this bill: (1) declares that it is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment; and (2) prohibits such employees from engaging in such behavior against another employee, an applicant for employment or any other person in the workplace.

Section 3 of this bill requires the Administrator of the Division to adopt, maintain and annually review and update a policy for employees of the Executive Department concerning sex- or gender-based harassment. Section 3 also requires an appointing authority to provide each employee with a copy of the policy upon employment and any update of the policy.

Section 5 of this bill creates the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division. Section 4 of this bill requires an appointing authority to notify the Investigation Unit upon receipt of a complaint filed by an employee concerning sex- or gender-based

harassment or discrimination. Section 4 additionally requires an appointing authority to notify certain other persons responsible for providing legal advice to the agency upon receipt of a complaint.

Section 5 requires the Investigation Unit to appoint an investigator to investigate any complaint regarding suspected harassment or discrimination based on sex or gender filed by an employee. Section 5 requires an investigator to prepare a written report of his or her findings at the conclusion of an investigation and submit the report to the Investigation Unit for transmission to the appointing authority of the agency in which the complaint arose and certain other persons. Section 5 requires the appointing authority to: (1) review the report; (2) determine the appropriate resolution of the complaint; (3) notify the Investigation Unit in writing that a complaint has been resolved; and (4) retain a copy of the written report prepared by the investigator and the written notification of the resolution of the complaint. ~~Finally, section~~ Section 5 makes ~~certain~~ a complaint regarding suspected harassment or discrimination based on sex or gender and information ~~obtained by the investigator in the investigation of a complaint, contained in a written report of a complaint or contained in a written resolution of~~ relating to such a complaint confidential and prohibits its disclosure unless : (1) so ordered by the Administrator or his or her designee or a court of competent jurisdiction ~~;~~ or (2) necessary to file a claim authorized by law that is based on the same facts and circumstances as those identified in the complaint. Section 5 also: (1) requires that if the Administrator or his or her designee decides to order the disclosure of any such information which may be used to identify certain persons, the Administrator or designee must provide certain notice to the person before ordering the disclosure; and (2) authorizes a person who receives such notice to file a written appeal of the decision with the Personnel Commission. Sections 5, 5.3 and 5.5 of this bill make ~~this~~ a complaint regarding suspected harassment or discrimination based on sex or gender and information relating to such a complaint confidential regardless of whether the provisions of a collective bargaining agreement requires the disclosure of such information. Section 6 of this bill makes a conforming change to indicate the exception of such information from disclosure as a public record.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *It is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment.*

2. *Sex- or gender-based harassment violates the policy of this State and is a form of unlawful discrimination based on sex or gender under state and federal law. An employee shall not engage in sex- or gender-based harassment against another employee, an applicant for employment or any other person in the workplace.*

Sec. 3. 1. *The Administrator shall adopt and maintain a policy concerning sex- or gender-based harassment. Such a policy must include, without limitation:*

(a) A definition of behavior that constitutes illegal sex- or gender-based harassment;

(b) Training requirements for employees concerning sex- or gender-based harassment;

(c) Training requirements for managerial or supervisory employees concerning equal employment opportunity; and

(d) A procedure for filing a complaint to report suspected harassment or discrimination based on sex or gender.

2. *At least annually, the Administrator shall review the policy adopted pursuant to subsection 1 for compliance with relevant state and federal law and make any necessary updates to the policy.*

3. *An appointing authority shall provide each employee of the appointing authority with a copy of the policy adopted pursuant to subsection 1 upon commencement of employment and any update of the policy.*

Sec. 4. *Upon receipt of a complaint filed by an employee alleging he or she is being harassed or discriminated against based on his or her sex or gender or has witnessed an employee being harassed or discriminated against based on his or her sex or gender, an appointing authority shall promptly notify the Sex- or Gender-Based Harassment and Discrimination Investigation Unit created by section 5 of this act and:*

1. A person designated by the appointing authority to handle issues relating to sex- or gender-based harassment and discrimination; or

2. The deputy attorney general or other counsel designated to act as an attorney for the agency.

Sec. 5. 1. *The Sex- or Gender-Based Harassment and Discrimination Investigation Unit is hereby created within the Division.*

2. *The Sex- or Gender-Based Harassment and Discrimination Investigation Unit shall promptly assign or appoint an investigator to investigate any complaint regarding suspected harassment or discrimination based on sex or gender filed by an employee pursuant to the procedure established in accordance with section 3 of this act or received pursuant to section 4 of this act. An investigator assigned or appointed pursuant to this section shall inform each person involved in such an investigation of the provisions of subsection 6. The investigation must be conducted as discreetly and with as minimal disruption to the workplace as possible.*

3. *At the conclusion of the investigation, the investigator shall prepare a written report of his or her findings and submit the report to the Sex- or Gender-Based Harassment and Discrimination Investigation Unit for transmission to the appointing authority of the agency in which the complaint arose or a person designated by the appointing authority to handle issues relating to sex- or gender-based harassment and discrimination and the deputy*

attorney general or other counsel designated to act as an attorney for the agency.

4. The Sex- or Gender-Based Harassment and Discrimination Investigation Unit shall notify a complainant when a report has been completed and forwarded to the appointing authority for review.

5. Upon receipt of a written report prepared pursuant to subsection 3, the appointing authority shall review the report and determine the appropriate resolution of the complaint. The appointing authority shall:

(a) Notify the Sex- or Gender-Based Harassment and Discrimination Investigation Unit in writing of its determination regarding the resolution of the complaint within 30 days after the date on which the resolution occurs; and

(b) Retain a copy of the written report prepared pursuant to subsection 3 and the written notification of the resolution of the complaint described in paragraph (a).

6. ~~Except as otherwise provided in subsection 7, any information that may be used to identify an employee who filed a complaint pursuant to section 4 of this act, a person who is the subject of such a complaint or a person who claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender, and any information relating to the complaint, including, without limitation, information that is:~~ 8. a complaint filed pursuant to section 4 of this act, a person who is the subject of such a complaint or a person who claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender, and any information relating to the complaint, including, without limitation, information that is:

(a) Obtained by the investigator in the investigation of a complaint pursuant to subsection 2;

(b) Contained in a written report of a complaint retained pursuant to subsection 5; or

(c) Contained in a written resolution of a complaint retained pursuant to subsection 5,

↪ is confidential and must not be disclosed unless so ordered by the Administrator or his or her designee or a court of competent jurisdiction. ~~Upon a determination by the Administrator, designee or court, as applicable, that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in maintaining the confidentiality of the information, Such information that is ordered to be disclosed~~ must not be disclosed until after the conclusion of the investigation.

7. ~~The provisions of subsection 6 do not apply to any information that may be used to identify an elected officer in the Executive Department who:~~

~~(a) Filed~~ If the Administrator or his or her designee decides pursuant to subsection 6 to order the disclosure of any information that may be used to identify a person who filed a complaint pursuant to section 4 of this act, a person who is the subject of such a complaint or a person who claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender, the Administrator or his or her designee shall notify the person regarding the decision at least 10 days before ordering the disclosure. A person who receives such notice may, within 10 days after receiving the notice, file a written appeal of the decision with the Commission. If such an

appeal is filed, the Commission shall, in a closed hearing, consider the decision of the Administration for which the appeal is taken. If the Commission determines that the information must not be disclosed, the Commission shall keep the information confidential.

8. A person or governmental entity identified in a complaint filed pursuant to section 4 of this act:

~~— (b) Is the subject of such a complaint; or~~

~~— (c) Claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender.~~

~~— 8.1 may disclose the identity of any other person or entity identified in the complaint if such disclosure is necessary to file a claim authorized by law that is based on the same facts and circumstances as those identified in the complaint.~~

9. An appointing authority shall take any action necessary to protect a complainant whose identity is disclosed pursuant to subsection 6 or 8 from retaliation for filing the complaint.

10. In the event of a conflict between this section and the provisions of a collective bargaining agreement entered into pursuant to NRS 288.400 to 288.630, inclusive, the provisions of this section prevail.

Sec. 5.3. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be

approved by the State Board of Examiners before those services may be provided.

5. ~~{To}~~ *Except as otherwise provided in section 5 of this act, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.*

Sec. 5.5. NRS 288.505 is hereby amended to read as follows:

288.505 1. Each collective bargaining agreement must be in writing and must include, without limitation:

(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions.

(b) A provision which provides that an officer of the Executive Department shall, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

(c) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only to the extent of legislative appropriation.

2. Except as otherwise provided in subsections 3 and 4, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.

3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 284.390,

➡ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

4. An employee in a bargaining unit who is aggrieved by the failure of the Executive Department or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,
 ➡ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

5. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.

(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

(c) ~~[A]~~ *Except as otherwise provided in section 5 of this act*, a provision of chapter 284 or 287 of NRS or NRS 288.570, 288.575 or 288.580, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision, within the limits of legislative appropriations and any other available money.

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,

293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,

696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

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

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 7. This act becomes effective upon passage and approval.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 685 amends section 5 of Senate Bill No. 51 to require a complaint regarding suspected harassment or discrimination based on sex or gender and information relating to such a complaint is confidential unless it is necessary to file a claim authorized by law. In addition, Amendment No. 685 requires the Administrator, or their designee, to provide notice to a person before ordering a disclosure of such information and authorizes such a person who receives such notice to file a written appeal of the decision with the Personnel Commission.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 51 prohibits an employee of the Executive Department of the State Government from engaging in sex-based or gender-based harassment and provides for the adoption and annual review of policy for employees concerning sex-based or gender-based harassment. In addition, Senate Bill No. 51 creates the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division of Resource Management of the Department of Administration and provides for the investigation of complaints by the unit.

Roll call on Senate Bill No. 51:

YEAS—21.

NAYS—None.

Senate Bill No. 51 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 69.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 683.

SUMMARY—Revises provisions relating to behavioral health. (BDR 39-431)

AN ACT relating to behavioral health; requiring peer recovery support specialists and peer recovery support specialist supervisors who provide peer recovery support services under certain conditions to be certified; authorizing the imposition of civil penalties for certain violations; prohibiting the employment or retention as an independent contractor of a person ~~for the purpose of providing or supervising~~ to provide or supervise the provision of peer recovery support services ~~to~~ in a position where the person has regular and substantial contact with minors if the person has been ~~convicted of certain crimes or~~ found to have engaged in certain conduct; requiring a certified peer recovery support specialist or certified peer recovery support specialist supervisor to report certain information; requiring the Department of Education to publish a list of evidence-based curricula and programs concerning the prevention of substance misuse and substance use disorder; requiring the participation of public schools in a biennial survey to collect data concerning youth risk behavior of pupils enrolled in certain grades in a public school; abolishing requirements for the licensure of peer support recovery

organizations; providing for the certification of substance use disorder prevention coalitions and prescribing the duties of such a coalition; requiring certain reporting concerning curricula and programs on substance misuse and substance use disorders in public schools; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines the term "peer support recovery organization" to mean a person or agency which, for compensation, provides peer support services to persons who are 18 years of age or older and who suffer from mental illness or an addictive disorder or identify themselves as at risk for mental illness or an addictive disorder; and (2) requires a peer support recovery organization to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services as a facility for the dependent. (NRS 449.0045, 449.01563, 449.030) Sections 20.3, 22.5-24.8, 25.2-25.7 and 36 of this bill remove existing provisions for the licensing and regulation of peer support recovery organizations. Sections 2-15.7 instead prescribe certain requirements governing natural persons who provide peer recovery support services. Section 5 of this bill defines the term "peer recovery support services" to mean nonclinical supportive services that use lived experience in recovery from a substance use disorder or other behavioral health disorder to promote recovery in another person with a substance use disorder or other behavioral health disorder by advocating, mentoring, educating, offering hope and providing assistance in navigating systems. Sections 2.5-4, 6 and 7 of this bill define certain additional relevant terms. Section 8 of this bill: (1) requires, in general, ~~[a person]~~ an adult to be certified by the Nevada Certification Board, or its successor organization, as a peer recovery support specialist or peer recovery support specialist supervisor before providing or supervising the provision of, as applicable, peer recovery support services ~~[to adults]~~ for compensation as a regular part of his or her job duties; (2) provides for the imposition of a civil penalty against ~~[a person]~~ an adult who violates that requirement; and (3) authorizes ~~[a person]~~ an adult who is not certified to provide peer recovery support services to adults for compensation as an intern under certain circumstances. Section 15 of this bill authorizes the Division to bring an action to enjoin any ~~[person]~~ adult from providing or supervising the provision of peer recovery support services in violation of section 8.

Sections 9-14 and 31.5 of this bill provide for the certification and regulation of peer recovery support specialists and peer recovery support specialist supervisors by the Division if the Nevada Certification Board or its successor organization ceases to certify such persons. Specifically, section 31.5 replaces the required certification by the Nevada Certification Board or its successor organization with a requirement for an adult who provides or supervises the provision of peer recovery support services for compensation as a regular part of his or her job duties to obtain certification from the Division under those circumstances. If the Division issues such certification because the Nevada Certification Board ceases to do so, section 9 of this bill: (1) requires the State

Board of Health to adopt regulations governing peer recovery support services; and (2) authorizes the Board to establish by regulation exemptions from the requirement to be certified by the Division.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 10 and 11 of this bill enact such procedures as applicable to an applicant to the Division for a certificate as a peer recovery support specialist or peer recovery support specialist supervisor in order to comply with federal law.

If the Division certifies peer recovery support specialists pursuant to sections 9 and 31.5, sections 12 and 13 of this bill provide for the issuance of a certificate as a peer recovery support specialist or peer recovery support specialist supervisor by endorsement to certain applicants who are licensed, certified or hold another credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, issued by another jurisdiction.

Section 14 of this bill: (1) requires an applicant to the Division for renewal of a certificate who has a state business license to provide his or her business identification number in the application; and (2) prohibits the renewal of a certificate if the applicant fails to provide such information or is delinquent on a debt to a state agency.

~~{Sections 15.2 and 15.4} Section 15.6 of this bill {require any} requires an employer, a person or an entity who {is employed or retained as an independent contractor} employs a person for the purpose of providing or supervising the provision of peer recovery support services {to a minor} in a position where the person has regular and substantial contact with minors or retains an independent contractor to provide those services in such a position to undergo a {background check} screening to determine whether the person has, within the immediately preceding 5 years, been { (1) convicted of certain crimes involving children; (2) the subject of a substantiated report of : (1) the abuse or neglect of a child; or { (3) found to have committed} (2) a violation of provisions prohibiting certain sexual conduct regarding minors, corporal punishment in public schools or the use of aversive interventions against pupils with disabilities in private schools. {Section 15.4 of this bill also requires such an employee or independent contractor to notify the person or entity for which he or she provides peer recovery support services of certain charges, investigations and convictions involving such crimes or conduct.} Section 15.6 {of this bill generally} in general: (1) prohibits the employment of a person or retention of a person as an independent contractor for the purpose of providing peer recovery support services {to a minor} in a position where the person has regular and substantial contact with minors if the person has been {convicted of such a crime or been} found to have engaged in such conduct within the immediately preceding 5 years; and (2) requires the termination of an employee or independent contractor who provides peer recovery support services {to a minor} in a position where the person has regular and substantial~~

contact with minors and has been ~~found to have engaged in such conduct within that period.~~ found to have engaged in such conduct within that period. Section 15.6 authorizes an employee or independent contractor who believes that the information provided through a ~~background check~~ screening is incorrect to attempt to correct the information. Section 15.6 also authorizes the Division to adopt regulations establishing a process to determine whether an employee or independent contractor who has been ~~found to have engaged in such conduct within the immediately preceding 5 years may continue to provide peer recovery support services to a minor.~~ found to have engaged in such conduct within the immediately preceding 5 years may continue to provide peer recovery support services ~~Sections 15.4 and 15.6~~ and have regular and substantial contact with minors. Section 15.6 ~~provide~~ provides for the imposition of administrative penalties on persons and entities who violate ~~the~~ those requirements. ~~of those sections.~~ Section 15.7 of this bill requires a person or entity that employs a person or retains an independent contractor to provide or supervise the provision of peer recovery support services ~~to a minor~~ in a position where the person has regular and substantial contact with minors to maintain certain records of the ~~background checks~~ screenings required by ~~sections 15.2 and 15.4.~~ Sections 15.8 and 20.6 of this bill make conforming changes to authorize the ~~Central Repository for Nevada Records of Criminal History and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, respectively, to conduct the required background checks.~~ section 15.6.

Sections 17, 21 and 28 of this bill require a certified peer recovery support specialist or certified peer recovery support specialist supervisor to report: (1) the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person; (2) the abuse or neglect of a child; and (3) violations of statutes or regulations governing nursing. If the Division certifies peer recovery support specialists and peer recovery support specialist supervisors pursuant to sections 9 and 31.5 and a peer recovery support specialist or peer recovery support specialist supervisor is reported to have abused, neglected, exploited, isolated or abandoned an older person or vulnerable person, section 18 of this bill requires the submission of the information in the report to the Division. Section 25 of this bill makes a conforming change to reflect the replacement of the requirement that peer support recovery organizations must be licensed with a requirement that peer recovery support specialists and peer recovery support specialist supervisors must be certified. Sections 29-31 of this bill exempt certified peer recovery support specialists and certified peer recovery support specialist supervisors from provisions governing certain other professions related to behavioral health.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain subjects, including health and science. (NRS 389.520) Existing regulations establish standards of content and performance for health in the sixth, seventh and eighth grades and high school that include instruction related to substance use, misuse and abuse. (NAC 389.381, 389.455) Section 18.5 of this bill

requires the Department of Education to develop, maintain and publish a list of evidence-based curricula and programs concerning substance misuse and substance use disorders. Section 32 of this bill requires the board of trustees of each school district and the governing body of each charter school to submit to the Legislative Committee on Education a report that describes any curriculum or program concerning substance misuse or substance use disorders used or offered in the school district or charter school, as applicable, during the 2020-2021 school year.

Section 20 of this bill requires the board of trustees of each school district and the governing body of each charter school that operates a middle school, junior high school or high school to ensure that the school district or charter school participates in the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, which is a system pursuant to which a survey is administered every other year to a sampling of pupils in grades 6 to 12, inclusive, to collect data concerning health-risk behaviors by such pupils. Section 20 also authorizes: (1) the parent or guardian of a pupil who is an unemancipated minor to refuse consent to the administration of the survey to the pupil; and (2) a pupil to refuse to participate in the survey.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders; and (2) coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of programs for alcohol or other substance use disorders in this State. (NRS 458.025) Section 26 of this bill requires the State Board of Health to adopt regulations providing for the certification of substance use disorder prevention coalitions, which are coalitions of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in regions of this State. Section 26 also prescribes the duties of a certified substance use disorder prevention coalition, and section 27 of this bill makes a conforming change to indicate the placement of section 26 within the Nevada Revised Statutes.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15.7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *"Adult" means a natural person who is 18 years of age or older.*

Sec. 3. *"Board" means the State Board of Health.*

Sec. 4. "Certificate" means a certificate issued by the Division that authorizes the holder to provide or supervise the provision of peer recovery support services, as applicable.

Sec. 5. "Peer recovery support services" means nonclinical supportive services that use lived experience in recovery from a substance use disorder or other behavioral health disorder to promote recovery in another person with a substance use disorder or other behavioral health disorder by advocating, mentoring, educating, offering hope and providing assistance in navigating systems.

Sec. 6. "Peer recovery support specialist" means ~~fa person~~ an adult who is authorized under the provisions of section 8 of this act to provide peer recovery support services ~~to adults~~ for compensation as a regular part of his or her job duties. The term does not include a peer recovery support specialist intern.

Sec. 6.5. "Peer recovery support specialist intern" means ~~fa person~~ an adult who is authorized under the provisions of section 8 of this act to provide peer recovery support services ~~to adults~~ for compensation as a regular part of his or her job duties, ~~and~~ while the adult is acquiring the experience necessary for certification as a peer recovery support specialist.

Sec. 7. "Peer recovery support specialist supervisor" means ~~fa person~~ an adult who is authorized under the provisions of section 8 of this act to supervise the provision of peer recovery support services ~~to adults~~ for compensation as a regular part of his or her job duties.

Sec. 8. 1. Except as authorized by subsection 2, ~~fa person~~ an adult shall not:

(a) Provide peer recovery support services ~~to adults~~ for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services ~~to adults~~ unless he or she holds a valid certificate as a peer recovery support specialist issued by the Nevada Certification Board or its successor organization.

(b) Supervise the provision of peer recovery support services ~~to adults~~ for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services ~~to adults~~ unless he or she holds a valid certificate as a peer recovery support specialist supervisor issued by the Nevada Certification Board or its successor organization.

2. If the Nevada Certification Board or its successor organization establishes conditions governing the provision of peer recovery support services by a person who is not certified as a peer recovery support specialist while the person is acquiring the experience necessary for certification as a peer recovery support specialist, ~~such a person~~ an adult who is not certified as a peer recovery support specialist may:

(a) Provide peer recovery support services ~~to adults~~ for compensation as a regular part of his or her job duties under those conditions; and

(b) Use the title of "peer recovery support specialist intern" while providing peer recovery support services under those conditions.

3. The Division may impose upon ~~the person~~ an adult who violates this section a civil penalty in an amount prescribed by regulation of the Board.

Sec. 9. 1. The Board shall adopt regulations governing the provision of peer recovery support services. The regulations must prescribe:

(a) The requirements for the issuance and renewal of a certificate as a peer recovery support specialist or peer recovery support specialist supervisor, which must include, without limitation, required training and experience for peer recovery support specialists and peer recovery support specialist supervisors.

(b) Requirements governing the supervision of peer recovery support specialists by peer recovery support specialist supervisors.

(c) Procedures for the Division to investigate misconduct by a peer recovery support specialist or peer recovery support specialist supervisor and to impose disciplinary action for such misconduct.

(d) The forms of disciplinary action that the Division may impose against a peer recovery support specialist or peer recovery support specialist supervisor.

2. The Board may, by regulation, prescribe a fee for:

(a) The issuance of a certificate; and

(b) The renewal of a certificate.

3. Any fee prescribed pursuant to subsection 2 must be calculated to produce the revenue estimated to cover the costs related to the issuance and renewal of certificates, but in no case may the fee for the issuance or renewal of a certificate exceed the actual cost to the Division of issuing or renewing the certificate, as applicable.

4. The regulations adopted pursuant to this section may establish exemptions from the provisions of section 8 of this act.

Sec. 10. 1. A person who applies for the issuance or renewal of a certificate must:

(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the holder of a certificate, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 12. 1. The Division may issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a certificate if the applicant holds a corresponding valid and unrestricted license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable; and

(3) *Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;*

(b) *An affidavit stating that the information contained in the application and any accompanying material is true and correct;*

(c) *The fee prescribed by the Board in the regulations adopted pursuant to section 9 of this act; and*

(d) *Any other information required by the Division.*

3. *Not later than 15 business days after the Division receives an application for a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, to the applicant not later than 45 days after receiving the application.*

Sec. 13. 1. *The Division may issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a certificate if the applicant:*

(a) *Holds a corresponding valid and unrestricted license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in the District of Columbia or any state or territory of the United States; and*

(b) *Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.*

2. *An applicant for a certificate by endorsement pursuant to this section must submit to the Division with his or her application:*

(a) *Proof satisfactory to the Division that the applicant:*

(1) *Satisfies the requirements of subsection 1;*

(2) *Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license, certificate or other credential as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable; and*

(3) *Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;*

(b) *An affidavit stating that the information contained in the application and any accompanying material is true and correct;*

(c) *The fee prescribed by the Board in the regulations adopted pursuant to section 9 of this act; and*

(d) *Any other information required by the Division.*

3. Not later than 15 business days after the Division receives an application for a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a certificate by endorsement as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Division to complete the application.

4. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Division may grant a provisional certificate authorizing an applicant to practice as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in accordance with regulations adopted by the Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 14. 1. In addition to any other requirements set forth in sections 2 to 15.7, inclusive, of this act, an applicant for the renewal of a certificate as a recovery support specialist or recovery support specialist supervisor must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A certificate may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1;

or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 15. 1. The Division may bring an action in the name of the State of Nevada to enjoin any ~~person~~ adult from engaging in conduct that violates the provisions of section 8 of this act.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, engage in conduct for which a certificate is required by section 8 of this act without a valid certificate.

Sec. 15.2. ~~{1. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor to determine whether the person has, within the immediately preceding 5 years, been:~~

~~—(a) Named in a substantiated report as causing the abuse or neglect of a child, as defined in NRS 392.281;~~

~~—(b) Convicted of violating NRS 201.540 or 201.560 or a similar statute in another jurisdiction; or~~

~~—(c) Found to have committed a violation of NRS 392.4633 or 394.366 or a similar statute in another jurisdiction.~~

~~2. The Division shall request information concerning each person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor from:~~

~~—(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in paragraph (b) of subsection 1 and for submission to the Federal Bureau of Investigation for its report pursuant to section 15.4 of this act; and~~

~~—(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether:~~

~~—(1) There has been a substantiated report of child abuse or neglect made against any such person; or~~

~~—(2) Any such person has been found to have committed a violation listed in paragraph (c) of subsection 1.~~

~~3. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.~~

~~4. The information required to be obtained pursuant to subsections 1 and 2 must be requested for an initial background check before the employee or independent contractor provides or supervises the provision of peer recovery support services to a minor, and then at least once every 5 years thereafter.~~

~~5. A person who is required to submit to an investigation required pursuant to this section shall not provide or supervise the provision of peer recovery support services to a minor without supervision before the investigation of the background and personal history of the person has been conducted.} (Deleted by amendment.)~~

Sec. 15.4. ~~{1. Every person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to section 15.2 of this act, a:~~

~~—(a) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for~~

~~Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report; and~~

~~— (b) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.~~

~~— 2. If a person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect filed against him or her, been convicted of a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act or been found to have committed a violation listed in paragraph (c) of that subsection, the Division must immediately notify the employer of the person or the person or entity with whom the person has contracted, who shall then comply with the provisions of section 15.6 of this act.~~

~~— 3. A person or entity shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee or retaining an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor.~~

~~— 4. A person who is employed or retained as an independent contractor for the purpose of providing or supervising the provision of peer recovery support services to a minor shall notify the employer or the person or entity who retained the person as an independent contractor not later than 24 hours after:~~

~~— (a) Being charged with or convicted of a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act or being investigated for or found to have committed a violation listed in paragraph (c) of that subsection;~~

~~— (b) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or~~

~~— (c) Receiving notice that a report of abuse or neglect has been substantiated against him or her.~~

~~— 5. A person or entity shall notify the Division within 2 days after receiving notice that an employee or independent contractor of the person or entity who provides or supervises the provision of peer recovery support services to a minor:~~

~~— (a) Has been charged with a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act; or~~

~~— (b) Is being investigated for child abuse or neglect or a violation listed in paragraph (c) of subsection 1 of section 15.2 of this act.~~

~~— 6. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section. (Deleted by amendment.)~~

Sec. 15.6. 1. ~~[Except as otherwise provided in this section,]~~ Not later than 3 days after employing a person to provide or supervise the provision of peer recovery support services in a position where the person has regular and substantial contact with minors or retaining a person as an independent

contractor to provide or supervise the provision of peer recovery support services in such a position and every 5 years thereafter, an employer, or person or entity who retained the independent contractor shall:

(a) Obtain from the employee or independent contractor written authorization for the release of any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(b) Complete a child abuse and neglect screening through the Central Registry to determine whether there has been a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the person.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 4, upon receiving information pursuant to ~~section 15.4 of this act from the Central Repository for Nevada Records of Criminal History or~~ subsection 1 from the ~~[Statewide]~~ Central Registry ~~for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100, from an employee or independent contractor who provides or supervises the provision of peer recovery support services to a minor~~ or from any other source that ~~[such]~~ an employee or independent contractor described in subsection 1 has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against him or her, ~~been convicted of a crime listed in paragraph (b) of subsection 1 of section 15.2 of this act or been found to have committed a violation listed in paragraph (c) of that subsection,~~ the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection ~~2~~ 3.

~~2~~ 3. If an employee or independent contractor ~~who provides or supervises the provision of peer recovery support services to a minor~~ described in subsection 1 believes that the information provided to the employer or person or entity who retained the independent contractor pursuant to subsection ~~1~~ 2 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

~~3~~ 4. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review evidence upon request to determine whether an employee or independent contractor described in subsection 1 who ~~provides or supervises the provision of peer recovery support services to a minor and~~ has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against him or her, ~~been convicted of a crime listed in paragraph (b) of~~

~~subsection 1 of section 15.2 of this act or been found to have committed a violation listed in paragraph (c) of that subsection]~~ may continue to provide or supervise the provision of peer recovery support services ~~[to a minor,]~~ and have regular and substantial contact with minors despite the [conviction, finding or] report. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. §§ 2000e et seq.

~~[4.]~~ 5. If a process for review is established pursuant to subsection ~~[3.]~~ 4, an employee or independent contractor ~~[who provides or supervises the provision of peer recovery support services to a minor]~~ described in subsection 1 may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

~~[5.]~~ 6. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection ~~[2]~~ 3 or requests a review of information pursuant to subsection ~~[4.]~~ 5, it is within the discretion of the employer or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not ~~[provide or supervise the provision of peer recovery support services to a minor]~~ have regular and substantial contact with minors without supervision during such a period.

~~[6.]~~ 7. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

~~[7.]~~ 8. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 424.011.

Sec. 15.7. 1. A person or entity that employs a person or retains an independent contractor for the purpose of providing or supervising the provision of peer recovery support services ~~[to a minor]~~ in a position where the person has regular and substantial contact with minors shall maintain records of the information concerning such employees and independent contractors that is collected pursuant to ~~[sections 15.2 and 15.4]~~ section 15.6 of this act, including, without limitation ~~[=~~

~~—(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;~~

~~—(b) Proof that the employee or independent contractor submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and~~

~~—(c) The [the] written authorization [to obtain] for the release of information from the [Central Repository and the] Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.~~

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period that the employee or independent contractor ~~provides or supervises the provision of peer recovery support services to a minor;~~ has regular and substantial contact with minors; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 15.8. ~~NRS 179A.075 is hereby amended to read as follows:~~

~~179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.~~

~~2. Each agency of criminal justice and any other agency dealing with crime shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and~~

~~(b) Submit the information collected to the Central Repository;~~

~~(1) In the manner approved by the Director of the Department; and~~

~~(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.~~

~~3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:~~

~~(a) Through an electronic network;~~

~~(b) On a medium of magnetic storage; or~~

~~(c) In the manner prescribed by the Director of the Department,~~

~~within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.~~

~~4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository;~~

~~(a) In the manner prescribed by the Director of the Department;~~

~~(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and~~

~~(c) Within the time prescribed by the Director of the Department.~~

~~5. The Division shall, in the manner prescribed by the Director of the Department:~~

~~(a) Collect, maintain and arrange all information submitted to it relating to:~~

~~(1) Records of criminal history; and~~

~~(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.~~

~~(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.~~

~~— (c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018;~~

~~— 6. The Division may:~~

~~— (a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;~~

~~— (b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and~~

~~— (c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:~~

~~— (1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;~~

~~— (2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;~~

~~— (3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;~~

~~— (4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62C.223, 62C.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329 [;] and section 15.2 of this act; or~~

~~— (5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.~~

~~— 7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:~~

~~— (a) The person's complete set of fingerprints for the purposes of:~~

~~— (1) Booking the person into a city or county jail or detention facility;~~

~~— (2) Employment;~~

~~— (3) Contractual services; or~~

~~— (4) Services related to occupational licensing;~~

~~— (b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or~~

~~— (c) Any other biometric identifier of the person as it may require for the purposes of:~~

~~— (1) Arrest; or~~

~~— (2) Criminal investigation,~~

~~from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.~~

~~8. The Central Repository shall:~~

~~(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.~~

~~(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.~~

~~(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.~~

~~(d) Investigate the criminal history of any person who:~~

~~(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;~~

~~(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or~~

~~(3) Is employed by or volunteers for a county school district, charter school or private school,~~

~~and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any offense involving moral turpitude.~~

~~(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:~~

~~(1) Investigated pursuant to paragraph (d); or~~

~~(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation;~~

~~who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.~~

~~(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329 [.] or section 15.2 of this act.~~

~~(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data~~

~~relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.~~

~~—(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.~~

~~—(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.~~

~~—(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:~~

~~—(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and~~

~~—(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.~~

~~—9. The Central Repository may:~~

~~—(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.~~

~~—(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.~~

~~—(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.~~

~~—10. As used in this section:~~

~~—(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.~~

~~—(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:~~

~~—(1) The name, driver's license number, social security number, date of birth and photograph or computer generated image of a person; and~~

~~—(2) A biometric identifier of a person.~~

~~—(c) "Private school" has the meaning ascribed to it in NRS 394.103.]~~

~~(Deleted by amendment.)~~

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, *peer recovery support specialist, as defined in section 6 of this act, peer recovery support specialist supervisor, as defined in section 7 of this act*, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator,

manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) ~~Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.~~

~~—(n)~~ Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

- (a) Aging and Disability Services Division;
- (b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and
- (c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 18. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
 - (b) Pursuant to NRS 200.50982; or
 - (c) To persons or agencies enumerated in subsection 3,
- ↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

- (a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;
- (b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;
- (c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect,

exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS ~~or~~ *or sections 2 to 15.7, inclusive, of this act*, the information contained in the report must be submitted to the board *or agency* that issued the license ~~or~~ *or certificate*.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 18.5. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall develop, maintain and publish on an Internet website maintained by the Department a list of evidence-based curricula and programs concerning the prevention of substance misuse and substance use disorders.

Sec. 19. (Deleted by amendment.)

Sec. 20. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, the board of trustees of each school district and the governing body of each charter school that operates a middle school, junior high school or high school shall ensure that the school district or charter school, as applicable, participates in the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, or any equivalent or successor system developed by the Centers for Disease Control and Prevention.*

2. *A public school shall not administer the survey described in subsection 1 to a pupil if:*

(a) The pupil is an unemancipated minor and the parent or guardian of the pupil has refused to consent to the administration of the survey pursuant to subsection 5; or

(b) The pupil has refused to participate in the survey pursuant to subsection 5.

3. *The board of trustees of a school district or the governing body of a charter school that operates as a middle school, junior high school or high school shall ensure that a form is provided to the parent or guardian of each pupil to whom the survey described in subsection 1 will be administered that allows the parent or guardian to refuse consent to the administration of the survey to the pupil.*

4. *Before the administration of the survey described in subsection 1 to a pupil, the board of trustees of a school district or the governing body of a charter school shall provide the parent or guardian of the pupil or, if the pupil is an emancipated minor or is at least 18 years of age, the pupil, with an opportunity to review the survey and written notice of:*

(a) The manner in which the survey will be administered;

(b) The manner in which the results of the survey will be used; and

(c) The persons who will have access to the results of the survey.

5. *At any time:*

(a) The parent or guardian of a pupil who is an unemancipated minor may refuse to provide consent to the administration of the survey described in subsection 1 by completing and submitting the form described in subsection 3, or any other written refusal of consent, to the principal or other person in charge of the public school in which the pupil is enrolled.

(b) A pupil may refuse to participate in the survey.

Sec. 20.3. NRS 427A.175 is hereby amended to read as follows:

427A.175 1. Within 1 year after an older patient sustains damage to his or her property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home, an intermediary service organization, a community health worker pool ~~[, a peer support recovery organization]~~ or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, home, agency, organization or older patient may request a hearing before the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition. If requested, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall conduct a hearing to determine whether the facility, home, agency, pool or organization is liable for damages to the patient. If the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines that the facility, home, agency, pool or organization is liable for damages to the patient, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall order the amount of the surety bond pursuant to NRS 449.065 or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015;

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021;

(c) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028;

(d) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038;

(e) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039;

(f) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105;

(g) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304;

(h) "Older patient" has the meaning ascribed to it in NRS 449.065; and

(i) ~~["Peer support recovery organization" has the meaning ascribed to it in NRS 449.01563; and~~

~~—(j)—~~ "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 20.6. ~~[NRS 432.100 is hereby amended to read as follows:~~

~~—432.100— 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.~~

~~— 2. The Central Registry must contain:~~

~~—(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.302 or 432B.220;~~

~~—(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to NRS 392.302;~~

~~—(c) Statistical information on the protective services provided in this State; and~~

~~—(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.~~

~~— 3. The Division may release information contained in the Central Registry to an employer:~~

~~—(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and~~

~~—(b) Either:~~

~~—(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or~~

~~—(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons;~~

~~— but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.~~

~~— 4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:~~

~~—(a) An employee of the Division;~~

~~—(b) An agency which provides child welfare services;~~

~~—(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170 [.] or section 15.2 of this act; and~~

~~—(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the~~

~~satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.] (Deleted by amendment.)~~

Sec. 21. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A,

635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) *A peer recovery support specialist, as defined in section 6 of this act, or peer recovery support specialist supervisor, as defined in section 7 of this act.*

(m) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and

submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 22. (Deleted by amendment.)

Sec. 22.5. NRS 449.0045 is hereby amended to read as follows:

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of alcohol or other substance use disorders;
2. A halfway house for persons recovering from alcohol or other substance use disorders;
3. A facility for the care of adults during the day;
4. A residential facility for groups;

5. An agency to provide personal care services in the home;
6. A facility for transitional living for released offenders;
7. A home for individual residential care;
8. ~~A peer support recovery organization;~~
- ~~9.]~~ A community health worker pool; and
- ~~[10.]~~ 9. A provider of community-based living arrangement services.

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 24.2. NRS 449.030 is hereby amended to read as follows:

449.030 Except as otherwise provided in NRS 449.03013 ~~[, 449.03015]~~ and 449.03017, no person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.029 to 449.2428, inclusive.

Sec. 24.4. NRS 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, ~~[peer support recovery organization,]~~ residential facility for groups, home for individual residential care, agency to provide personal care services in the home and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:

(a) If the facility, agency, organization or home employs less than 7 employees, in the amount of \$5,000;

(b) If the facility, agency, organization or home employs at least 7 but not more than 25 employees, in the amount of \$25,000; or

(c) If the facility, agency, organization or home employs more than 25 employees, in the amount of \$50,000.

2. A bond filed pursuant to this section must be executed by the facility, agency, organization or home as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the facility, agency, organization or home to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the Division of Public and Behavioral Health, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility, agency, organization or home to protect

the property of the older patient alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the facility, agency, organization or home is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to NRS 449.067. The Administrator of the Division of Public and Behavioral Health shall give the facility, agency, organization or home at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The Administrator of the Division of Public and Behavioral Health may exempt a ~~{peer support recovery organization,}~~ residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the ~~{peer support recovery organization,}~~ residential facility for groups or home for individual residential care.

7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing, ~~{peer support recovery organization,}~~ residential facility for groups, home for individual residential care, agency to provide personal care services in the home or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.

8. As used in this section, "older patient" means a patient who is 60 years of age or older.

Sec. 24.6. NRS 449.067 is hereby amended to read as follows:

449.067 1. As a substitute for the surety bond required pursuant to NRS 449.065, a facility for intermediate care, a facility for skilled nursing, ~~{a peer support recovery organization,}~~ a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:

(a) An obligation of a bank, savings and loan association, savings bank, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, savings bank, thrift company or credit union must be held to secure the same obligation as

would the surety bond required by NRS 449.065. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.

Sec. 24.8. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, ~~a peer support recovery organization,~~ the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool ~~or organization~~ or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, ~~a peer support recovery organization,~~ a residential facility for groups or a home

for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool ~~[, organization]~~ or home are in compliance with the provisions of NRS 449.093.

Sec. 25. NRS 449.0915 is hereby amended to read as follows:

449.0915 1. The Division may issue an endorsement as a crisis stabilization center to the holder of a license to operate a psychiatric hospital that meets the requirements of this section.

2. A psychiatric hospital that wishes to obtain an endorsement as a crisis stabilization center must submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the psychiatric hospital to which the endorsement will apply:

(a) Does not exceed a capacity of 16 beds or constitute an institution for mental diseases, as defined in 42 U.S.C. § 1396d;

(b) Operates in accordance with established administrative protocols, evidence-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;

(c) Delivers crisis stabilization services:

(1) To patients for not less than 24 hours in an area devoted to crisis stabilization or detoxification before releasing the patient into the community, referring the patient to another facility or transferring the patient to a bed within the hospital for short-term treatment, if the psychiatric hospital has such beds;

(2) In accordance with best practices for the delivery of crisis stabilization services; and

(3) In a manner that promotes concepts that are integral to recovery for persons with mental illness, including, without limitation, hope, personal empowerment, respect, social connections, self-responsibility and self-determination;

(d) Employs ~~[qualified persons]~~ *peer recovery support specialists, as defined in section 6 of this act*, to provide *peer recovery support services, as defined in [NRS 449.01566,] section 5 of this act*, when appropriate;

(e) Uses a data management tool to collect and maintain data relating to admissions, discharges, diagnoses and long-term outcomes for recipients of crisis stabilization services;

(f) Accepts all patients, without regard to:

(1) The race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the patient;

(2) Any social conditions that affect the patient;

(3) The ability of the patient to pay; or

(4) Whether the patient is admitted voluntarily to the psychiatric hospital pursuant to NRS 433A.140 or admitted to the psychiatric hospital under an emergency admission pursuant to NRS 433A.150;

(g) Performs an initial assessment on any patient who presents at the psychiatric hospital, regardless of the severity of the behavioral health issues that the patient is experiencing;

(h) Has the equipment and personnel necessary to conduct a medical examination of a patient pursuant to NRS 433A.165; and

(i) Considers whether each patient would be better served by another facility and transfer a patient to another facility when appropriate.

4. Crisis stabilization services that may be provided pursuant to paragraph (c) of subsection 3 may include, without limitation:

(a) Case management services, including, without limitation, such services to assist patients to obtain housing, food, primary health care and other basic needs;

(b) Services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;

(c) Treatment specific to the diagnosis of a patient; and

(d) Coordination of aftercare for patients, including, without limitation, at least one follow-up contact with a patient not later than 72 hours after the patient is discharged.

5. An endorsement as a crisis stabilization center must be renewed at the same time as the license to which the endorsement applies. An application to renew an endorsement as a crisis stabilization center must include, without limitation:

(a) The information described in subsection 3; and

(b) Proof that the psychiatric hospital is accredited by the Commission on Accreditation of Rehabilitation Facilities, or its successor organization, or the Joint Commission, or its successor organization.

6. As used in this section, "crisis stabilization services" means behavioral health services designed to:

(a) De-escalate or stabilize a behavioral crisis, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and

(b) When appropriate, avoid admission of a patient to another inpatient mental health facility or hospital and connect the patient with providers of ongoing care as appropriate for the unique needs of the patient.

Sec. 25.2. NRS 449.119 is hereby amended to read as follows:

449.119 "Facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C.

§ 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, ~~a peer support recovery organization,~~ a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders.

Sec. 25.5. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

- (a) The applicant or licensee has been convicted of:
 - (1) Murder, voluntary manslaughter or mayhem;
 - (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
 - (3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;
 - (4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;
 - (5) A crime involving domestic violence that is punished as a felony;
 - (6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;
 - (7) Abuse or neglect of a child or contributory delinquency;
 - (8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;
 - (9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
 - (10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;
 - (11) A violation of any provision of NRS 422.450 to 422.590, inclusive;
 - (12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;
 - (13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children, is a psychiatric hospital that provides inpatient services to children or is a psychiatric residential treatment facility.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home, an agency to provide nursing in the home ~~[-] or a community health worker pool [for a peer support recovery organization]~~ if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 25.7. NRS 449.194 is hereby amended to read as follows:

449.194 Any person who is employed by an agency to provide personal care services in the home ~~[-] or a community health worker pool [for a peer support recovery organization]~~ who:

1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,  and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

Sec. 26. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Board of Health shall adopt regulations:*

(a) Providing for the certification of substance use disorder prevention coalitions; and

(b) Establishing requirements governing the membership of and geographic region served by substance use disorder prevention coalitions. The regulations adopted pursuant to this paragraph must align with nationally recognized standards for substance use disorder prevention coalitions and must provide that a geographic region may be served by more than one substance use disorder prevention coalition.

2. A certified substance use disorder prevention coalition shall:

(a) Advise the Department of Health and Human Services and the Division concerning:

(1) The needs of adults and children in the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders in the geographic region;

(2) Any progress, problems or plans relating to the provision of services for the prevention of substance misuse and substance use disorders and methods for improving the provision of such services in the geographic region served by the coalition;

(3) Identified gaps in services for the prevention of substance misuse and substance use disorders and recommendations for addressing those gaps; and

(4) Priorities for allocating resources to support and develop services for the prevention of substance misuse and substance use disorders in the geographic region served by the coalition.

(b) Convene interested persons and entities to promote the use of evidence-based strategies to address needs concerning services for the prevention of substance misuse and substance use disorders and improve such services in the geographic region served by the coalition.

(c) Coordinate and share information with other certified substance use disorder prevention coalitions to provide recommendations to the Department of Health and Human Services and the Division concerning services for the prevention of substance misuse and substance use disorders.

(d) Implement, in coordination with the Department of Health and Human Services, the Division, other certified substance use disorder prevention coalitions and other interested persons and entities, statewide efforts for the prevention of substance misuse and substance use disorders.

(e) Coordinate with persons and entities in this State who provide services related to the prevention of substance misuse and substance use disorders to increase the awareness of such services and reduce duplication of efforts.

(f) In consultation with other persons and entities in this State who provide services related to the prevention of substance use disorders, submit an annual report to the regional behavioral health policy board for the geographic region served by the substance use disorder prevention coalition. The report must include, without limitation:

(1) *Identification of the specific needs of the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders;*

(2) *A description of methods that the coalition uses to collect and analyze data concerning:*

(I) *Substance misuse and substance use disorders in the geographic region served by the coalition; and*

(II) *Gaps in services related to the prevention of substance misuse and substance use disorders and the need for additional services in that region;*

(3) *The strategies used by the coalition and the results of those strategies;*

(4) *The goals of the coalition for the immediately preceding year and the degree to which the coalition achieved those goals; and*

(5) *The goals of the coalition for the immediately following year and the long-term goals of the coalition.*

3. *The Division shall collaborate with and utilize certified substance use disorder prevention coalitions as the primary local and regional entities to coordinate programs and strategies for the prevention of substance use disorders in this State.*

4. *As used in this section:*

(a) *"Behavioral health region" has the meaning ascribed to it in NRS 433.426.*

(b) *"Substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.*

Sec. 27. NRS 458.110 is hereby amended to read as follows:

458.110 In addition to the activities set forth in NRS 458.025 to 458.115, inclusive, *and section 26 of this act*, the Division may engage in any activity necessary to effectuate the purposes of this chapter.

Sec. 28. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, *peer recovery support specialist, peer recovery support specialist supervisor*, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator,

manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

~~{(m) Any person who operates or is employed by a peer support recovery organization.}~~

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) ~~["Peer support recovery organization" has the meaning ascribed to it in NRS 449.01563~~

~~—(d)] "Peer recovery support specialist" has the meaning ascribed to it in section 6 of this act.~~

~~{{e}}~~ (d) *"Peer recovery support specialist supervisor" has the meaning ascribed to it in section 7 of this act.*

Sec. 29. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;
8. *A person who provides or supervises the provision of peer recovery support services in accordance with the provisions of sections 2 to 15.7, inclusive, of this act;*
9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 437 of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 437.040; or

~~{9.}~~ 10. Any member of the clergy,

↪ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 30. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a

problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. *A person who provides or supervises the provision of peer recovery support services in accordance with sections 2 to 15.7, inclusive, of this act;*

9. Any member of the clergy;

~~{9.}~~ 10. A county welfare director;

~~{10.}~~ 11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

~~{11.}~~ 12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 31. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; ~~{or}~~

6. A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling ~~{-}~~ ; or

7. *A person who provides or supervises the provision of peer recovery support services in accordance with sections 2 to 15.7, inclusive, of this act.*

Sec. 31.5. Section 8 of this act is hereby amended to read as follows:

Sec. 8. 1. Except as authorized by subsection 2, an adult shall not:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services unless he or she holds a valid certificate as a peer recovery support specialist issued by the ~~{Nevada Certification Board or its successor organization.}~~ Division.

(b) Supervise the provision of peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services unless he or she holds a valid certificate as a peer recovery support specialist supervisor issued by the ~~{Nevada Certification Board or its successor organization.}~~ Division.

2. ~~{If the Nevada Certification Board or its successor organization establishes}~~ *The Division may adopt regulations establishing conditions governing the provision of peer recovery support services by* ~~{under which an adult who is not certified as a peer recovery support specialist while the person is acquiring the experience necessary for certification as a peer recovery support specialist, an adult who is not certified as a peer recovery support specialist}~~ may:

(a) Provide peer recovery support services to adults for compensation as a regular part of his or her job duties ~~{under those conditions.}~~ *while acquiring the experience necessary for certification;* and

(b) Use the title of "peer recovery support specialist ~~{intern}~~" ~~while providing peer recovery support services under those conditions.}~~ *intern."*

3. The Division may impose upon an adult who violates this section a civil penalty in an amount prescribed by regulation of the Board.

Sec. 32. 1. On or before September 30, 2021, the board of trustees of each school district and the governing body of each charter school shall submit to the Department of Education a report that describes any curriculum or program concerning substance misuse and substance use disorders used or offered in the school district or charter school, as applicable, during the immediately preceding school year.

2. On or before October 31, 2021, the Department of Education shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education created by NRS 218E.605 a report that summarizes the information contained in the reports submitted to the Department pursuant to subsection 1.

Sec. 33. 1. Notwithstanding any provision of this act to the contrary, any ~~{person}~~ adult who provides or supervises the provision of peer recovery support services ~~{to adults}~~ as a regular part of his or her job duties on or before January 1, 2022, may continue to do so without obtaining a certificate from the Nevada Certification Board or its successor organization as required by section 8 of this act until July 31, 2023. To provide or supervise peer recovery

support services on or after August 1, 2023, such ~~[a person]~~ an adult must obtain a certificate from that organization as required by section 8 of this act.

2. Notwithstanding any provision of this act to the contrary, ~~[any person]~~ an adult who holds a valid certification as a peer recovery support specialist or peer recovery support specialist supervisor issued by the Nevada Certification Board or its successor organization on the date on which that organization ceases certifying peer recovery support specialists or peer recovery support specialist supervisors may provide or supervise the provision of peer recovery support services ~~[to adults]~~ as a regular part of his or her job duties without being certified by the Division of Public and Behavioral Health of the Department of Health and Human Services until 6 months after the date on which the Division begins certifying peer recovery support specialists and peer recovery support specialist supervisors pursuant to the regulations adopted by the State Board of Health pursuant to section 9 of this act. To provide or supervise the provision of peer recovery support services ~~[to adults]~~ as a regular part of his or her job duties after that date, such ~~[a person]~~ an adult must obtain a certificate from the Division as required by section 8 of this act, as amended by section 31.5 of this act.

3. As used in this section, "peer recovery support services" has the meaning ascribed to it in section 5 of this act.

Sec. 34. (Deleted by amendment.)

Sec. 34.5. Any regulations adopted by the State Board of Health pursuant to NRS 449.0302 governing peer support recovery organizations are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 1, 2022.

Sec. 35. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 36. NRS 449.01563, 449.01566, 449.03015, 449A.060 and 449A.062 are hereby repealed.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 18.5, 19, 20 and 32 of this act become effective on July 1, 2021.

3. Sections 1 to 3, inclusive, 5 to 8, inclusive, 15 to 17, inclusive, 20.3 to 31, inclusive, and 33 to 36, inclusive, of this act become effective:

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

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

4. Sections 4, 9 to 14, inclusive, 18 and 31.5 of this act become effective on the date on which the Nevada Certification Board, or its successor organization, ceases certifying peer recovery support specialists or peer recovery support specialist supervisors.

5. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures

under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

- (a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
 - (b) Are in arrears in the payment for the support of one or more children,
- ➔ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

449.01563 "Peer support recovery organization" defined.

449.01566 "Peer support services" defined.

449.03015 Facility for the dependent or medical facility that employs providers of peer support services not required to obtain additional license.

449A.060 "Peer support recovery organization" defined.

449A.062 "Peer support services" defined.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Senate Amendment No. 683 amends Senate Bill No. 69 to clarify the intent of certain provisions of Senate Bill No. 69. First, Amendment No. 683 makes specifying revisions to several sections of Senate Bill No. 69 by substituting the word "person" with "adult" to delineate the group of persons to which the provisions on certification and regulation of peer-support recovery service providers apply.

Second, the amendment revises provisions on peer-recovery support services involving minors. In several sections of Senate Bill No. 69 concerning the protection of minors, Senate Amendment No. 683 deletes "to a minor" and adds "regular and substantial contact with minors," which broadens the conditions under which the provisions for the protection of minors apply. In the same sections of Senate Bill No. 69 concerning with the protection of minors, Amendment No. 683 revises the conditions under which an employer, a person or an entity is prohibited from employing a person as provider of peer-recovery support services involving a minor and the process of which these conditions must be assessed. In section 15.6 of Senate Bill No. 69, which establishes the process through which a person's eligibility of employment as peer-recovery support service provider involving a minor is evaluated, Amendment No. 683 substitutes "background check" with "screening." Amendment No. 683 further revises this section to include "certain sexual conduct regarding minors" in the screening process, which, if found, prohibits an employer, a person or an entity from employing a person for peer-recovery support services involving a minor.

Amendment adopted.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 69 makes various changes related to behavioral health. The bill removes provisions for the licensing and regulation of peer-support recovery organizations, and instead, prescribes requirements for the certification and regulation of persons who provide peer-support recovery services for compensation, as a regular part of their job duties. It also identifies the Nevada Certification Board as responsible for certifying peer-recovery support specialists and peer-recovery support specialist supervisors. If the Nevada Certification Board, or its successor organization, ceases to certify such persons, then the Division of Public and Behavioral Health of DHHS is responsible for their certification and regulation pursuant to Senate Bill No. 69.

Additionally, Senate Bill No. 69 provides that the Department of Education develop, maintain and publish a list of evidence-based curricula and programs concerning substance misuse and substance-use disorders. The bill further requires the board of trustees of each school district and the governing body of each charter school to submit a report describing any such curricula or program used or offered during school year 2020-2021 to the Legislative Committee on Education.

Senate Bill No. 69 also provides that schools must participate in the biennial Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention, but that individual pupils and their parents or guardians may choose not to participate or have their child participate in the survey.

Finally, the bill requires the State Board of Health to adopt regulations providing for the certification of substance-use-disorder prevention coalitions and prescribes the duties of a certified substance-use-disorder prevention coalition.

Roll call on Senate Bill No. 69:

YEAS—21.

NAYS—None.

Senate Bill No. 69 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 76.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 696.

Sections 5 and 54 of this act are the only sections affected by this amendment.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to submit a plan to improve the achievement of pupils enrolled in public schools in this State each year to certain entities. (NRS 385.111) Section 1 of this bill instead requires the State Board to submit such a plan every 5 years.

Existing law requires a direct supervisor who receives a monthly report of bullying or cyber-bullying incidents to submit a report to the Office for a Safe and Respectful Learning Environment each calendar quarter that includes certain information. (NRS 388.1351) Section 6 of this bill instead requires a direct supervisor to submit such a report semiannually.

Existing law requires the ratio of pupils per licensed teacher in each school district not to exceed a certain amount for each quarter of the school year. Existing law further requires a school district to request a variance from such requirement in certain circumstances for the next quarter of the current school year. Section 10 of this bill instead requires a school district to request such a variance for the entirety of the school year. Existing law also requires the State Board of Education to submit a report on each variance requested by a school district to the Interim Finance Committee each quarter. (NRS 388.700) Section 10 requires the State Board to submit such a report on an annual basis.

Existing law requires the Superintendent of Public Instruction to establish the Advisory Council for Family Engagement, which must include a member of the Senate and a member of the Assembly. (NRS 385.610) Section 3 of this bill removes the requirement to appoint a member of the Senate and the Assembly to the Advisory Council and establishes a quorum for the Advisory Council. Existing law also requires the Superintendent of Public Instruction to establish the Advisory Committee on Language Development for Children

Who Are Deaf, Hard of Hearing, Blind or Visually Impaired within the Department of Education and appoint members to the Committee. (NRS 388.5175) Section 8 of this bill instead requires an advisory panel established pursuant to federal law to appoint members to the Committee and revises the requirements to serve on the Committee.

~~[Existing law requires the Governor to appoint a committee on statewide school safety and requires the committee to evaluate and make recommendations to the Governor and Department of Education regarding certain issues relating to school safety. (NRS 388.1324) Sections 5 and 54 of this bill: (1) instead require the Superintendent of Public Instruction to appoint the committee; (2) eliminate the duty of the committee to report to the Governor; and (3) make the purpose of the committee to provide nonbinding advice and assistance to the Superintendent, State Board and Department in the exercise of their duties regarding school safety.]~~ Existing law creates the Teachers and Leaders Council of Nevada and requires the Council to make certain recommendations to the State Board of Education concerning the statewide performance evaluation system for teachers and administrators. (NRS 391.455, 391.460) Sections 30-34, 40 and 47 of this bill change the name of this entity to the Teachers and Leaders Advisory Council of Nevada and clarify that the purpose of the Advisory Council is to provide nonbinding advice and assistance to the Superintendent, State Board and Department of Education in the exercise of their duties. Existing law: (1) creates the Nevada State Teacher Recruitment and Retention Advisory Task Force; (2) requires the Legislative Committee on Education to appoint the members of the Task Force; and (3) requires the Task Force to evaluate and make recommendations to the Legislative Committee on Education regarding the recruitment and retention of teachers. (NRS 391.490-391.496) Sections 35-37 and 59 of this bill: (1) instead require the Superintendent of Public Instruction to appoint the members of the Task Force; (2) require the Task Force to instead make recommendations to the Department of Education and submit an annual report to the Superintendent; and (3) make the purpose of the Task Force to provide nonbinding advice and assistance to the Superintendent, State Board and Department in the exercise of their duties regarding recruitment and retention of teachers.

Existing law requires the State Board of Education to prepare a plan to improve the achievement of pupils enrolled in public school in this State. (NRS 385.111) Section 65 of this bill repeals a requirement that the Department of Education, in conjunction with the State Board of Education, report on the state of public education in this State. (NRS 385.230) Section 7 of this bill makes a conforming change.

Section 4.5 of this bill removes a requirement for the Department of Education to provide administrative support to the Nevada Commission on Mentoring. (NRS 385.760)

Existing law establishes various commissions, councils, networks and governing bodies, including, without limitation, the State Financial Literacy

Advisory Council, the Commission on Educational Technology, the Competency-Based Education Network, the Council to Establish Academic Standards for Public Schools and the Statewide Council for the Coordination of the Regional Training Programs. (NRS 388.790, 389.220, 389.510, 391A.130) Section 65 of this bill abolishes those commissions, councils and networks. Sections 55-58, 60 and 62 of this bill make conforming changes as a result of the abolition of such entities. Existing law requires the Department of Education to establish a pilot program to provide competency-based education. (NRS 389.200-389.230) Existing law also requires the State Board of Education to adopt regulations prescribing end-of-course examinations. (NRS 390.700) Section 65 abolishes the requirements to establish a pilot program to provide competency-based education and to adopt regulations prescribing end-of-course examinations. Section 16.5 of this bill makes a conforming change relating to end-of-course examinations.

Existing law requires each school district and charter school to enter into cooperative agreements with a community college, state college or university to offer dual credit courses. (NRS 389.300, 389.310) Section 19.5 of this bill authorizes a school district or charter school to enter into a cooperative agreement with a community college, state college or university located outside of this State in certain circumstances. Section 18.5 of this bill makes a conforming change relating to dual credit courses.

Existing law imposes certain duties on the State Financial Literacy Advisory Council, the Commission on Educational Technology, the Council to Establish Academic Standards for Public Schools and the Statewide Council for the Coordination of the Regional Training Programs. (NRS 385.635, 388.5968, 388.800, 388.805, 388.810, 388.815, 389.520, 389.525, 389.530, 390.105, 390.115, 391A.125, 391A.135, 391A.165-391A.190, 396.5195) Sections 4, 12-15, 20-22, 25, 26, 40-43, 48 and 51 of this bill transfer those duties to the Department of Education. Section 39 of this bill clarifies that the regional training programs serve teachers and administrators who are employed by charter schools in addition to those employed by school districts. Section 49 of this bill transfers certain duties of the State Board of Education to the Department and removes a requirement for the Superintendent of Public Instruction to submit certain reports relating to gifts and grants. Section 41.5 of this bill provides that the employee of the Department of Education serving on the governing body of a regional training program is a voting member. Section 11 of this bill makes a conforming change relating to the Commission on Educational Technology. Sections 2, 16, 18, 23, 24, 27-29, 47 and 52 of this bill make conforming changes relating to the Council to Establish Academic Standards. Sections 1 and 50 of this bill make conforming changes relating to the Statewide Council for the Coordination of the Regional Training Programs. Section 38 of this bill makes a conforming change relating to the governing bodies of the regional training programs.

Existing law requires the Superintendent of Public Instruction and the Department of Education to conduct independent evaluations of certain grants

and programs, including, without limitation, grants from the Great Teaching and Leading Fund, Zoom schools, Victory schools, and literacy programs. (NRS 391A.515, sections 1 and 2 of chapter 554, Statutes of Nevada 2019, at pages 3460, 3466, section 15 of chapter 334, Statutes of Nevada 2015, as amended by chapter 634, Statutes of Nevada 2019, at page 4499) Sections 50, 52.3, 52.5 and 52.7 of this bill revise the requirements for such an evaluation. Existing law also requires the Department to submit certain reports relating to the New Nevada Education Funding Plan, Zoom schools and Victory schools. (NRS 387.139, section 1 of chapter 554, Statutes of Nevada 2019, at page 3460) Sections 4.7, 52.3, 52.5 and 52.7 of this bill remove those requirements.

Section 5 of Senate Bill No. 76 First Reprint is hereby amended as follows:

Sec. 5. ~~[NRS 388.1324 is hereby amended to read as follows:~~
~~388.1324 1. The [Governor] Superintendent of Public Instruction shall~~
~~appoint a committee on statewide school safety. Appointments must be made~~
~~to represent each of the geographic areas of the State.~~
~~2. The committee must consist of [:~~
~~(a) One representative of the Department of Education;~~
~~(b) One representative of the Department of Public Safety;~~
~~(c) One representative of the Division of Emergency Management of the~~
~~Department of Public Safety;~~
~~(d) One representative of the Department of Health and Human Services;~~
~~(e) One representative who is a licensed teacher in this State;~~
~~(f) One representative who is the principal of a school in this State;~~
~~(g) One superintendent of a school district in this State;~~
~~(h) One school resource officer assigned to a school in this State;~~
~~(i) One person employed as a paraprofessional, as defined in NRS 391.008,~~
~~by a school in this State;~~
~~(j) One school psychologist employed by a school in this State;~~
~~(k) One provider of mental health other than a psychologist who provides~~
~~services to pupils at a school in this State;~~
~~(l) The State Fire Marshal or his or her designee;~~
~~(m) One parent or legal guardian of a pupil enrolled in a school in this State;~~
~~(n) At least two pupils enrolled in a school in this State; and~~
~~(o) Any other representative] the number of members that the [Governor]~~
~~Superintendent of Public Instruction deems appropriate [.] , which must~~
~~include, without limitation, members who have expertise in the fields of~~
~~education, public safety, emergency management, public health and protection~~
~~from fire.~~
~~3. The committee shall:~~
~~(a) [Establish] Recommend methods which facilitate the ability of a pupil~~
~~enrolled in a school in this State to express his or her ideas related to school~~
~~safety and the well being of pupils enrolled in schools in this State;~~
~~(b) Evaluate the impact of social media on school safety and the well being~~
~~of pupils enrolled in schools in this State; and~~

~~(c) Discuss and make recommendations to the [Governor and the Department related to the findings of the committee.~~

~~4. The Department shall provide administrative support to the Task Force.~~

~~5. The purpose of the committee is to provide nonbinding advice and assistance to the Superintendent of Public Instruction, State Board and Department in the exercise of their duties regarding school safety.~~

~~6. As used in this section, "social media" has the meaning ascribed to it in NRS 232.003.~~ (Deleted by amendment.)

Section 54 of Senate Bill No. 76 First Reprint is hereby amended as follows:

Sec. 54. ~~[1. The terms of all members of the committee on statewide school safety created by NRS 388.1324 who are incumbent on June 30, 2021, expire on that date.~~

~~2. As soon as practicable after July 1, 2021, the Superintendent of Public Instruction shall appoint members to the committee.]~~ (Deleted by amendment.)

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Senate Amendment No. 696 to Senate Bill No. 76 eliminates sections 5 and 54 of the bill that would have revised the appointment and duties of the committee on Statewide school safety.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 76 makes changes to the membership, duties and reporting requirements of several education-related councils, committees and other entities. The bill abolishes several entities and transfers certain duties of those bodies to the Nevada Department of Education. Senate Bill No. 76 changes the submission and reporting requirements of the plan to improve the achievement of pupils, currently provided by the State Board of Education, to report bullying or cyber-bullying incidents, currently provided by school personnel, and variance requests regarding pupil-to-teacher ratios, currently provided by school districts and the State Board of Education. Finally, Senate Bill No. 76 abolishes the requirements to establish a pilot program to provide competency-based education and to adopt regulations prescribing end-of-course examinations.

Roll call on Senate Bill No. 76:

YEAS—21.

NAYS—None.

Senate Bill No. 76 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 701.

SUMMARY—Revises provisions relating to Medicaid. (BDR 38-193)

AN ACT relating to Medicaid; authorizing a recipient of Medicaid to receive reimbursements for personal care services; suspending eligibility for Medicaid of a person who is incarcerated to the extent possible; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) Existing law also requires Medicaid to cover certain home and community-based services for persons with physical disabilities, including supported personal care. (NRS 422.396) Section 2 of this bill requires the Director of the Department to include in the State Plan for Medicaid authorization for a recipient of Medicaid to directly receive reimbursements for personal care services provided by a personal care assistant or an agency to provide personal care services in the home and paid for by the recipient.

Section 3 of this bill provides that, to the extent possible: (1) the eligibility of a person for Medicaid must be suspended, rather than terminated, when a person is incarcerated; and (2) if a recipient of Medicaid is incarcerated, the eligibility of the person for and coverage under Medicaid must be reinstated as soon as possible upon his or her release.

Section 4 of this bill makes a conforming change to provide that the provisions of sections 2 and 3 would be administered by the same agency that administers existing law governing Medicaid.

Section 4.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the State's share of the costs of personal care services for recipients of Medicaid under the self-directed model required by section 2 of this bill.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid authorization for a recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursements for personal care services covered by Medicaid and use that money to pay for services provided by a personal care assistant acting pursuant to NRS 629.091 or an agency to provide personal care services in the home using a self-directed model.*

2. *As used in this section:*

(a) *"Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.*

(b) *"Personal care services" means the services described in NRS 449.1935.*

Sec. 3. 1. *To the extent not prohibited by federal law, the Department shall:*

(a) *Suspend, rather than terminate, the eligibility for Medicaid of a person who is incarcerated for the amount of time authorized by regulation pursuant to subsection 2; and*

(b) Reinstate the person's eligibility for and coverage under Medicaid as soon as possible upon his or her release from incarceration if the person otherwise meets the requirements to be eligible for Medicaid at that time.

2. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe the amount of time that the eligibility of a person for Medicaid may be suspended pursuant to this section before being terminated.

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 sections 2 and 3 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services to pay the State's share of the costs of personal care services for recipients of Medicaid under the self-directed model required by section 2 of this act the following sums:

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

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

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, ~~and~~ 4 and 4.5 of this act become effective on July 1, 2021.

3. Section 3 of this act becomes effective:

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

(b) On January 1, 2023, for all other purposes.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 701 amends Senate Bill No. 93 by adding section 4.5 to appropriate General Funds of \$50,895 in Fiscal Year 2022 and \$104,354 in Fiscal Year 2023 to the Division of Health

Care Financing and Policy for projected costs associated with a self-directed model for personal-care services for Medicaid recipients.

Amendment adopted.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 93 requires the Director of DHHS to include in the State Plan for Medicaid authorization for a Medicaid recipient to directly receive reimbursements for certain covered personal-care services, with reimbursements used to pay for services provided by a personal-care assistant using a self-directed model of care. It also appropriates General Funds of \$50,895 in Fiscal Year 2022 and \$104,354 in Fiscal Year 2023 to the Division of Health Care Financing and Policy for associated projected costs.

Senate Bill No. 93 requires the Department, to the extent not prohibited by federal law, to suspend, rather than terminate, Medicaid eligibility for people who are incarcerated. Eligibility must be reinstated as soon as possible following release from incarceration if the person otherwise meets eligibility requirements.

Roll call on Senate Bill No. 93:

YEAS—21.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 147.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 699.

SUMMARY—Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons. (BDR 14-377)

AN ACT relating to criminal procedure; authorizing a victim to request that a court issue an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring the court to consider such a request; establishing provisions relating to the expiration and renewal of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring a copy of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons to be transmitted to the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order may be punished for unlawful trespass and dealt with for contempt of court; revising the acts constituting unlawful trespass; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court under certain circumstances, before convicting and releasing a person, to impose reasonable conditions on the person as it deems necessary for certain purposes, including, without limitation, a condition that prohibits the person from contacting or attempting to contact a specific person or causing or attempting to cause another person

to contact that person. (NRS 178.484, 178.4851) Section 1 of this bill: (1) authorizes a victim to request that a court issue an order imposing a condition of release that prohibits such contact or attempted contact; (2) requires the court to consider such a request; (3) provides that an order imposing a condition of release that prohibits such contact or attempted contact, or a modification thereof, expires within 120 calendar days after the issuance of the order; (4) authorizes the court to renew the order for good cause shown; (5) requires a court to transmit to the Central Repository for Nevada Records of Criminal History a copy of an order imposing, modifying, suspending or canceling a condition that prohibits such contact or attempted contact; and (6) provides that a person who knowingly violates an order imposing a condition that prohibits such contact or attempted contact may be punished for unlawful trespass and dealt with as for contempt of court. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. (NRS 207.200) Section 3 of this bill extends the acts which constitute such unlawful conduct to include being on public or private property in violation of an order imposing a condition of release prohibiting contact.

Section 4 of this bill makes an appropriation from the State General Fund to the Central Repository for Nevada Records of Criminal History for the costs of computer programming to carry out the provisions of this bill.

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Before a court makes a determination of bail concerning a person, a victim may request that a court issue an order imposing a condition of release prohibiting contact.*

2. *A court shall consider a request described in subsection 1.*

3. *An order imposing a condition of release prohibiting contact, and any modification thereof, expires within such time, not to exceed 120 calendar days, as the court fixes.*

4. *The court may, before the expiration of an order imposing a condition of release prohibiting contact and upon motion or at the discretion of the court, after notice and a hearing, renew the order for good cause shown.*

5. *After the court issues an order imposing, modifying, suspending or canceling a condition of release prohibiting contact, the court shall transmit, as soon as practicable, a copy of the order to the Central Repository for Nevada Records of Criminal History.*

6. *A person who knowingly violates an order imposing a condition of release prohibiting contact may be:*

- (a) Punished for unlawful trespass pursuant to NRS 207.200; and
- (b) Dealt with as for contempt of court.

7. Nothing in this section shall be construed to require a court to receive a request pursuant to subsection 1 before issuing an order imposing a condition of release prohibiting contact.

8. As used in this section:

(a) "Cancel" includes, without limitation, any act that would effectively terminate a condition of release prohibiting contact, including, without limitation:

- (1) The dismissal of the action or proceeding against the person;
- (2) The conviction of the person; or
- (3) The acquittal of the person.

(b) "Condition of release prohibiting contact" means a condition placed on a person who is released before conviction pursuant to NRS 178.484 or 178.4851 that prohibits the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf.

Sec. 2. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, and section 1 of this act, unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

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

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

Sec. 3. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; ~~or~~

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass ~~to~~; or

(c) Is found on private or public property in violation of an order imposing a condition of release prohibiting contact issued pursuant to section 1 of this act,

is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) Painting with fluorescent orange paint:

(1) Not less than 50 square inches of a structure or natural object or the top 12 inches of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) Fencing the area;

(c) Posting "no trespassing" signs or other notice of like meaning at:

(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 500 feet; and

(2) Each corner of the land, upon or near the boundary;

(d) Using the area as cultivated land; or

(e) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section:

(a) "Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop.

(b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.

(c) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of \$44,522 for the costs of computer programming to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on October 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 699 to Senate Bill No. 147 establishes section 4, which makes a \$44,522 General Fund appropriation to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 147 authorizes a victim to request that a court issue an order imposing a condition of release prohibiting contact prior to a court making a determination of bail concerning a person. In addition, Senate Bill No. 147 requires a copy of such order imposing a condition of release that prohibits the contact or attempted contact of certain persons be transmitted to the Central Repository for Nevada Records of Criminal History. Senate Bill No. 147 also provides that a person who knowingly violates any such order may be held in contempt of court and punished for unlawful trespass.

Senate Bill No. 147 makes a one-time appropriation of \$44,522 in State General Funds to the Central Repository for Nevada Records of Criminal History of the Records, Communications and Compliance Division of the Department of Public Safety to fund the cost of computer programming to carry out the provisions of this act.

Roll call on Senate Bill No. 147:

YEAS—21.

NAYS—None.

Senate Bill No. 147 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 700.

SUMMARY—Establishes requirements relating to testing for sexually transmitted diseases. (BDR 40-563)

AN ACT relating to public health; requiring certain providers of emergency medical services in a hospital or primary care to consult with certain patients as to whether they wish to be tested for sexually transmitted diseases; requiring such a provider to test a patient who wishes to be tested or assist the patient in obtaining a test where practicable and medically indicated; requiring a hospital to ensure the performance of such consultation and testing under certain circumstances; authorizing the imposition of discipline against a hospital or provider for certain violations; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes requirements concerning the control, prevention and treatment of the human immunodeficiency virus and other sexually transmitted diseases. (NRS 441A.240-441A.336) Section 1 of this bill

requires, with certain exceptions, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is at least 15 years of age to: (1) consult with the patient to ascertain whether he or she wishes to be tested or assisted with obtaining testing for sexually transmitted diseases and to determine which tests, if any, are medically indicated; and (2) to the extent practicable and that testing is medically indicated, test a patient who wishes to be tested for sexually transmitted diseases or help such a patient obtain a test. Section 1 similarly requires a hospital that provides emergency medical service or primary care to a patient who is at least 15 years of age to ensure such consultation and the provision of such testing or assistance. A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with those requirements if the patient is being treated for a life-threatening emergency, has recently been offered or undergone such a test or lacks the capacity to consent to testing. Sections 1-6 of this bill provide that a hospital, physician, physician assistant, advanced practice registered nurse or midwife that fails to comply with the requirements of section 1 is not subject to a criminal penalty or an administrative fine imposed by the State Board of Health, but is subject to disciplinary action where applicable. Section 6.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of providing testing to persons who are covered by Medicaid.

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

Section 1. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:*

(a) Consult with the patient to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, conduct any test which is medically indicated for the patient or assist the patient with obtaining any such test, to the extent practicable for the physician, physician assistant, advance practice registered nurse or midwife.

2. *Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:*

(a) *Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and*

(b) *If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.*

3. *A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if the physician, physician assistant, advanced practice registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:*

(a) *Is being treated for a life-threatening emergency;*

(b) *Has recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or*

(c) *Lacks capacity to consent to such testing.*

4. *The Board shall adopt regulations to ensure that:*

(a) *Any test which is administered to a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and*

(b) *Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.*

5. *A physician, physician assistant, advanced practice registered nurse, midwife or hospital that fails to comply with the provisions of this section:*

(a) *Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and*

(b) *Is subject to disciplinary action, where applicable.*

6. *As used in this section:*

(a) *"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.*

(b) *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 2. NRS 441A.910 is hereby amended to read as follows:

441A.910 Except as otherwise provided ~~in~~ in section 1 of this act, every person who violates any provision of this chapter is guilty of a misdemeanor.

Sec. 3. NRS 441A.920 is hereby amended to read as follows:

441A.920 ~~Every~~ Except as otherwise provided in section 1 of this act, every provider of health care, medical facility or medical laboratory that willfully fails, neglects or refuses to comply with any regulation of the Board relating to the reporting of a communicable disease or drug overdose or any requirement of this chapter is guilty of a misdemeanor and, in addition, may be subject to an administrative fine of \$1,000 for each violation, as determined by the Board.

Sec. 3.5. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486 ~~[-]~~ or *section 1 of this act and any regulations adopted pursuant thereto.*

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 4. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or

applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

(v) *Failure to comply with the provisions of section 1 of this act or any regulations adopted pursuant thereto.*

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 5. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

- (1) Involving moral turpitude; or
- (2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,
 - ➔ in which case the record of conviction is conclusive evidence thereof.
- (c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.
- (d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.
- (e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.
- (f) Is a person with mental incompetence.
- (g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:
 - (1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.
 - (2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.
 - (3) Impersonating another licensed practitioner or holder of a certificate.
 - (4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.
 - (5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.
 - (6) Physical, verbal or psychological abuse of a patient.
 - (7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.
 - (h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.
 - (i) Is guilty of aiding or abetting any person in a violation of this chapter.
 - (j) Has falsified an entry on a patient's medical chart concerning a controlled substance.
 - (k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.
 - (l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

(u) *Has failed to comply with the provisions of section 1 of this act or any regulations adopted pursuant thereto.*

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

(z) *Failure to comply with the provisions of section 1 of this act or any regulations adopted pursuant thereto.*

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of providing testing pursuant to the provisions of this act to persons who are covered by Medicaid the following sums:

For the Fiscal Year 2021-2022 \$25,074

For the Fiscal Year 2022-2023..... \$21,431

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 7. This act becomes effective on July 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Senate Amendment No. 700 amends Senate Bill No. 211 to add section 6.5 to appropriate General Funds of \$25,074 in Fiscal Year 2022 and \$21,431 in Fiscal Year 2023 to the Division of Health Care Financing and Policy for costs associated with a projected increase in testing for sexually transmitted diseases for Medicaid recipients.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris

The bill does as described by the amendment.

Roll call on Senate Bill No. 211:

YEAS—21.

NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 725.

SUMMARY—Revises provisions relating to offenses. (BDR 14-249)

AN ACT relating to offenses; revising provisions relating to the collection of delinquent fines, administrative assessments, fees and restitution; revising provisions relating to the suspension of the driver's license of a person; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to suspend the driver's license of a defendant or to prohibit a defendant from applying for a driver's license for a specified period, if the court determines that: (1) the defendant has the ability to pay a delinquent fine, administrative assessment, fee or restitution, but is willfully avoiding payment; or (2) the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent

and the defendant has failed to perform such community service. (NRS 176.064) Section 1 of this bill removes the authority of the court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as the result of any delinquent fine, administrative assessment, fee or restitution owed. Sections 2 and 3 of this bill make conforming changes that are necessary because of the changes in section 1. Section 4 of this bill provides that if, on October 1, 2021, the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment, fee or restitution, then the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. Section 3.5 of this bill makes an appropriation to the Department for the costs of providing such notification. Section 4 also provides that the Department may not charge any fee for the reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for reinstatement of a driver's license.

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

Section 1. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take the following actions:

(a) Request that the court take appropriate action pursuant to subsection 3.

(b) If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as

compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take the following actions:

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

~~(b) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.~~

~~—(c)}~~ If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special

fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

5. Any collection fee imposed pursuant to subsection 1 must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment. As used in this subsection, "case" means a single complaint, citation, information or indictment naming a single defendant that is based on the same act or transaction or based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

Sec. 2. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,
 ➡ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

- (a) The reason for the suspension of the license;
- (b) The information set forth in subsections 3, 5 and 6; and
- (c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 . ~~for 176.064.~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~[, from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged]~~ or from a judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 3. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 9 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➡ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant

to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of not less than 185 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or

delay in the issuance of a license pursuant to title 5 of NRS, NRS ~~[176.064,]~~ 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 3.5. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of \$14,950 for the costs of providing the notification required by section 4 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 4. 1. If, on October 1, 2021, a person is subject to:

(a) Suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 176.064; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 176.064,

➡ then the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 5. The amendatory provisions of this act apply to offenses committed before, on or after October 1, 2021.

Sec. 6. 1. This section and section 3.5 of this act become effective on July 1, 2021.

2. Sections 1, 2, 3, 4 and 5 of this act become effective on October 1, 2021.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Senate Amendment No. 725 amends Senate Bill No. 219 to provide Highway Fund appropriations of \$14,950 to DMV for the cost of data mailers used to notify license holders of lifted suspensions.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 219 removes the authority of a court to suspend a driver's license or prohibit a defendant from applying for a driver's license for a specified period as the result of any delinquent fine, administrative assessment, fee or restitution owed by the defendant.

The bill requires the DMV to reinstate the driver's license of a person whose license was suspended and reinstate the ability of a person to apply for a license if the suspension or delay was a result of any unpaid delinquent fine, administrative assessment, fee or restitution. Further, the bill provides that DMV may not charge a fee for the reinstatement of a driver's license or require an individual to undergo any physical or mental examination to be eligible for reinstatement of a driver's license. The bill provides Highway Fund appropriations of \$14,950 to DMV for the cost of data mailers used to notify license holders of lifted suspensions.

Roll call on Senate Bill No. 219:

YEAS—17.

NAYS—Goicoechea, Hansen, Pickard, Settelmeyer—4.

Senate Bill No. 219 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 236.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 724.

SUMMARY—Makes various changes relating to public safety.
(BDR 23-217)

AN ACT relating to public safety; requiring law enforcement agencies to establish early warning systems to identify peace officers who display bias indicators or other problematic behavior; ~~authorizing the Peace Officers' Standards and Training Commission to adopt regulations relating to such early warning systems;~~ establishing provisions relating to the recording, collection and review of information concerning traffic stops made by law enforcement officers; imposing certain duties on the Department of Public Safety and law enforcement agencies regarding the recording, collection and review of such information; authorizing the Department to adopt regulations relating to the recording, collection and review of such information; requiring the Legislative Commission to appoint a committee to conduct an interim study relating to the establishment of crisis response call centers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing peace officers and establishes the Peace Officers' Standards and Training Commission (hereinafter "POST"), which generally provides for the training and education of peace officers. (Chapter 289 of NRS) Section 1 of this bill requires every law enforcement agency to establish an early warning system for the purpose of identifying peace officers employed by the law enforcement agency who display bias indicators or other problematic behavior. Section 1 requires that if a peace

officer is identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer is required to increase its supervision of the peace officer and provide additional training and, if appropriate, counseling to the peace officer. If a peace officer is repeatedly identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer is required to consider the consequences that should be imposed, including transferring the peace officer from any high-profile assignments or subjecting the peace officer to any discipline. ~~[Section 1 also authorizes POST to adopt any regulations necessary to carry out the provisions relating to such early warning systems.]~~

Existing law establishes provisions relating to the rules of the roads in this State. (Chapter 484B of NRS) Sections 7-21 of this bill establish provisions relating to the recording, collection and review of information concerning traffic stops made by law enforcement officers. Section 17 of this bill requires the Department of Public Safety to develop and implement, not later than January 1, 2022: (1) a standardized method to be used by law enforcement officers to record certain information concerning traffic stops ~~in~~ in an electronic traffic citation system, including certain demographic information of the person who was stopped; and (2) training and procedures to facilitate the collection of such information. Section 17 also requires: (1) law enforcement officers that make a traffic stop for which a citation is issued through an electronic traffic citation system to record such information during the period beginning on January 1, 2022, and ending on December 31, 2025; and (2) law enforcement agencies that retain such information to report such information for ~~each~~ the previous calendar year to the Department beginning not later than February 1, 2023, ~~and~~ and at least annually thereafter until February 1, 2026. Section 17 additionally requires that any such information be used by the Department for statistical purposes only and provides that any identifying information of a law enforcement officer who performed a traffic stop or a person who was stopped that is collected or held by the Department is confidential.

Section 17.5 of this bill requires the Department, not later than January 1, 2024, to: (1) develop and implement a standardized method to be used by law enforcement officers to record the information required to be recorded pursuant to section 17 concerning traffic stops for which written citations or warnings are issued; (2) develop and implement training and procedures to facilitate the collection of such information; and (3) update written forms for traffic citations to accommodate the collection of such information. Section 17.5 also requires: (1) law enforcement officers that make a traffic stop for which a written citation or warning is issued to record such information during the period beginning on January 1, 2024, and ending on December 31, 2025; and (2) law enforcement agencies that retain such information to report to the Department such information for the previous calendar year not later than February 1, 2025, for the 2024 calendar year and not later than February 1,

2026, for the 2025 calendar year. Section 17.5 additionally requires that any such information be used by the Department for statistical purposes only and provides that any identifying information of a law enforcement officer who performed a traffic stop or a person who was stopped that is collected or held by the Department is confidential.

Section 18 of this bill authorizes the Department, to the extent that money is available, to contract with a third party to review all public information reported by law enforcement agencies concerning traffic stops pursuant to sections 17 and 17.5 and conduct a statistical analysis of the data to identify patterns or practices of profiling. Section 18 requires the Department to seek any available gifts, grants or donations to assist in enabling the Department to contract with a third party to conduct such a statistical analysis. Section 18 also requires such a third party with whom the Department contracts to submit, during the year in which a statistical analysis is conducted, a report of the results of the analysis to the Governor, the Department and the Chairs of the Senate and Assembly Standing Committees on Judiciary. Section 19 of this bill authorizes the Department, after reviewing the report, to provide advice or technical assistance to any law enforcement agency mentioned in the report and, if such advice or technical assistance is provided, requires the Department to present to POST a summary of the advice or technical assistance given.

Section 20 of this bill requires the Department to: (1) record information collected from law enforcement agencies concerning traffic stops that is not confidential in a central repository created by the Department to track data electronically concerning traffic stops on a statewide basis; and (2) make such data available to the public. However, section 25 of this bill provides that, unless the Department is able to perform such duties using existing resources, such requirements only become effective on the date on which federal funding is obtained for the recording, collection and review of information concerning traffic stops made by law enforcement officers.

Section 21 of this bill authorizes the Department to adopt any regulations necessary to carry out the provisions relating to the recording, collection and review of information concerning traffic stops made by law enforcement officers.

Section 22 of this bill requires the Legislative Commission to appoint a committee to conduct an interim study relating to the establishment of crisis response call centers. Section 22 requires that such a study include: (1) an examination of certain proposals relating to responses to non-violent and non-emergency situations; (2) a determination of how information should be provided to the public regarding when to call an emergency number, a non-emergency number or another help line; (3) the consideration of alternative models regarding responses to crises that do not require armed law enforcement officers; and (4) a determination of the feasibility of establishing a pilot program relating to crisis response call centers. Section 22 requires the interim committee to submit a report of its findings and any recommendations

for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each law enforcement agency shall establish an early warning system for the purpose of identifying peace officers employed by the law enforcement agency who:*

(a) *Display bias indicators by, for example:*

- (1) *Having a large number of citizen complaints;*
- (2) *Being part of a large number of incidents involving the use of force;*
- (3) *Making a large number of arrests for resisting an officer;*
- (4) *Having a large number of the arrests that he or she has made result in no charges being filed because of issues such as improper searches or detentions; or*

(5) *Having a negative attitude regarding programs that enhance relations between law enforcement and the community.*

(b) *Display other problematic behavior by, for example:*

- (1) *Having a large number of motor vehicle crashes;*
- (2) *Abusing sick leave; or*
- (3) *Showing any other behavioral signs that are indicative of a decline in performance.*

2. *If a peace officer is identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer shall:*

(a) *Increase its supervision of the peace officer; and*

(b) *Provide additional training and, if appropriate, counseling to the peace officer.*

3. *If a peace officer is repeatedly identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer shall consider the consequences that should be imposed, including, without limitation, whether the peace officer should be transferred from any high-profile assignments or subject to any discipline.*

~~[4. The Peace Officers' Standards and Training Commission may adopt any regulations necessary to carry out the provisions of this section.]~~

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615,

87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303,

604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and ~~section 17~~ sections 17 and 17.5 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in

this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

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

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 6. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 21, inclusive, of this act.

Sec. 7. *As used in sections 7 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 8. *"Department" means the Department of Public Safety.*

Sec. 9. *"Disability" means, with respect to a person:*

1. *A physical or mental impairment that substantially limits one or more of the major life activities of the person;*
2. *A record of such an impairment; or*
3. *Being regarded as having such an impairment.*

Sec. 10. *"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.*

Sec. 11. *"Law enforcement agency" has the meaning ascribed to it in NRS 289.010.*

Sec. 12. *"Law enforcement officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*

Sec. 13. (Deleted by amendment.)

Sec. 14. *"Profiling" means the targeting of a person by a law enforcement agency or a law enforcement officer, on suspicion of the person having violated a provision of law, based solely on the person's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity or expression, sexual orientation, political affiliation, religion, homelessness or disability, unless the law enforcement agency or law enforcement officer is*

acting on a suspect description or information related to an identified or suspected violation of a provision of law.

Sec. 15. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 16. "Traffic stop" means any occasion when the driver of a motor vehicle is halted by a law enforcement officer for an alleged traffic violation or infraction.

Sec. 17. 1. Not later than January 1, 2022, the Department shall develop and implement a standardized method to be used by law enforcement officers to record information concerning traffic stops ~~for~~ in an electronic traffic citation system. The standardized method must require ~~for~~ and any form developed and used pursuant to the standardized method must the electronic traffic citation system to provide for ~~for~~ the following information to be recorded for each stop:

- (a) The date and time of the stop;
- (b) The location of the stop;
- (c) The race, ethnicity, age and sex of the person stopped, based on the observations of the law enforcement officer responsible for reporting the stop;
- (d) The nature of, and the statutory citation for, the alleged violation that caused the stop to be made; and
- (e) The disposition of the stop, including, without limitation, whether:
 - (1) A warning, citation or summons was issued;
 - (2) A search was conducted and, if so:
 - (I) The type of search conducted; and
 - (II) Whether anything was found as a result of the search; and
 - (3) An arrest was made.

2. Not later than January 1, 2022, the Department, in consultation with law enforcement agencies, shall develop and implement training and procedures to facilitate the collection of information concerning traffic stops for which citations are issued through an electronic traffic citation system pursuant to subsection 1.

3. ~~Beginning~~ During the period beginning on January 1, 2022, and ending on December 31, 2025, each law enforcement officer that makes a traffic stop for which a citation is issued through an electronic traffic citation system shall record for each stop the information set forth in paragraphs (a) to (e), inclusive, of subsection 1, and each law enforcement agency shall retain such information.

4. Each law enforcement agency that engages in traffic stops for which citations are issued through an electronic traffic citation system shall report to the Department the information recorded for the previous calendar year pursuant to subsection 3 not later than February 1, 2023, and at least annually thereafter ~~for~~ until February 1, 2026.

5. Information acquired pursuant to this section must be used by the Department only for statistical purposes and not for any other purpose. Any identifying information of a law enforcement officer who performed a traffic

stop or a person who was stopped that is collected or held by the Department is confidential.

Sec. 17.5. 1. Not later than January 1, 2024, the Department shall develop and implement a standardized method to be used by law enforcement officers to record information concerning traffic stops for which written citations or warnings are issued. The standardized method must require the information set forth in paragraphs (a) to (e), inclusive, of subsection 1 of section 17 of this act to be recorded for each stop.

2. Not later than January 1, 2024, the Department, in consultation with law enforcement agencies, shall:

(a) Develop and implement training and procedures to facilitate the collection of information set forth in paragraphs (a) to (e), inclusive, of subsection 1 of section 17 of this act concerning traffic stops for which written citations or warnings are issued; and

(b) Update written forms for traffic citations to accommodate the collection of information set forth in paragraphs (a) to (e), inclusive, of subsection 1 of section 17 of this act.

3. During the period beginning on January 1, 2024, and ending on December 31, 2025, each law enforcement officer that makes a traffic stop for which a written citation or warning is issued shall record for each stop the information set forth in paragraphs (a) to (e), inclusive, of subsection 1 of section 17 of this act, and each law enforcement agency shall retain such information.

4. Each law enforcement agency that engages in traffic stops for which written citations or warnings are issued shall report to the Department the information recorded for the previous calendar year pursuant to subsection 3 not later than February 1, 2025, for the 2024 calendar year and not later than February 1, 2026, for the 2025 calendar year.

5. Information acquired pursuant to this section must be used by the Department only for statistical purposes and not for any other purpose. Any identifying information of a law enforcement officer who performed a traffic stop or a person who was stopped that is collected or held by the Department is confidential.

Sec. 18. 1. To the extent that money is available, the Department may contract with a third party to review all public information, including, without limitation, the prevalence and disposition of traffic stops reported by law enforcement agencies pursuant to ~~section 17~~ sections 17 and 17.5 of this act, and conduct a statistical analysis of the data for the purpose of identifying patterns or practices of profiling.

2. If a third party with whom the Department contracts pursuant to subsection 1 conducts a statistical analysis, the third party must, not later than December 31 of the year in which the statistical analysis is conducted, report the results of the analysis to the Governor, the Department, the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary.

3. *The Department shall seek any available gifts, grants or donations to assist in enabling the Department to contract with a third party pursuant to subsection 1.*

Sec. 19. 1. *The Department shall review any reports provided to the Department by the third party with whom the Department contracts pursuant to subsection 1 of section 18 of this act.*

2. *After reviewing a report, the Department may provide advice or technical assistance to any law enforcement agency mentioned in the report. Any advice or technical assistance provided must be based on best practices in policing as determined by the Peace Officers' Standards and Training Commission.*

3. *Upon providing advice or technical assistance to a law enforcement agency pursuant to subsection 2, the Department shall, within a reasonable period, present to the Peace Officers' Standards and Training Commission a summary of the advice or technical assistance given. The presentation must be open to the public, feature live testimony by presenters and be held in accordance with chapter 241 of NRS.*

Sec. 20. *The Department shall:*

1. *Record information reported to the Department pursuant to subsection 4 of section 17 and subsection 4 of section 17.5 of this act, other than any identifying information of a law enforcement officer who performed a traffic stop or a person who was stopped that is confidential pursuant to subsection 5 of section 17 or subsection 5 of section 17.5 of this act, in a central repository created by the Department to track data electronically concerning traffic stops on a statewide basis; and*

2. *Make such recorded data available to the public for the purpose of allowing the inspection of statistical information concerning traffic stops, including, without limitation, the race and ethnicity of the driver with regard to all traffic stops made on all public roads other than those classified as local or minor rural roads.*

Sec. 21. *The Department may adopt any regulations necessary to carry out the provisions of sections 7 to 21, inclusive, of this act.*

Sec. 22. 1. *The Legislative Commission shall appoint a committee to conduct an interim study relating to the establishment of crisis response call centers.*

2. *The interim committee must be composed of six Legislators selected as follows:*

(a) *Two members of the Senate appointed by the Majority Leader of the Senate;*

(b) *Two members of the Assembly appointed by the Speaker of the Assembly;*

(c) *One member of the Senate appointed by the Minority Leader of the Senate; and*

(d) *One member of the Assembly appointed by the Minority Leader of the Assembly.*

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. The study must include, without limitation:

(a) An examination of the following proposals, including, without limitation, the feasibility of such proposals and any effects thereof:

(1) Pairing peace officers with mental health specialists, social workers or counselors for any mental health calls that address a non-violent situation;

(2) Having community service officers who are not armed respond to non-emergency calls and whether that would require the creation of a new department; and

(3) Expanding existing response teams across the State.

(b) A determination of which situations are considered to be low-risk and which crimes are considered to be non-violent and how best to provide information to the public as to when a person should call an emergency number, a non-emergency number or another help line.

(c) The consideration of alternative models for responses to crises using resources that do not require armed law enforcement officers, including, without limitation, responses to mental health crises, issues relating to homelessness or other situations in which responding with alternative resources is more appropriate than responding with armed law enforcement officers.

(d) A determination of the feasibility of establishing a pilot program relating to crisis response call centers.

5. On or before September 1, 2022, the interim committee shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 23. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 24. 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. 25. 1. This section and sections 17, 17.5, 21 and 22 of this act become effective upon passage and approval.

2. Sections 6 to 16, inclusive, ~~and~~ 18 and 19 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of sections 7 to 19, inclusive, of this act; and

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

3. Sections 1 to 5, inclusive, 23 and 24 of this act become effective on October 1, 2021.

4. Section 20 of this act becomes effective:

(a) On October 1, 2021, if the Department of Public Safety is able to perform its duties under section 20 of this act using existing resources; or

(b) On the date on which federal funding is obtained to carry out the provisions of sections 7 to 21, inclusive, of this act if the Department of Public Safety is not able to perform its duties under section 20 of this act using existing resources.

Senator Harris moved the adoption of the amendment.

Remarks by Senators Harris and Hammond.

SENATOR HARRIS:

Senate Amendment No. 724 to Senate Bill No. 236 removes the authorization in section 1 for the POST Commission to adopt any regulations necessary to carry out the provision of this section. Senate Amendment No. 724 revises section 17 to clarify that the Department of Public Safety, not later than January 1, 2022, shall develop and implement a standardized method to be used by law enforcement officers to record information concerning traffic stops in an electronic, traffic-citation system. Law enforcement officers must begin recording such information during the period beginning on January 1, 2022, and ending on December 31, 2025, and law enforcement agencies must report such information annually to the Department no later than February 1 for the previous calendar year until February 1, 2026.

Amendment No. 724 adds section 17.5, which requires the Department of Public Safety, not later than January 1, 2024, to develop and implement a standardized method to be used by law enforcement officers to record certain information concerning traffic stops for which written citations or warnings are issued. It requires the Department to develop and implement training and procedures to facilitate the collection of such information and update written forms for traffic citations to accommodate the collection of such information. Law enforcement officers must begin recording such information during the period beginning on January 1, 2024, and ending on December 31, 2025, and law enforcement agencies must report such information to the Department no later than February 1 for the previous calendar year.

SENATOR HAMMOND:

During testimony in the Finance Committee, the police officers indicated they would be okay with the bill if everything was done electronically. I want to make sure this bill puts everything in electronic form and we are not asking the police officers to do it any other way so we are not adding additional employees to do this.

SENATOR HARRIS:

There will be data collection throughout the electronic system that officers already use. Those officers who use written citations will not be required to collect the data until those written citation books are updated to include the additional pieces of data collection they have to use.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 236 requires every law enforcement agency to establish an early-warning system for the purpose of identifying peace officers employed by the law enforcement agency who display bias indicators or other problematic behavior. If such a peace officer is identified, the law enforcement agency is required to increase its supervision of the officer and provide additional training and consider further consequences if the problematic behavior is repeatedly identified.

Senate Bill No. 236 requires the Department of Public Safety to develop and implement, not later than January 1, 2022, a standardized method to be used by law enforcement officers to record certain information concerning traffic stops in an electronic, traffic-citation system, including certain demographic information of the person who was stopped. Law enforcement officers that make a traffic stop for which a citation is issued must record such information for a certain period of time and report the information to the Department.

Senate Bill No. 236 requires the Department to record information collected from law enforcement agencies concerning traffic stops that is not confidential in a central repository

created by the Department and make such data available to the public. This requirement becomes effective when federal funding is obtained for this purpose.

Senate Bill No. 236 requires the Legislative Commission to appoint a committee to conduct an interim study relating to the establishment of crisis-response call centers with a report of the Interim Committee's findings submitted to the Governor and the 82nd Session of the Nevada Legislature.

Senate Bill No. 236 is a huge leap forward. In order to find out if there is a problem, we must start by collecting data. We have done this once with looking at traffic stops, and the data collection was not ideal. This takes that a step farther. We will have a chance to know what is happening on the streets of our State and make that information available to other Nevadans. It additionally provides a mechanism by which law enforcement agencies can identify officers who may need additional training to address the bias that sometimes manifests itself while they are doing their job. I urge the support of the Body.

Roll call on Senate Bill No. 236:

YEAS—12.

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

Senate Bill No. 236 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bill No. 440 be taken from the Secretary's desk and placed at the top of the General File.

Motion carried.

Senator Cannizzaro moved that Assembly Bill No. 396 be taken from the Secretary's desk and placed at the top of the General File.

Motion carried.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:15 p.m.

SENATE IN SESSION

At 11:18 p.m.

President Marshall presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 396.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 396 provides that peace officers, rather than officers, are authorized to use deadly force to effectuate an arrest and requires that for deadly force to be used, the threat of serious bodily harm must be imminent.

Roll call on Assembly Bill No. 396:

YEAS—12.

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

Assembly Bill No. 396 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:19 p.m.

SENATE IN SESSION

At 11:22 p.m.

President Marshall presiding.

Quorum present.

Assembly Bill No. 440.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 748.

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

AN ACT relating to crimes; defining the terms "repeat ~~[offense]~~ offense," "prohibited offense" and "crime of violence"; requiring certain persons to issue misdemeanor citations, traffic citations, vessel citations and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute repeat offenses, ~~for~~ crimes of violence ~~for~~ or certain other prohibited offenses under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a peace officer, whenever any person is detained by the peace officer for any violation of an ordinance or a state law punishable as a misdemeanor and the person is not otherwise required to be taken before a magistrate, to issue the person a misdemeanor citation instead of taking the person before the proper magistrate. (NRS 171.1771) Similarly, existing law authorizes a peace officer to issue a misdemeanor citation in lieu of taking a person before a magistrate if the person is arrested by a private person for any violation of an ordinance or a state law punishable as a misdemeanor. (NRS 171.1772) Existing law, however, removes the discretion of the peace officer to issue the misdemeanor citation and requires the person to be taken before a magistrate if the identity of the person cannot be verified or the peace officer believes the person will disregard a written promise to appear in court. (NRS 171.1771, 171.1772) Sections 6 and 7 of this bill: (1) require a peace officer to issue a misdemeanor citation for any such violation unless the

violation is a repeat offense or a ~~[crime of violence,]~~ prohibited offense, in which case the peace officer is authorized to issue the misdemeanor citation; and (2) expand the circumstances under which a peace officer is prohibited from issuing the misdemeanor citation to include those circumstances in which the peace officer believes the violation will continue if the person is not taken before a magistrate or the peace officer believes another person or property is in imminent danger. Section 8 of this bill makes a conforming change related to the issuance of misdemeanor citations.

Section 3.5 of this bill defines the term "repeat offense" for the purposes of sections 6 and 7. Section 3.3 of this bill defines the term "prohibited offense" for the purposes of sections 6 and 7. Additionally, section 3 of this bill defines the term "crime of violence" for the purposes of sections 3.3, 6, [and] 7 and 9-14 of this bill. Section 4 of this bill makes a conforming change related to the proper placement of sections 3, 3.3 and 3.5 in the Nevada Revised Statutes. ~~[Existing law authorizes a peace officer to issue a traffic citation or a misdemeanor citation at the scene of a crash so long as the offense is not a felony or certain other traffic offenses. (NRS 484A.660) While retaining the existing exceptions, section 21 of this bill revises the discretionary issuance of such citations by requiring a peace officer to issue a traffic citation or a misdemeanor citation for an offense punishable as a misdemeanor that does not constitute a repeat offense or a crime of violence.]~~

Existing law ~~[also]~~ provides that whenever any person is halted by a peace officer for a violation of certain traffic laws and is not otherwise required to be taken before a magistrate, the person may be given a traffic citation or be taken before the proper magistrate. (NRS 484A.730) Section 24 of this bill revises the discretionary issuance of such citations by instead requiring a peace officer to issue a traffic citation for an offense punishable as misdemeanor that does not constitute a "repeat offense" or a ~~[crime of violence]~~. ~~Sections 17 and 17.5 of this bill define the terms "crime of violence" and "repeat offense" for the purposes of sections 21 and 24. Section 18 of this bill makes a conforming change to indicate the proper placement of sections 17 and 17.5 in the Nevada Revised Statutes.]~~ "prohibited offense," as defined in section 24.

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

~~Existing law authorizes a peace officer to arrest a person, with or without a warrant, who commits certain traffic offenses. (NRS 484A.710) Section 22 of this bill provides an exception for the discretionary issuance of traffic citations or misdemeanor citations pursuant to section 21 or 24, as applicable.]~~ prohibited offenses.

Existing law authorizes a peace officer to issue a traffic citation or a misdemeanor citation at the scene of a traffic crash under certain circumstances. (NRS 484A.660) Section 21 of this bill revises the

discretionary issuance of such citations by requiring a peace officer to issue a traffic citation in accordance with the standards provided in section 24 or a misdemeanor citation in accordance with the standards provided in section 6.

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

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

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

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

Sec. 2. (Deleted by amendment.)

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

Sec. 3.3. 1. "Prohibited offense" means:

(a) A violation of a temporary order for protection;

(b) A violation of NRS 200.575;

(c) A crime of violence;

(d) A violation of NRS 483.490; or

(e) A violation of NRS 483.560.

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

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

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

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

Sec. 5. (Deleted by amendment.)

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

171.1771 ~~{Whenever}~~

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

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

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

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

(1) *The person will disregard a written promise to appear in court ~~or~~ ;*

(2) *The violation will continue; or*

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

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

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

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

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

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

(1) *The person arrested will keep a written promise to appear in court ~~or~~*

(2) *The violation will cease; and*

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

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

171.1773 1. Whenever a person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not taken before a magistrate as required or permitted by NRS 171.177, 171.1771 or 171.1772, the peace officer ~~may~~ must prepare a misdemeanor citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada" or in the name of the respective county, city or town, containing a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the offense charged, including a brief description of the offense and the NRS or ordinance citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be

necessary. The citation must be signed by the peace officer. If the citation is prepared electronically, the officer shall sign the copy of the citation that is delivered to the person charged with the violation.

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

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

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

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

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

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

(a) Is charged with a misdemeanor other than:

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

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

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

(4) A minor traffic offense; and

(b) Has not previously been:

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

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

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

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

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

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

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

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

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

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

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

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

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

7. As used in this section:

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

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

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

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor;

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

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

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

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

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

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and system of graduated sanctions adopted pursuant to NRS 176A.510, as applicable, and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence ~~as defined in NRS 200.408~~ that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a

temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding, the court may:

- (a) Continue or revoke the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
- (d) Cause the sentence imposed to be executed; or
- (e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

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

- (a) Continue the probation or suspension of sentence;
- (b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- (c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:
 - (1) Thirty days for the first temporary revocation;
 - (2) Ninety days for the second temporary revocation; or
 - (3) One hundred and eighty days for the third temporary revocation; or
- (d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court

within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

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

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

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

5. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A petition filed pursuant to subsection 1 must:

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

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

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

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

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

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

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

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

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

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

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

8. As used in this section:

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

(b) "Sexual offense" means:

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

(2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

(9) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

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

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

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

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the prosecuting attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits, a hearing on the petition must be conducted.

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

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

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

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

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

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

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

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

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

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

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

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

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

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

- (i) Incest pursuant to NRS 201.180.
- (j) Open or gross lewdness pursuant to NRS 201.210.
- (k) Indecent or obscene exposure pursuant to NRS 201.220.
- (l) Lewdness with a child pursuant to NRS 201.230.
- (m) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
- (o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
- (p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.
- (q) Sex trafficking pursuant to NRS 201.300.
- (r) Any other offense that has an element involving a sexual act or sexual conduct with another.
- (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (r), inclusive.
- (t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.
- (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:
 - (1) A tribal court.
 - (2) A court of the United States or the Armed Forces of the United States.
- (v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:
 - (1) A tribal court.
 - (2) A court of the United States or the Armed Forces of the United States.
 - (3) A court having jurisdiction over juveniles.

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

- (a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or
- (b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 15. ~~[Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 17 and 17.5 of this act.] (Deleted by amendment.)~~

Sec. 16. (Deleted by amendment.)

Sec. 17. ~~["Crime of violence" has the meaning ascribed to it in NRS 200.408.] (Deleted by amendment.)~~

Sec. 17.5. ~~["Repeat offense" means an offense for which the person has previously been arrested, convicted or issued a citation.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 484A.010 is hereby amended to read as follows:
484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, and sections 17 and 17.5 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

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

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

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

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

4. Any system established pursuant to subsection 1 must:

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

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

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

(b) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives ~~[his or her]~~ *any relevant constitutional right, including, without limitation, the right to a trial, [and] the right to confront any witnesses [.] and the right to counsel, as applicable. [The notice regarding waiver of relevant constitutional rights must specifically delineate the constitutional rights that the person is waiving in relation to an offense punishable as a misdemeanor, gross misdemeanor and felony, respectively.]*

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

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

- (a) Aggressive driving in violation of NRS 484B.650;
- (b) Reckless driving in violation of NRS 484B.653;
- (c) Vehicular manslaughter in violation of NRS 484B.657; or
- (d) Driving, operating or being in actual physical control of a vehicle ~~for a vessel under power or sail~~ while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 ~~[.] or 484C.120~~ , ~~for 488.410,~~ as applicable.

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

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

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

officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

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

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

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

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

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

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

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

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

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

~~1. Must, except as otherwise provided in subsections 2 and 3, must determine whether to issue [a], as applicable:~~

~~1. A traffic citation [as] in accordance with the standards provided in NRS [484A.630] 484A.730; or [a]~~

~~2. A misdemeanor citation [as] in accordance with the standards provided in NRS [171.1773] 171.1771, if the offense is punishable as a misdemeanor.~~

~~[2. May issue a traffic citation as provided in NRS 484A.630, if the offense is punishable as~~

~~(a) A gross misdemeanor; or~~

~~(b) A misdemeanor that constitutes a repeat offense or a crime of violence.
3. May issue a misdemeanor citation as provided in NRS 171.1773, if the offense is punishable as a misdemeanor that constitutes a repeat offense or a crime of violence.]~~

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

484A.710 1. Any ~~[Except when a peace officer issues a citation as required or permitted pursuant to NRS 484A.660 or 484A.730, any]~~ peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

- (a) Homicide by vehicle;
- (b) A violation of NRS 484C.110 or 484C.120;
- (c) A violation of NRS 484C.430;
- (d) A violation of NRS 484C.130;
- (e) Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;
- (f) Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;
- (g) Reckless driving;
- (h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or
- (i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

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

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

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

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

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

484A.730 1. Whenever ~~1. Whenever~~

~~1. Except as otherwise provided in subsection 2, whenever~~ any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS punishable as a misdemeanor and is not required to be taken before a magistrate, the person ~~{may,=~~

~~(a) Must, except as otherwise provided in paragraph (b),}~~ must be given a traffic citation ~~{if the offense is punishable as a misdemeanor; or~~

~~(b) May,}~~ unless the violation constitutes a repeat offense or a prohibited offense, in which case the person may, in the discretion of the peace officer, either be given a traffic citation ~~{}~~ or be taken without unnecessary delay before the proper magistrate. ~~{The, if the offense is punishable as:~~

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

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

~~2. A) {person described in subsection 1 must be taken before the magistrate in any of the following cases:~~

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

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

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

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

(a) "Prohibited offense" means:

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

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

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

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

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

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

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

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

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

488.920 ~~{Whenever}~~

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

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

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

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

(2) *A misdemeanor that constitutes a repeat offense or a ~~crime of violence]~~ prohibited offense.*

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

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

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

3. *As used in this section:*

(a) ~~[- "Crime"]~~ *"Prohibited offense" means:*

(1) *A crime of ~~violence~~ has the meaning ascribed to it] violence as defined in NRS 200.408.*

(2) *A violation of NRS 488.410.*

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

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

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

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

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

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

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

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

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

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

3. *As used in this section:*

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 748 to Assembly Bill No. 440 replaces the term "crime of violence" with the term "prohibited offense" and defines a "prohibited offense" for the purposes of the bill to include the current definition of "crime of violence" as well as a violation of a temporary protective order, driving under the influence and stalking. It clarifies that the bill applies to misdemeanor traffic offenses and does not apply to driving under the influence or vehicular manslaughter offenses. It clarifies the circumstances under which a peace officer has the discretion to issue a traffic citation or a misdemeanor citation.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris, Kieckhefer, Scheible, SeEVERS Gansert and Settelmeyer.

SENATOR HARRIS:

Assembly Bill No. 440 requires peace officers to issue misdemeanor citations, traffic citations, vessel citations and wildlife citations under certain circumstances for offenses punishable as misdemeanors that do not constitute repeat offenses or prohibited offenses, including crimes of violence. The bill revises the discretionary issuance of misdemeanor citations and traffic citations by requiring an officer to issue such citations in accordance with the standards set forth in the bill.

This bill that came out of the Interim Committee on Pretrial Release. Not only is this good social policy but, by keeping fewer people in jail, also good fiscal policy. I urge its support.

SENATOR KIECKHEFER:

In layman's terms, explain the implications of Assembly Bill No. 440. I am trying to read the amendment quickly and am not getting it.

SENATOR HARRIS:

In the simplest terms, if you commit a misdemeanor and it is not a repeat offense, it is a non-violent offense, not driving under the influence or stalking, the officer must issue you a citation as opposed to arresting you. If you refuse to provide identification so the citation can be issued, the officer may arrest. If they have had previous issues with you, the officer may arrest. If the officer believes it is likely the offense will continue, even with a citation, the officer, again, can arrest.

SENATOR SCHEIBLE:

This policy is in line with what many of our police departments are already doing. Issuing citations for misdemeanors is common and is probably the norm rather than the exception to the rule. This codifies that practice to ensure people are not being held in detention for misdemeanors or infractions which they would ordinarily only be issued a citation.

SENATOR SEEVERS GANSERT:

I am trying to look these things up. It is difficult to go through a bill when we receive it moments before we are supposed to vote on it.

SENATOR SETTELMEYER:

From the hearing, there was concern in both the Assembly and the Senate that this could potentially apply to what some consider minor offenses such as peeping Toms, restraining orders and things of that nature. For that reason, I will be opposing Assembly Bill No. 440.

SENATOR SCHEIBLE:

I would like to clarify the list of prohibited offenses defined in the bill through the amendment. Rather than crimes of violence, prohibited offenses, which include stalking, a violation of any kind of temporary protective order and the categories of offenses involving vehicles or traffic offenses, are taken directly from another portion of statute which outlines the offences this Legislature has already deemed serious enough that people cannot enter into an automatic plea and pay their fines online. The listed offenses that require one to go before a judge will be the same ones that allow

an officer to either arrest or issue a citation. The only time the officer will be required to issue a citation will be in the case of something like a speeding ticket, a parking ticket, and failure to signal for a turn or things like that. We delineated the correct traffic offences by using the other statute where the Legislature had already done this in detail. We considered enumerating, in statute, every misdemeanor we could think of, but instead, included the catchalls such as "an offence that would continue if the person is not arrested." That captures things like stalking or peeping Toms because one could assume that if the person was not removed from the location in which they were engaging in this behavior, they would continue to engage in the behavior. It also includes things like threats to a person's property or a person remaining on a scene. Violating a temporary protective order is specifically outlined in the bill, but we did not want to limit ourselves to a list of offenses. We wanted to give officers discretion to determine when someone's safety or property might be threatened as well as when repeat violations occur or when a person is not complying with police officers. We have covered most scenarios in which arrests are effectuated. Our intention here is to improve public safety. I urge my colleagues' support.

Roll call on Assembly Bill No. 440:

YEAS—12.

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

Assembly Bill No. 440 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 287.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 681.

SUMMARY—Revises provisions relating to higher education. (BDR 34-933)

AN ACT relating to education; requiring the ~~{Chancellor}~~ Directors of certain departments within the Nevada System of Higher Education to ~~{develop a plan to manage the assets and resources of the state land grant institutions;}~~ conduct all business and manage all funds of their respective departments; designating certain institutions within the Nevada System of Higher Education as the state land grant institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of Article 11 of the Nevada Constitution designates certain proceeds from public lands to be used for certain colleges in this State. Section 6 of this bill designates the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute as the state land grant institutions. Section ~~{3}~~ 3.3 of this bill ~~{provides that the Chancellor of}~~ requires the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education {shall develop a plan to manage the assets and resources of the state land grant institutions.} to conduct all business of the Department and administer all funds of the Department. Sections 3.5 and 3.7 of this bill impose similar requirements on

the Agricultural Experiment Station of the Public Service Division of the System.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. ~~[Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Chancellor shall develop a plan to manage the assets and resources held by or afforded to the state land grant institutions designated pursuant to section 6 of this act. The plan may be based in whole or in part on agreements negotiated and reached among the land grant institutions. The Chancellor may establish one or more advisory or technical committees and employ any staff, including, without limitation, consultants, necessary to assist the Chancellor in performing his or her duties pursuant to this section.~~

~~2. After receiving approval of the plan by the Board of Regents, the Chancellor shall submit the plan to the Governor and the Director of the Legislative Counsel Bureau.~~

~~3. If the Chancellor establishes an advisory or technical committee pursuant to subsection 1, the membership of the committee must include the primary administrators of the Agricultural Extension Department and the Agricultural Experiment Station.]~~ (Deleted by amendment.)

Sec. 3.3. NRS 396.690 is hereby amended to read as follows:

396.690 1. The assent of the State of Nevada by its Legislature is hereby given to the provisions and requirements of an Act of Congress entitled "An Act to provide for cooperative extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914 (c. 79, 38 Stat. 372), and any acts amendatory thereof and supplemental thereto. The Board of Regents is hereby authorized and empowered to receive the grants of money appropriated under such federal acts, and to organize and conduct agricultural extension work which must be carried on in connection with the College of Agriculture of the System, in accordance with the terms and conditions expressed in such Acts of Congress.

2. The Director of the Agricultural Extension Department of the Public Service Division of the System shall conduct all business of the Agricultural Extension Department and administer all funds of the Agricultural Extension Department, including, without limitation, in each county that has entered into an agreement with or participates in a program of the Agricultural Extension Department.

Sec. 3.5. NRS 396.750 is hereby amended to read as follows:

396.750 The Board of Regents, upon recommendation of the appropriate officer of the System shall appoint a qualified person to ~~(conduct)~~ serve as Director of the Agricultural Experiment Station of the Public Service Division

of the System and grant him or her such assistants as it deems necessary. The Director shall conduct all business of the Agricultural Experiment Station and administer all funds of the Agricultural Experiment Station.

Sec. 3.7. NRS 396.790 is hereby amended to read as follows:

396.790 1. The Director of the Nevada Agricultural Experiment Station of the System, with the approval of the Board of Regents, is hereby authorized and directed to enter into cooperative agreements with the United States Department of Agriculture under the provisions of an Act of Congress entitled "An Act to provide for further research into basic laws and principles relating to agriculture and to improve and facilitate the marketing and distribution of agricultural products," approved August 14, 1946 (c. 966, 60 Stat. 1082; 7 U.S.C. § 427).

2. The Nevada Agricultural Experiment Station Fund is hereby created ~~and~~ and must be administered by the Director of the Agricultural Experiment Station. Support for the Fund must be provided by legislative appropriation from the State General Fund.

3. All claims against the Nevada Agricultural Experiment Station Fund must be certified by the Director of the Nevada Agricultural Experiment Station, approved by the Board of Regents and the State Board of Examiners and when so certified and approved, the State Controller is authorized to draw his or her warrants in payment of the claim, and the State Treasurer is authorized to pay the claim.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. Chapter 549 of NRS is hereby amended by adding thereto a new section to read as follows:

The state land grant institutions of the University of Nevada are the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.3. ~~{The Chancellor of the Nevada System of Higher Education shall first submit the plan to manage the assets and resources held by or afforded to the state land grant institutions developed pursuant to section 3 of this act to the Governor and the Director of the Legislative Counsel Bureau on or before February 1, 2023.}~~ (Deleted by amendment.)

Sec. 11.7. The provisions ~~{of section 3}~~ of this act do not affect any appropriations to ~~or expenditures~~ by the Agricultural Extension Department or the Agricultural Experiment Station of the Public Service Division of the Nevada System of Higher Education as they exist on July 1, 2021.

Sec. 12. This act becomes effective on July 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 681 to Senate Bill No. 287 removes the previous provision that the chance of NSHE develop a plan to manage assets and resources of State Land Grant institutions and, instead, requires the Director of the Agriculture Extension Department of the Public Service Division of NSHE to conduct all business and administer all funds of the Department.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 287 requires the Director of the Agriculture Extension Department of the Public Service Division of NSHE to conduct the business of and administer all funds of the Agriculture Extension Department. It requires the Director of the Agriculture Experiment Station to conduct the business of and administer all funds of the Agriculture Experiment Station. The bill designates UNLV, UNR and DRI as the State Land Grant institutions,

Roll call on Senate Bill No. 287:

YEAS—21.

NAYS—None.

Senate Bill No. 287 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 297.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 695.

SUMMARY—Revises provisions relating to agriculture. (BDR 22-480)

AN ACT relating to agriculture; revising provisions relating to a plan to inventory vacant and blighted lands in a master plan; requiring the Council on Food Security to research and develop recommendations on community gardens and urban farms; authorizing a board of county commissioners to approve a partial abatement of ad valorem taxes for owners of real property who agree to the use of real property for community gardens or urban farms; revising provisions authorizing the governing body of a county or city to allow the use of vacant county or city owned lands for community gardening; ~~authorizing the lease of certain State lands for community gardens and urban farms for less than fair market value under certain circumstances;~~ authorizing the Director of the Department of Transportation to lease certain real property for community gardens and urban farms under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the planning commission of a city or county to prepare a master plan which may include an urban agricultural element. The urban agricultural element must include a plan to inventory any vacant lands owned by the city or county and blighted lands in the city or county to determine if such lands may be suitable for urban farming or gardening. (NRS 278.160) Section 1 of this bill provides that the plan to inventory vacant or blighted

lands may include an inventory of other real property owned by the city or county.

Existing law creates the Council on Food Security, which is charged with various duties relating to food security, including developing a food system. (NRS 232.4966, 232.4968) Section 2 of this bill requires the Council to research and develop recommendations on community gardens and urban farms.

Section 3 of this bill authorizes a board of county commissioners to approve a partial abatement of ad valorem taxes equal to 10 percent of the taxes that would otherwise be imposed on a parcel if the owner intends to allow the property to be used as a community garden or urban farm. Section 3 requires the owner of the real property to agree to the operation of the community garden or urban farm for a period of not less than 5 years.

Existing law authorizes the governing body of a city or county to use vacant or blighted land owned by the city or county for the purpose of community gardening. (NRS 244.291, 268.0191) Sections 4 and 5 of this bill expand this provision to: (1) include urban farms; and (2) authorize the use of other real property owned by the city or county that is vacant or blighted for community gardening and urban farming. Sections 4 and 5 also require the governing body of a city or county to encourage the development of community gardens and urban farms, including by making available any existing federal, state or local resources to persons seeking to develop a community garden or urban farm. Lastly, sections 4 and 5 authorize the governing body of a county or city who owns a municipal water system or who has an agreement with a water authority, water district or water system to provide or request the provision of water to community gardens or urban farms at a wholesale or reduced rate.

~~[Existing law sets forth certain requirements for the sale or lease of real property by the State Land Registrar for less than the fair market value of the real property which provide that such sales or leases are exempt from requirements for the State Land Registrar to obtain an independent appraisal and receive sealed bids followed by oral offers. (NRS 321.007, 321.335, 322.065) Section 8.5 of this bill authorizes, under certain circumstances, the lease of state lands for use as community gardens and urban farms at less than fair market value.]~~

Existing law authorizes the Director of the Department of Transportation to lease real property held by the Department that is not in current use for fair market value. (NRS 408.507) Section 10 of this bill authorizes the Director to lease such real property for use as community gardens and urban farms for \$1 per year. A local government who leases such land from the Department is required under section 10 to prioritize community gardens and urban farms that meet certain criteria. Section 9 of this bill makes a technical change to account for a change to an internal reference in section 10.

WHEREAS, Obesity, which is recognized as a disease by a variety of organizations, including the World Health Organization, the United States Food and Drug Administration of the United States Department of Health and

Human Services and the National Institutes of Health, is an epidemic in the United States with almost 72 percent of Americans classified as overweight or obese; and

WHEREAS, Obesity disproportionately impacts communities of color and low-income communities and can negatively impact health outcomes for people in those communities; and

WHEREAS, Communities of color and low-income communities often have limited access to healthy and affordable foods and safe places to play or exercise outdoors, which are vital to maintaining an active and healthy life; and

WHEREAS, Community programs are critical to addressing obesity in communities by helping people in those communities lose weight and adopt long-term healthy habits; and

WHEREAS, Community programs such as community gardens and urban farms may help provide communities with access to healthy and affordable food and encourage communities to participate in outdoor activities in a safe space and adopt healthy eating habits; now, therefore,

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

Section 1. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in

the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous

materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) An urban agricultural element, which must include a plan to inventory any vacant lands *or other real property* owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. *The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.*

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 2. NRS 232.4968 is hereby amended to read as follows:

232.4968 The Council on Food Security created by NRS 232.4966 shall:

1. Develop, coordinate and implement a food system that will:

(a) Partner with initiatives in economic development and social determinants of health;

(b) Increase access to improved food resource programs;

(c) Increase participation in federal nutrition programs by eligible households; and

(d) Increase capacity to produce, process, distribute and purchase food in an affordable and sustainable manner.

2. *Research and develop recommendations on community gardens and urban farms, which must include, without limitation:*

(a) *Examinations of:*

(1) *Local and regional efforts to develop community gardens and urban farms;*

(2) Regulatory and policy barriers to the development of community gardens and urban farms; and

(3) The potential effects of community gardens and urban farms on economic development in this State; and

(b) Recommendations to:

(1) Promote the use of community gardens and urban farms in this State;

(2) Strengthen local infrastructure for community gardens and urban farms; and

(3) Promote entrepreneurial efforts to develop community gardens and urban farms.

3. Hold public hearings to receive public comment and to discuss issues related to food security in this State.

~~{3.}~~ 4. Serve as a clearinghouse for the review and approval of any events or projects initiated in the name of the Plan.

~~{4.}~~ 5. Review and comment on any proposed federal, state or local legislation and regulation that would affect the food policy system of this State.

~~{5.}~~ 6. Advise and inform the Governor on the food policy of this State.

~~{6.}~~ 7. Review grant proposals and alternative funding sources as requested by the Director to provide recommendations for funding the Plan.

~~{7.}~~ 8. Develop new resources related to the Plan.

~~{8.}~~ 9. Advise, assist and make recommendations to the Director for the creation and administration of the Program.

~~{9.}~~ 10. On or before January 31 of each year submit an annual report to the Director and the Director of the Legislative Counsel Bureau concerning the accomplishments and recommendations of the Council concerning food security ~~{.}~~, *including, without limitation, any recommendations concerning community gardens and urban farms.*

Sec. 3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An owner of real property who intends to allow the real property, including, without limitation, land or improvements on the real property, to be used as a community garden or urban farm may submit a request to the board of county commissioners of the county in which the real property is located for a partial abatement of the ad valorem taxes imposed pursuant to chapter 361 of NRS for the parcel on which the community garden or urban farm is located. If the real property is located in a city, the application must include, without limitation, proof that the governing body of the city has issued any necessary approvals for the use of the real property as a community garden or urban farm.*

2. *If the board of county commissioners receives an application pursuant to subsection 1, the board must provide notification of the application to:*

(a) The Chief of the Budget Division of the Office of Finance;

(b) The county assessor;

(c) The county treasurer; and

(d) The governing body of the city where the property is located, if applicable.

3. The board of county commissioners shall hold a public hearing on the application not less than 30 days after providing notification of the application pursuant to subsection 2 and may approve the application after the public hearing if:

(a) The applicant demonstrates that the property is suitable for use as a community garden or urban farm;

(b) The applicant and the person operating the community garden or urban farm are willing and able to use the real property as a community garden or urban farm for a period of not less than 5 years; and

(c) The applicant enters into an agreement requiring the operation of the community garden or urban farm on the property for not less than 5 years beginning on the date of approval of the application.

4. If the board of county commissioners approves an application pursuant to this section, the applicant shall receive a partial abatement of the ad valorem taxes imposed pursuant to chapter 361 of NRS that is equal to 10 percent of the ad valorem taxes otherwise due for the parcel on which the community garden or urban farm is located for a period of 5 years, beginning on the July 1 of the fiscal year immediately following the date of approval of the application.

5. If the owner of real property receives a partial abatement of ad valorem taxes pursuant to this section, the owner shall record the approval of the abatement with the county recorder to ensure subsequent buyers have notice of the terms of the partial abatement.

6. If the real property of the person receiving the partial abatement pursuant to this section ceases to be used as a community garden or urban farm before the time specified in the agreement described in paragraph (c) of subsection 3 or the person ceases to comply with the terms of the agreement, the owner shall:

(a) Repay to the county treasurer the amount of the abatement that was authorized pursuant to this section before the date on which the property or person ceased to comply; and

(b) Pay the interest on the amount due pursuant to paragraph (a) at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last of the month following the period for which the payment would have been made had the abatement not been approved until the date of payment of the tax.

7. The board of county commissioners shall adopt an ordinance setting forth procedures to ensure the owner is complying with the terms of the agreement described in paragraph (c) of subsection 3 and continues to qualify for the partial abatement of ad valorem taxes. The procedures must provide, without limitation, for the county treasurer and county assessor to receive yearly notice as to whether the real property continues to qualify for the partial

abatement or if the owner of the real property must be required to repay the abatement pursuant to subsection 6.

8. An owner may submit a new application for an abatement pursuant to this section after the expiration of the term of the abatement set forth in subsection 4.

Sec. 4. NRS 244.291 is hereby amended to read as follows:

244.291 1. A board of county commissioners may, by ordinance, authorize the use of vacant or blighted county land *or other real property owned by the county* for the purpose of community gardening *or urban farming* under such terms and conditions established for the use of the county land *or real property* set forth by the ordinance.

2. The ordinance *adopted pursuant to subsection 1* may, without limitation:

~~{1-}~~ (a) Establish fees for the use of the county land;
~~{2-}~~ (b) Provide requirements for liability insurance; and
~~{3-}~~ (c) Provide requirements for a deposit to use the county land, which may be refunded.

3. *The ordinance adopted pursuant to subsection 1:*

(a) May provide that the board of county commissioners will prioritize the use of county land or other real property for community gardens and urban farms that:

(1) Hire at least a portion of the employees from residents of the local community;

(2) Provide training for members of the local community to participate in gardening or farming;

(3) Allow members of the local community to provide input on the foods grown in the community garden or urban farm;

(4) Collaborate with school garden programs in the surrounding community and encourage students from those school garden programs to participate in the community garden or urban farm; and

(5) Use sources of renewable energy, including, without limitation, solar energy, to operate the community garden or urban farm.

(b) Must require that any urban farm established using land made available pursuant to the ordinance adopt a policy for diversity, equity and inclusion.

4. *In addition to adopting an ordinance pursuant to subsection 1, a board of county commissioners shall encourage in any other manner the development of community gardens and urban farms, including, without limitation, encouraging the use of any available existing federal, state or local resources, such as money, grants and tax incentives, for the development of community gardens and urban farms.*

5. *If a board of county commissioners owns a municipal water system or has an agreement with a water authority, water district or water system, the board of county commissioners may provide or the board may request that the water authority, district or system provide water at a wholesale or reduced rate to a community garden or urban farm established by ordinance pursuant*

to this section. *Nothing in this subsection requires a municipal water system or a water authority to provide water to a community garden or urban farm at a wholesale or reduced rate.*

Sec. 5. NRS 268.0191 is hereby amended to read as follows:

268.0191 1. The governing body of a city may authorize, by ordinance, the use of vacant or blighted city land *or other real property* for the purpose of community gardening *or urban farming* under such terms and conditions established for the use of the city land set forth by the ordinance. The ordinance may, without limitation:

- ~~{1.}~~ (a) Establish fees for the use of the city land;
- ~~{2.}~~ (b) Provide requirements for liability insurance; and
- ~~{3.}~~ (c) Provide requirements for a deposit to use the city land, which may be refunded.

2. *The ordinance adopted pursuant to subsection 1:*

(a) *May provide that the governing body of the city will prioritize the use of city land or other real property for community gardens and urban farms that:*

- (1) *Hire at least a portion of the employees from residents of the local community;*
- (2) *Provide training for members of the local community to participate in gardening or farming;*
- (3) *Allow members of the local community to provide input on the foods grown in the community garden or urban farm;*
- (4) *Collaborate with school garden programs in the surrounding community and encourage students from those school garden programs to participate in the community garden or urban farm; and*
- (5) *Use sources of renewable energy, including, without limitation, solar energy, to operate the community garden or urban farm.*

(b) *Must require that any urban farm established using land made available pursuant to the ordinance adopt a policy for diversity, equity and inclusion.*

3. *In addition to adopting an ordinance pursuant to subsection 1, the governing body of a city shall encourage in any other manner the development of community gardens and urban farms, including, without limitation, encouraging the use of any available existing federal, state or local resources, such as money, grants, and tax incentives, for the development of community gardens and urban farms.*

4. *If the governing body of a city owns a municipal water system or has an agreement with a water authority, water district or water system, the governing body of a city may or the governing body may request the water authority, district or system provide water at a wholesale or reduced rate to a community garden or urban farm established by ordinance pursuant to this section. Nothing in this subsection requires a municipal water system or a water authority to provide water to a community garden or urban farm at a wholesale or reduced rate.*

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. ~~[NRS 322.065 is hereby amended to read as follows:~~

~~322.065 1. Except as otherwise provided in this section, land may be leased pursuant to NRS 322.060 to:~~

~~—(a) A nonprofit organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code and is affiliated by contract, a notice of award or other written agreement with an agency of this State; or~~

~~—(b) A public educational institution;~~

~~—* under such terms and for such consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, determines reasonable based upon the costs and benefits to the State and the recommendation of the persons who approve the lease.~~

~~2. [To] Except as otherwise provided in subsection 3, to lease property pursuant to this section, at least two of the following persons must approve the lease and establish the recommended amount of rent to be received for the property:~~

~~—(a) The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar;~~

~~—(b) The Administrator of the State Public Works Division of the Department of Administration;~~

~~—(c) The Director of the Department of Health and Human Services or a person designated by the Director;~~

~~—* Such persons shall render a decision on an application to lease property pursuant to this section within 60 days after [the] a complete application is filed with the Administrator of the Division of State Lands.~~

~~3. To lease property for urban farming or a community garden to a nonprofit organization or public educational institution pursuant to this section, the Director of the State Department of Agriculture, or his or her designee, and at least one person described in paragraph (a), (b) or (c) of subsection 2 must approve the lease and establish the recommended amount of rent to be received for the property. Such persons shall render a decision on an application to lease property pursuant to this section within 60 days after a complete application to lease the property for urban farming or a community garden is filed with the State Land Registrar.~~

~~4. In [determining the amount of rent] evaluating an application for the lease of property pursuant to this section, consideration must be given to:~~

~~—(a) [The amount the lessee is able to pay;~~

~~—(b)] Whether the property will be used by the lessee to perform a service of value to members of the general public; [and~~

~~—(c)] (b) Whether the service to be performed on the property will be of assistance to any agency of this State [;~~

~~—4.] ; and~~

~~— (c) Whether a state agency that has been assigned the property pursuant to NRS 321.003 approves of the lease.~~

~~— 5. The State Land Registrar may waive any fee for the consideration of an application submitted pursuant to this section.~~

~~— [5.] 6. The amount of rent for a lease of property pursuant to this section must not be less than:~~

~~— (a) The minimum annual fee for the use of state land, as prescribed by the State Land Registrar; or~~

~~— (b) Twenty five percent of the fair market value;~~

~~— whichever is greater.~~

~~— 7. The provisions of this section do not apply to property granted to the State by the Federal Government and held in trust by the State for educational purposes. (Deleted by amendment.)~~

Sec. 9. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except as otherwise provided in subsection 5, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection {2} 3 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or

maintenance, or both, of the highway over which the person is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. The provisions of subsection 1 do not apply to any advertising, signs, signboards or other materials containing advertising matter located:

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;

(b) On a monorail station; or

(c) On a touchdown structure if a public authority authorizes such advertising matter and the advertising matter is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority.

6. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

7. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

8. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising

sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

9. As used in this section:

(a) "Monorail station" means:

(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(2) Any facilities or appurtenances within such a structure.

(b) "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 10. NRS 408.507 is hereby amended to read as follows:

408.507 1. ~~[Real]~~ *Except as otherwise provided in subsection 2, real property held in fee or improvements on the property acquired by the Department in advance of the actual construction, reconstruction or improvement of highways or in order to avoid the payment of excessive damages, or held by the Department pending a determination in the future on its use or disposal may be leased or rented by the Department for fair market value in such manner and for such periods as are determined by the Director to be in the best interests of the State.*

2. *The Director may lease to a local government for \$1 per year real property held in fee by the Department that has been acquired by the Department in advance of the actual construction, reconstruction or improvement of highways or held by the Department pending a determination in the future on its use or disposal if:*

(a) *Such real property will be used by the local government for a community garden or urban farm;*

(b) *The local government attests in writing that the local government will prioritize community gardens and urban farms that:*

(1) *Hire at least a portion of the employees from residents of the local community;*

(2) *Provide training for members of the local community to participate in gardening or farming;*

(3) *Allow members of the local community to provide input on the foods grown in the community garden or urban farm; and*

(4) *Collaborate with school garden programs in the surrounding community and encourage students from those school garden programs to participate in the community garden or urban farm; and*

(c) *Such real property will use sources of renewable energy, including, without limitation, solar energy, to operate the community garden or urban farm.*

3. The Director may lease for fair market value space above and below the established grade line of the highway to state and public agencies and private persons in such manner and for such periods as the Director determines are in the best interest of the State, if:

- (a) The full use and safety of the highway will not be impaired;
- (b) Vehicular or pedestrian access to that space will not be required or permitted from the established grade line; and
- (c) The free flow of traffic on the highway is not interfered with in any way.

~~{3.}~~ 4. All leases of an interest in real property entered into by the Department before April 1, 1985, are hereby ratified. All other leases entered into pursuant to subsection ~~{2.}~~ 3 must be approved by the Board subject to the provisions of subsection ~~{4.}~~ 5.

~~{4.}~~ 5. If the Department receives a proposal to negotiate a lease pursuant to subsection ~~{2.}~~ 3, it shall publish a notice in a newspaper of general circulation at least once a week for 2 weeks, stating that it has received the proposal and that it will receive other proposals for use of the space for 60 days after the completion of the publication. A copy of the notice must be mailed to each local governmental unit in the affected area. If the property is leased, it must be to the highest bidder for the space. The requirements for publication and notice do not apply if the proposal was received from an owner who controls the property on both sides of the highway.

~~{5.}~~ 6. All money received for leases and rentals must be deposited with the State Treasurer to be credited to the State Highway Fund.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Senate Amendment No. 695 deletes section 8.5 of Senate Bill No. 297, which authorized the lease of State lands for use as community gardens and urban farms at less than fair market value, under certain circumstances.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 297 requires the urban agriculture element of a master plan prepared by a planning commission to include a plan to inventory vacant buildings and blighted structures in the city or county and requires the Council on Food Security to research and develop recommendations on community gardens and urban farms. The bill also authorizes a board of county commissioners to approve a tax credit equal to 10 percent of a parcel's property taxes if the property owner's application to allow the property to be used as a community garden or urban farm for a period of not less than five years.

The bill authorizes a city or county to use vacant or blighted land or other real property owned by the city or county for urban farming. The bill allows the Department of Transportation to lease property for \$1 per year for use as community gardens and urban farms. Finally, the bill requires a city, a county, the State Land Registrar and the Department to prioritize community gardens and urban farms that meet certain criteria.

Roll call on Senate Bill No. 297:

YEAS—21.

NAYS—None.

Senate Bill No. 297 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 702.

SUMMARY—Makes an appropriation to the Nevada System of Higher Education and ~~[requires]~~ authorizes the disbursement of certain federal money in certain circumstances to enable the College of Southern Nevada to assist and carry out the NV Grow Program. (BDR S-570)

AN ACT relating to state financial administration; making an appropriation to the Nevada System of Higher Education and ~~[requiring]~~ authorizing the disbursement of certain federal money in certain circumstances to enable the College of Southern Nevada to assist and carry out the NV Grow Program; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of \$400,000 to allow the College of Southern Nevada to:

(a) Provide or obtain such services as may be necessary to assist and carry out the Program;

(b) Employ a geographic information specialist to assist small businesses who participate in the Program;

(c) Employ the lead counselor selected pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666;

(d) Provide stipends for the counselors and members of the faculty of the Nevada System of Higher Education who provide services in connection with the Program; and

(e) Make direct program expenditures to assist and carry out the Program, including, without limitation, expenditures for data software, marketing tools, interns, field trips and grants to members of the stakeholders group to assist and carry out the Program.

2. All money appropriated by the provisions of this section must be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including any indirect costs incurred by any institution of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada.

3. As used in this section, "Program" means the NV Grow Program created pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 3. Any remaining balance of money received by the Division of Workforce and Economic Development of the College of Southern Nevada from any gifts, grants or donations accepted by the Division pursuant to section 4.5 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3669, that has not been committed for expenditure before July 1, 2021, must be transferred to an account in the State General Fund administered by the College of Southern Nevada for the purposes of carrying out the provisions of the NV Grow Act.

Sec. 4. 1. If the State of Nevada receives from the Federal Government before, on or after July 1, 2021, money that the State of Nevada is authorized to use to assist small businesses impacted by the COVID-19 pandemic, the Chief of the Budget Division of the Office of Finance in the Office of the Governor created by NRS 223.400 ~~(shall)~~ may disburse ~~(\$200,000)~~ any portion of that money in accordance with the provisions of chapter 353 of NRS to an account in the State General Fund administered by the College of Southern Nevada for the purposes of carrying out the provisions of the NV Grow Act to make direct program expenditures to implement as part of the Program an incubator program to assist small businesses in this State who have altered or who intend to alter their business models. The incubator program must:

- (a) Provide coaching, mentoring, analysis, instruction and advice;
- (b) Assist in the development of physical and digital infrastructure for the operation of a business;
- (c) Assist businesses to secure professional services, including, without limitation, legal and accounting services;
- (d) Facilitate communication and develop connections with the general business community, including, without limitation, for the purpose of securing capital or additional business partners; and
- (e) To the extent practicable, coordinate with the stakeholders group to offer support for setting up a business, including, without limitation, obtaining a business license, securing physical working spaces, performing concept and market testing and providing assistance with manufactured products, software and technology.

2. As used in this section:

(a) "Program" means the NV Grow Program created pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666.

(b) "Stakeholders group" means a group of persons interested in economic development in this State selected by the Division of Workforce and Economic Development of the College of Southern Nevada, including, without limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, the Henderson Chamber of Commerce, the Asian Community Development Council, the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County and various entities affiliated with the Small Business Administration.

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

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 702 to Senate Bill No. 310 amended section 4, subsection 1, that previously required, if available, \$200,000 in federal funds to be used to support a small-business incubator program. The amended bill authorizes the disbursement of certain federal funds that may become available to the College of Southern Nevada for the support of a small-business incubator program.

Amendment adopted.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 310 appropriates \$400,000 in General Funds to the College of Southern Nevada through NSHE to support the NV Grow Program. Funding will be used for direct services and expenditures to carry out the program, employ a geographic information specialist to assist participating small businesses, employ a lead counselor and provide stipends to counselor and faculty members who provide services to the NV Grow Program. Senate Bill No. 310 authorizes the disbursement of certain federal funds that may become available to the College of Southern Nevada for the support of a small-business incubator program.

Roll call on Senate Bill No. 310:

YEAS—21.

NAYS—None.

Senate Bill No. 310 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 340.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 707.

SUMMARY—Revises provision relating to the wages and working conditions of certain employees. (BDR 53-573)

AN ACT relating to employment; requiring the Director of the Department of Health and Human Services to establish a home care employment standards board under certain circumstances; prescribing the membership of a home care

employment standards board; requiring such a board to conduct an investigation into certain matters relating to the employment of home care employees; requiring such a board to develop recommendations concerning the minimum wage for home care employees or the working conditions of such employees; authorizing the Director to adopt regulations implementing such recommendations; revising provisions governing the administration and enforcement of provisions governing the minimum wage paid to employees in this State; providing penalties; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to pay an employee a wage of not less than a certain minimum wage. (Nev. Const. Art. 15, § 16; NRS 608.250) Existing law requires the Labor Commissioner to administer and enforce the provisions of existing law governing the minimum wage. (NRS 608.270)

Existing law provides for the establishment of certain programs to provide services to certain elderly persons or persons with disabilities to allow such persons to remain in their homes or in the community. (NRS 422.396, 427A.250-427A.280, 427A.793) Section 8 of this bill designates such a program, and any similar program established by a state agency or a local government, as a "home care program."

Existing law authorizes an agency licensed as an agency to provide personal care services in the home to provide certain authorized medical services to persons with disabilities and certain nonmedical services related to personal care to elderly persons or persons with disabilities. (NRS 449.1935) Under existing law, certain providers of temporary respite services are not required to be licensed as an agency to provide personal care services in the home. (NRS 449.0021) Existing law authorizes a certified intermediary service organization to provide certain services related to the employment of a personal assistant who is selected by a person with a disability or other responsible person to provide certain nonmedical and authorized medical services to the person with a disability. (NRS 449.4308)

Section 6 of this bill designates an agency to provide personal care services in the home, an intermediary service organization and certain providers of temporary respite services that have entered into a contract with a state agency or a local government to provide certain services under a home care program as "home care employers." Section 5 of this bill designates a person who is an employee of a home care employer and who provides personal care services, personal assistance or temporary respite services through a home care program as a "home care employee."

Section 13 of this bill requires the Director of the Department of Health and Human Services to establish a home care employment standards board if the Director determines that it is necessary or upon the petition of 50 or more home care employees. Section 13 sets forth the membership of such a board, which consists of certain representatives of home care employers and home care employees and certain other persons. Section 14 of this bill provides that if the

Director establishes a home care employment standards board upon the petition of 50 or more home care employees, the Director or his or her designee is required to meet with representatives of the petitioners and discuss certain matters relating to the employment of home care employees. Section 15 of this bill requires the Director and the Labor Commissioner to conduct an investigation into certain matters relating to the employment of home care employees and present the findings of the investigation to a home care employment standards board at the first meeting of the board.

Section 16 of this bill requires a home care employment standards board to conduct an investigation into certain matters of its choosing related to the wages and working conditions of home care employees and the compliance of home care employers with applicable laws. Section 16 also requires a home care employment standards board to, based on such an investigation, develop recommendations regarding: (1) the minimum wage that may be paid to a home care employee; or (2) safe and healthful working conditions for home care employees. Section 16 requires a home care employment standards board to submit to the Director a report with its findings and recommendations not later than 1 year after the date of its first meeting. Section 16.5 of this bill requires the Director to make any report submitted by a home care employment standards board available on an Internet website maintained by the Director.

Section 17 of this bill authorizes the Director to take certain actions with respect to the report of a home care employment standards board. Under section 18 of this bill, if the Director approves of a recommendation of such a board, the Director is required to adopt regulations as necessary to: (1) establish the minimum wage recommended by the home care employment standards board as the minimum wage which may be paid by a home care employer to a home care employee in this State; or (2) provide for safe and healthful working conditions for home care employees in accordance with the recommendation of the home care employment standards board. Section 18 also provides that if the Director establishes a minimum wage for a home care employee, the Director is also authorized to adopt regulations concerning the payment of overtime for such employees. Section 21 of this bill provides that such regulations prevail over the provisions of existing law governing the payment of overtime generally. (NRS 608.018)

Section 20 of this bill makes it a misdemeanor for a home care employer to take certain actions against a home care employee because the home care employee engages in or is believed to have engaged in certain activities relating to a home care employment standards board.

Section 22 of this bill revises provisions of existing law which authorize an employee to bring a civil action against an employer who pays the employee less than the minimum wage for the purpose of allowing a home care employee to bring such an action against a home care employer who pays the homecare employee less than the minimum wage for a home care employee established by regulation pursuant to section 18. (NRS 608.260)

Section 23 of this bill provides for the enforcement of the provisions governing the minimum wage for a home care employee established pursuant to section 18 in the same manner in which the minimum wage established under existing law is enforced. (NRS 608.270)

Existing law provides that a person who violates the provisions of existing law governing the minimum wage is guilty of a misdemeanor and is subject to an administrative fine of not more than \$5,000. (NRS 608.290) Section 24 of this bill applies these same penalties to a person who violates the provisions governing the minimum wage for a home care employee established by the Director pursuant to section 18.

Section 25 of this bill authorizes a home care employment standards board or the Labor Commissioner to develop certain recommendations related to the outbreak of the disease identified by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services as COVID-19 and submit such recommendations to the Governor and the Legislature.

Sections 3-12 of this bill define words and terms for the purposes of sections 2-20 of this bill. Sections 26 and 27 of this bill make appropriations to the Office of the Labor Commissioner in the Department of Business and Industry and the Division of Public and Behavioral Health of the Department of Health and Human Services, respectively, for personnel, operating and equipment costs to carry out the provisions of this bill.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. *As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.*

Sec. 4. *"Director" means the Director of the Department of Health and Human Services.*

Sec. 5. 1. *"Home care employee" means a person who provides:*

(a) Personal care services through a home care program as an employee of a home care employer that is an agency to provide personal care services in the home;

(b) Personal assistance through a home care program as a personal assistant for whom a home care employer that is an intermediary service organization is the employer of record; or

(c) Temporary respite services through a home care program as an employee of a home care employer that has entered into a contract with the Aging and Disability Services Division of the Department of Health and Human Services to provide such services.

2. As used in this section, "personal assistant" has the meaning ascribed to it in NRS 449.4308.

Sec. 6. "Home care employer" means:

1. An agency to provide personal care services in the home that has entered into a contract with a state agency or local government to provide personal care services under a home care program;

2. An intermediary service organization that has entered into a contract with a state agency or local government to provide services relating to personal assistance under a home care program; or

3. A person or agency who has entered into a contract with the Aging and Disability Services Division of the Department of Health and Human Services to provide temporary respite services under a home care program.

Sec. 7. "Home care employment standards board" means a board established by the Director pursuant to section 13 or 17 of this act.

Sec. 8. 1. "Home care program" means a program established by a state agency or a local government which provides in the home personal care services, personal assistance or temporary respite services to elderly persons or persons with disabilities.

2. The term includes, without limitation:

(a) Any program established under the State Plan for Medicaid which provides, in the home, the services described in subsection 1.

(b) Any program established pursuant to NRS 427A.250 to 427A.280, inclusive.

(c) The program established pursuant to NRS 422.396.

(d) The program established pursuant to NRS 427A.793.

Sec. 9. "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304.

Sec. 10. "Personal assistance" has the meaning ascribed to it in NRS 449.4308.

Sec. 11. "Personal care services" means the services described in NRS 449.1935.

Sec. 12. "Temporary respite services" has the meaning ascribed to it in NRS 449.0021.

Sec. 13. 1. If the Director determines that it is necessary or upon the petition of 50 or more home care employees, the Director shall establish a home care employment standards board to conduct an investigation and develop recommendations as provided in section 16 of this act.

2. A home care employment standards board must consist of:

(a) The Director or his or her designee, who serves as Chair and a nonvoting member; and

(b) The following voting members:

(1) The Labor Commissioner;

(2) Three representatives of home care employers, appointed by the Director;

(3) Three representatives of home care employees, appointed by the Director; and

(4) Three persons who receive or are representatives of persons who receive services from a home care employee, appointed by the Director.

3. The Director shall appoint the members of a home care employment standards board pursuant to subparagraphs (2), (3) and (4) of paragraph (b) of subsection 2 after providing public notice and soliciting applications for the appointment of such members.

4. The members of a home care employment standards board serve without compensation.

5. A majority of the voting members of a home care employment standards board constitutes a quorum to transact business, and a majority of a quorum present at any meeting is sufficient to approve any recommendation of such a board.

6. A home care employment standards board shall meet at the times and places specified by a call of the Chair. A home care employment standards board shall meet as often as necessary to accomplish the duties set forth in section 16 of this act, but not less than once each calendar quarter.

Sec. 14. If the Director establishes a home care employment standards board upon the petition of 50 or more home care employees pursuant to section 13 of this act, the Director or his or her designee shall, not later than 30 days after the receipt of the petition, meet with representatives of the persons who submitted the petition and discuss matters relating to the wages and working conditions of home care employees in this State and the compliance of home care employers with applicable federal, state and local laws.

Sec. 15. 1. As soon as practicable after the appointment of the members of a home care employment standards board pursuant to section 13 of this act, the Director shall fix a date for the first meeting of the board. If a home care employment standards board is established upon the petition of 50 or more home care employees pursuant to section 13 of this act, the first meeting of the board must be held not later than 60 days after the date of the meeting described in section 14 of this act.

2. Before the first meeting of a home care employment standards board, the Director and the Labor Commissioner shall conduct a preliminary investigation into the wages and working conditions of home care employees in this State and the compliance of home care employers with applicable federal, state and local laws. The Director and the Labor Commissioner shall coordinate with the Aging and Disability Services Division of the Department, the Division of Health Care Financing and Policy of the Department and the Division of Public and Behavioral Health of the Department as necessary to complete the investigation.

3. The Director and the Labor Commissioner shall present the results of the preliminary investigation conducted pursuant to subsection 2 to the home care employment standards board at the first meeting of the board.

4. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 16. 1. A home care employment standards board shall:

(a) Conduct an investigation into matters relating to the wages and working conditions of home care employees in this State and the compliance of home care employers with applicable federal, state and local laws; and

(b) Based on the investigation conducted pursuant to paragraph (a), develop recommendations regarding:

(1) The minimum wage that may be paid to a home care employee in this State; or

(2) Safe and healthful working conditions for home care employees.

2. A home care employment standards board shall determine the scope of its investigation conducted pursuant to paragraph (a) of subsection 1 and the specific matters into which it will inquire, which may include, without limitation:

(a) The adequacy of wage rates and other compensation policies of home care employers to ensure the provision of quality services and sufficient levels of recruitment and retention of home care employees;

(b) The sufficiency of levels of recruitment and retention of home care employees;

(c) The adequacy of the role of home care employees in making decisions affecting their wages and working conditions;

(d) The adequacy and enforcement of training requirements for home care employees;

(e) The impact of home care programs, the larger system for long-term care in this State and any efforts to reach the goal of rebalancing long-term care services toward home and community-based services on the wages and working conditions of home care employees;

(f) The impact of systemic racism and economic injustice on home care employees and the adequacy of efforts to alleviate such impact through the development of career paths through partnerships between labor and management and other methods; and

(g) The adequacy of payment practices and policies of the State as such practices and policies relate to the reimbursement of home care employers for the provision of services under a home care program.

3. In conducting the investigation pursuant to paragraph (a) of subsection 1, a home care employment standards board shall have the power to administer oaths, take testimony thereunder and issue subpoenas for the attendance of witnesses and the production of books, papers and any other materials relevant to the investigation.

4. A home care employment standards board may request information relevant to the investigation conducted pursuant to paragraph (a) of subsection 1 directly from any state agency. A state agency that receives a reasonable request for information from a home care employment standards

board shall comply with the request as soon as is reasonably practicable after receiving the request.

5. A home care employment standards board may request direct testimony from any state agency at a meeting of the board. The head, or a designee thereof, of a state agency who receives a reasonable request for direct testimony at a meeting of a home care employment standards board shall appear at the meeting and shall comply with the request.

6. Not later than 1 year after the date of the first meeting of a home care employment standards board, the board shall submit to the Director a report of its findings and recommendations.

Sec. 16.5. The Director shall make any report submitted by a home care employment standards board pursuant to section 16 of this act available on an Internet website maintained by the Director.

Sec. 17. Upon receipt of a report submitted by a home care employment standards board pursuant to subsection 6 of section 16 of this act, the Director shall review the findings and each recommendation contained in the report. The Director may:

1. Approve or disapprove any recommendation;
2. Require the home care employment standards board that submitted the report to conduct a new investigation and develop new recommendations in accordance with section 16 of this act; or
3. Establish a new home care employment standards board in the manner provided in section 13 of this act to conduct a new investigation and develop new recommendations in accordance with section 16 of this act.

Sec. 18. 1. If the Director approves a recommendation contained in a report submitted by a home care employment standards board pursuant to subsection 6 of section 16 of this act, the Director shall adopt regulations necessary to:

(a) Establish the minimum wage recommended by the home care employment standards board as the minimum wage which may be paid to a home care employee in this State; or

(b) Provide for safe and healthful working conditions for home care employees in accordance with the recommendation of the home care employment standards board.

2. If the Director adopts regulations establishing the minimum wage which may be paid to a home care employee pursuant to paragraph (a) of subsection 1, the Director may also adopt any regulations concerning the payment of overtime to a home care employee which the Director deems appropriate and which are consistent with federal law.

Sec. 19. If the Director adopts regulations establishing the minimum wage which may be paid to a home care employee pursuant to section 18 of this act:

1. Each home care employer shall pay to each home care employee of the employer a wage of not less than the minimum wage established by regulation of the Director pursuant to section 18 of this act.

2. *It is unlawful for a home care employer to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any home care employee for a wage less than that established by regulation of the Director pursuant to section 18 of this act.*

Sec. 20. 1. *It is unlawful for a home care employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, a home care employee because:*

(a) *The home care employee serves as a member of a home care employment standards board;*

(b) *The home care employee has actively participated in the formation of a home care employment standards board;*

(c) *The home care employee has testified or is about to testify in an investigation conducted by a home care employment standards board;*

(d) *The home care employee has engaged in any other activity related to the formation or activities of a home care employment standards board; or*

(e) *The home care employer believes that the home care employee may engage in any of the activities described in paragraphs (a) to (d), inclusive.*

2. *A home care employer who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.*

Sec. 21. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate set forth in NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate set forth in NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of Section 16 of Article 15 of the Nevada Constitution;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment;

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply;

(o) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2; and

(p) A domestic service employee who resides in the household where he or she works if the domestic service employee and his or her employer agree in writing to exempt the domestic service employee from the requirements of subsections 1 and 2.

4. *Any regulation of the Director of the Department of Health and Human Services concerning the payment of overtime to a home care employee adopted pursuant to section 18 of this act prevails over the general provisions of this section.*

5. As used in this section ~~["domestic"]~~ :

(a) "Domestic worker" has the meaning ascribed to it in NRS 613.620.

(b) "Home care employee" has the meaning ascribed to it in section 5 of this act.

Sec. 22. NRS 608.260 is hereby amended to read as follows:

608.260 1. If any employer pays any employee a lesser amount than the minimum wage set forth in NRS 608.250 ~~[""]~~ or, if applicable, the minimum wage established by regulation of the Director of the Department of Health and Human Services pursuant to section 18 of this act, the employee may, at any time within 2 years, bring a civil action against the employer. A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

2. If the employee prevails in a civil action brought pursuant to subsection 1:

(a) The employee is entitled to all remedies available under the law or in equity appropriate to remedy the violation by the employer which may include, without limitation, back pay, damages, reinstatement or injunctive relief; and

(b) The court must award the employee reasonable attorney's fees and costs.

Sec. 23. NRS 608.270 is hereby amended to read as follows:

608.270 1. The Labor Commissioner shall:

(a) Administer and enforce the provisions of NRS 608.250 ~~and~~ *and section 18 of this act*;

(b) Adopt any regulations necessary to carry out the duties set forth in paragraph (a); and

(c) Furnish the district attorney of any county or the Attorney General all data and information concerning violations of the provisions of NRS 608.250 ~~and~~ *or section 18 of this act*, occurring in the county coming to the attention of the Labor Commissioner.

2. Each district attorney shall, if a complaint is made to him or her by the Labor Commissioner or by any aggrieved person, prosecute each violation of the provisions of NRS 608.250 *or section 18 of this act* that occurs in the district attorney's county. If any such district attorney fails, neglects or refuses for 20 days to commence a prosecution for a violation of the provisions of NRS 608.250 ~~and~~ *or section 18 of this act*, after being furnished data and information concerning the violation, and diligently to prosecute the same to conclusion, the district attorney is guilty of a misdemeanor, and in addition thereto must be removed from office.

Sec. 24. NRS 608.290 is hereby amended to read as follows:

608.290 1. Any person who violates any provision of NRS 608.250 , *section 18 of this act* or any regulation adopted pursuant thereto is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Sec. 25. 1. For the period of time that any emergency directive issued by the Governor pursuant to chapter 414 of NRS relating to the outbreak of the disease identified by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services as COVID-19 remains in effect, a home care employment standards board or, if such a board has not been established by December 1, 2021, the Labor Commissioner, may:

(a) Examine matters relating to COVID-19, including, without limitation, the adequacy of plans relating to the distribution of personal protective equipment to home care employees, the testing of home care employees for COVID-19 and the distribution of vaccines for COVID-19 to home care employees; and

(b) Develop recommendations concerning:

(1) Measures to ensure that plans relating to the distribution of personal protective equipment to home care employees, the testing of home care

employees for COVID-19 and the distribution of vaccines for COVID-19 to home care employees are sufficient and equitable;

(2) Effective training requirements for home care employees for COVID-19 response;

(3) Protocols to allow a home care employee to report an outbreak of COVID-19 or any deficiencies relating to personal protective equipment or testing for COVID-19 without fear of retaliation; and

(4) Measures to ensure that the disbursement of federal funds for COVID-19 relief are targeted with the greatest impact.

2. In developing any recommendations pursuant to subsection 1, a home care employment standards board or the Labor Commissioner shall solicit input from home care employers and home care employees.

3. If a home care employment standards board or the Labor Commissioner develops recommendations pursuant to subsection 1, the board or the Labor Commissioner shall prepare a report summarizing such recommendations and submit the report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

4. As used in this section:

(a) "Home care employee" has the meaning ascribed to it in section 5 of this act.

(b) "Home care employer" has the meaning ascribed to it in section 6 of this act.

(c) "Home care employment standards board" has the meaning ascribed to it in section 7 of this act.

Sec. 26. 1. There is hereby appropriated from the State General Fund to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating and equipment costs to carry out the provisions of this act the following sums:

For the Fiscal Year 2021-2022..... \$71,665

For the Fiscal Year 2022-2023..... \$88,469

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 27. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for personnel, operating and equipment costs to carry out the provisions of this act the following sums:

For the Fiscal Year 2021-2022..... \$86,609

For the Fiscal Year 2022-2023..... \$110,120

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2022, and September 15, 2023, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2022, and September 15, 2023, respectively.

Sec. 28. 1. This section and sections 26 and 27 of this act become effective on July 1, 2021.

2. Sections 1 to 25, inclusive, of this act become effective on October 1, 2021.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 707 adds sections 26, 27 and 28 to Senate Bill No. 340. Section 26 makes appropriations of \$71,665 in Fiscal Year 2022 and \$88,469 in Fiscal Year 2023 to the Office of the Labor Commissioner in the Department of Business and Industry for the personnel, operating and equipment costs necessary to carry out the provisions of Senate Bill No. 340. Section 27 makes appropriations of \$86,609 in Fiscal Year 2022 and \$110,120 in Fiscal Year 2023 to the Division of Public and Behavioral Health of DHHS for the personnel, operating and equipment costs necessary to carry out the provisions of Senate Bill No. 340.

Amendment adopted.

Bill read third time.

Remarks by Senators Neal and Kieckhefer.

SENATOR NEAL:

Senate Bill No. 340 authorizes the director of DHHS to establish a home-care employment standards board to investigate and develop recommendations regarding certain matters related to the wages and working conditions of home-care employees. The Director must establish such a board upon the petition of 50 or more home-care employees.

If such a board is established, the Director and the Labor Commissioner of the Department of Business and Industry must conduct a preliminary investigation into certain matters relating to the employment of home-care employees and present their findings at the first meeting of the board. Finally, the bill provides certain reporting requirements, authorizes a home-care employee to bring a civil action against an employer under certain circumstances and makes various other technical and conforming changes.

SENATOR KIECKHEFER:

This bill is an honest attempt to get at a real problem, the underpayment to our home-care workers in this industry. They do a lot of hard work, but this is not the right solution. The bill in front of us makes the State set up a new minimum wage for a single type of employee. This means the State would start creating segregated minimum wages for different types of workers, which is inappropriate. My compliments to the sponsor of the bill for trying to find a solution to this problem, but the answer is we need to address the fact that we underfund Medicaid rates for this service. If we were to address that, it would resolve the problem in a more appropriate way.

Roll call on Senate Bill No. 340:

YEAS—12.

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

Senate Bill No. 340 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 697.

SUMMARY—Revises provisions relating to health care. (BDR 40-62)

AN ACT relating to ~~health care; requiring~~ racial equity; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to apply for grants to reduce disparities in health care and behavioral health ~~[- creating and prescribing the duties of the Kidney Disease Prevention and Education Task Force;]~~ and certain disparities relating to kidney disease; requiring the Legislative Auditor to include certain information relating to persons employed as a director or chief executive officer in a report of an audit, to the extent money is available; declaring the policy of this State concerning employee diversity for state employers; requiring public employers to provide racial equity training, to the extent money is available; requiring public officers and employees to complete any such training offered; creating the Minority Health and Equity Account to hold funding for the Office of Minority Health and Equity within the Department; authorizing the Office to enter into a joint partnership with a public or private entity; requiring a managed care plan that provides behavioral health services to recipients of Medicaid to prepare and implement a plan to ensure the delivery of such services in a culturally competent manner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Health and Human Services, through the Division of Public and Behavioral Health of the Department, to enter into contracts with various entities to carry out its duties relating to mental health and public health. (NRS 433.354, 439.155) Sections 2 and 17 of this bill ~~require~~ authorize the Division to apply for available grants ~~to address~~ with the express purpose of addressing disparities in health care health outcomes, ~~and~~ behavioral health ~~due to~~ care and behavioral health outcomes based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level. Sections 2 and 17 authorize the Division to use a competitive process to select and award a grant of money to a community-based nonprofit organization to serve as lead partner in ensuring that services funded by a grant obtained by the Division are funded and

allocated in an equitable manner. Sections 2 and 17 additionally authorize the Division to establish and consult with an advisory committee to ensure that such services are provided in a culturally competent manner. Sections 2 and 17 require the Department to submit to the Legislature annually two reports concerning efforts to address disparities in health care and behavioral health, respectively, due to race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level.

~~[Section 4 of this bill creates the Kidney Disease Prevention and Education Task Force and section 3 of this bill defines the term "Task Force" to refer to that Task Force. Section 5 of this bill prescribes the duties of the Task Force, which include: (1) collaborating with certain persons and entities to examine, provide education concerning and raise awareness of issues related to kidney disease; (2) developing a sustainable plan to raise awareness concerning early detection of kidney disease, promote transplantation, increase equity in health care and reduce the frequency and severity of kidney disease in this State; and (3) submitting an annual report to the Legislature concerning the activities of the Task Force. Section 18 of this bill removes the requirement that the Task Force submit an annual report to the Legislature after 5 years.]~~

Section 2.5 of this bill authorizes the Division to apply for grants available to address disparities relating to kidney disease that are based on race. Section 2.5 authorizes the Division to establish and consult with an advisory committee consisting of certain persons interested in issues relating to kidney disease to establish a sustainable plan to increase education concerning and awareness of kidney disease through which services funded by such a grant may be provided. Section 2.5 also requires the Department to submit to the Legislature an annual report concerning the status of grants applied for during the immediately preceding calendar year.

Existing law requires the Legislative Auditor to conduct certain audits of accounts, funds and other records of agencies of the State to determine certain information. (NRS 218G.200) Section 7.2 of this bill requires a report of an audit conducted by the Legislative Auditor to include certain information relating to persons employed as a director or chief executive officer of the audited agency, to the extent money is available to do so.

Section 7.6 of this bill: (1) declares the policy of the State that persons employed by the State must, to the extent practicable, reflect the age, gender, sexual, ethnic and geographic diversity of this State; and (2) requires each state agency to post the policy on its Internet website.

Section 7.8 of this bill requires a public employer, to the extent that money is available, to provide training concerning diversity and racial equity to each public officer and employee. Section 7.8 also requires a public officer or employee to complete any such training.

Existing law creates the Office of Minority Health and Equity within the Department of Health and Human Services to: (1) improve the quality of health care services for members of minority groups; (2) increase access to health

care services for members of minority groups; (3) disseminate information to and educate the public on matters concerning health care issues of interest to members of minority groups; and (4) develop recommendations for changes in policy and advocate on behalf of minority groups. (NRS 232.474) Section 8 of this bill creates the Minority Health and Equity Account to hold money provided to the Office through appropriations, gifts, grants and donations. Section 8 provides that such money does not revert to the State General Fund. Section 10 of this bill makes a conforming change to indicate the placement of section 8 in the Nevada Revised Statutes. Section 11 of this bill authorizes the Office to enter into joint partnerships with public and private entities to carry out its purposes.

Existing law requires the Department to administer Medicaid and the Children's Health Insurance Program. (NRS 422.270) Section 16 of this bill requires the Division of Health Care Financing and Policy of the Department to require a managed care organization that provides behavioral health services to recipients of Medicaid or the Children's Health Insurance Program to prepare and implement a plan to ensure that such services are provided in a culturally competent manner if such a requirement is practicable. If the Division imposes such a requirement, section 16 requires the managed care organization to establish a committee of interested persons to conduct an ongoing review of the plan.

WHEREAS, As stated by James Baldwin, "Not everything that is faced can be changed, but nothing can be changed until it is faced"; and

WHEREAS, Systemic racism and structures of racial discrimination create generational poverty and perpetuate debilitating economic, educational and health hardships for persons of color, causing the single most profound economic and social challenge facing Nevada; and

WHEREAS, This economic and social challenge has been exacerbated by the COVID-19 pandemic; and

WHEREAS, Nearly 49 percent of Nevada's population is represented by persons of color, including persons who are Black, Indigenous, Hispanic, Asian or Pacific Islander and persons of more than one racial or ethnic background; and

WHEREAS, Nevada is a growing and diverse state with continually shifting demographics; and

WHEREAS, Racism has deep, harmful impacts and unfairly disadvantages Black and Indigenous persons and other persons of color (BIPOC) and has impeded solutions necessary to achieve racial parity; and

WHEREAS, Providers of health care have long noted the existence of racial and ethnic disparities in our health care system, and these inequalities have led to a disproportionate negative impact on BIPOC communities during the COVID-19 pandemic; and

WHEREAS, The chronic stress of racism affects the mental and physical health of the members of BIPOC communities and, in particular, affects the

mental and physical health of Black Americans on a daily basis to a greater degree than other groups; and

WHEREAS, During the 32nd Special Session of the Legislature, the Legislature adopted Senate Concurrent Resolution No. 1, which declared that systemic racism and structures of racial discrimination constitute a public health crisis; now, therefore,

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. ~~The Division ~~(shall)~~ may apply for grants available from the Federal Government and other sources ~~(to support the provision of health care services or other services to promote physical well-being in communities with higher risk of health problems, decreased access to or usage of health care services or worse health outcomes or physical well-being than the general population)~~ which have the express purpose of addressing disparities in health care and health outcomes based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level.~~

2. To the extent authorized by the terms of a grant obtained pursuant to subsection 1, the Division may:

(a) Use a competitive process to select and award a grant of money to a nonprofit organization to serve as a lead partner to ensure that health care services supported by a grant obtained pursuant to subsection 1 are funded and allocated in an equitable manner. The lead partner must:

(1) Be based in the community to which the health care services are to be provided; and

(2) Have demonstrated experience serving that community.

(b) Establish and consult with an advisory committee to ensure that health care services supported by a grant obtained pursuant to subsection 1 are provided in a culturally competent manner. The advisory committee must be composed of representatives of nonprofit organizations that have demonstrated experience serving the community to which the health care services are to be provided.

3. On or before February 1 of each year, the Department shall:

(a) Compile a report that includes, without limitation:

(1) The amount of money allocated by the Department during the immediately preceding calendar year to support the provision of health care services or other services to promote physical well-being in communities with higher risk of health problems, decreased access to or usage of health care services or worse health outcomes or physical well-being than the general population based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level;

(2) A description of the services described in subparagraph (1) that were provided during the immediately preceding calendar year and the efforts made by the Department during the immediately preceding calendar year to locate persons in need of such services and provide such services to those persons;

(3) The number of persons who received the services described in subparagraph (1) and, to the extent available, information regarding the income level, age, race and ethnicity of those persons; and

(4) Any community-based organizations with which the Department collaborated to provide those services; and

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

(1) In even-numbered years, the Legislative Commission and the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

Sec. 2.5. 1. The Division may apply for grants available from the Federal Government and other sources to support the identification, understanding and mitigation of health disparities relating to kidney disease that are based on race. Such disparities include, without limitation, disparities concerning:

(a) Early detection, frequency and severity of kidney disease; and

(b) Promotion of kidney transplantation.

2. The Division may establish and consult with an advisory committee to establish a sustainable plan to increase education concerning and awareness of kidney disease through which services supported by a grant obtained pursuant to subsection 1 may, to the extent applicable and authorized by the terms of the grant, be delivered. The advisory committee must be composed of representatives of providers of health care and medical facilities who provide care for kidney disease, patients with kidney disease, organ procurement organizations, national kidney organizations and any other members that the Division deems appropriate.

3. On or before February 1 of each year, the Department shall compile a report that includes, without limitation, the status of grants applied for during the immediately preceding calendar year pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In even-numbered years, the Legislative Commission and the Legislative Committee on Health Care; and

(b) In odd-numbered years, the next regular session of the Legislature.

4. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. ~~[As used in this section and sections 4 and 5 of this act, unless the context otherwise requires, "Task Force" means the Kidney Disease Prevention and Education Task Force created by section 4 of this act.]~~
(Deleted by amendment.)

Sec. 4. ~~[1. The Kidney Disease Prevention and Education Task Force is hereby created within the Department of Health and Human Services. The Task Force consists of:~~

~~—(a) One member of the Senate who is appointed by the Majority Leader of the Senate;~~

~~—(b) One member of the Assembly who is appointed by the Speaker of the Assembly;~~

~~—(c) One member of the Senate who is appointed by the Minority Leader of the Senate;~~

~~—(d) One member of the Assembly who is appointed by the Minority Leader of the Assembly;~~

~~—(e) One member who is a representative of the Department, appointed by the Governor;~~

~~—(f) One member who is a provider of health care, other than a physician, who provides care to patients with kidney disease, appointed by the Co Chairs;~~

~~—(g) One member who is a representative of a medical facility with a program related to kidney health, appointed by the Co Chairs;~~

~~—(h) One member who is a physician who provides care to patients with kidney disease, appointed by the Co Chairs;~~

~~—(i) One member who represents a nonprofit organ procurement organization, appointed by the Co Chairs;~~

~~—(j) One member who represents the National Kidney Foundation, or its successor organization, and works primarily in this State, appointed by that organization;~~

~~—(k) One member who represents the American Kidney Fund, or its successor organization, and works primarily in this State, appointed by that organization;~~

~~—(l) One member who is a patient who has or has recovered from kidney disease, appointed by the Co Chairs; and~~

~~—(m) Any additional members appointed by the Co Chairs to represent public health clinics, community health centers, organizations to provide health care to minority populations and insurers. Members appointed pursuant to this paragraph serve at the pleasure of the Co Chairs.~~

~~2. The members appointed to the Task Force pursuant to paragraphs (a) and (b) of subsection 1 shall serve as Co Chairs.~~

~~3. After the initial terms, the members of the Task Force described in paragraphs (a) to (l), inclusive, of subsection 1 serve terms of 2 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.~~

~~4. The members of the Task Force serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.~~

~~5. Each 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 officer or employee 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 the officer or employee is absent from work to carry out duties as a member of the Task Force or use annual leave or compensatory time for the absence.~~

~~6. The Department shall provide such administrative support to the Task Force as is necessary to carry out the duties of the Task Force.~~

~~7. As used in this section:~~

~~(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.~~

~~(b) "Organ procurement organization" has the meaning ascribed to it in NRS 451.534.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.] (Deleted by amendment.)~~

Sec. 5. ~~{1. The members of the Task Force shall meet at the call of the Co-Chairs. The Task Force shall prescribe regulations for its own management and government.~~

~~2. 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.~~

~~3. The Task Force shall:~~

~~(a) Collaborate with interested persons and entities, including, without limitation, governmental entities and educational institutions, to examine, provide education concerning and increase awareness of chronic kidney disease, kidney transplant, donation of kidneys by living and deceased donors and disparities among races in rates of kidney disease.~~

~~(b) Develop a sustainable plan to raise awareness concerning early detection of kidney disease, promote kidney transplant, increase equity in health care services and reduce the frequency and severity of kidney disease in this State. The plan must include, without limitation, ongoing workshops, seminars, research, preventive screenings, social media campaigns and television and radio advertisements.~~

~~(c) Make recommendations concerning kidney health and kidney disease to the Division, the Department, the Legislature and other interested persons and entities.~~

~~(d) On or before December 31 of each year, compile a report concerning the activities of the Task Force and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) In odd-numbered years, the Legislative Committee on Health Care; and~~

~~(2) In even-numbered years, the next regular session of the Legislature.]~~
(Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.2. Chapter 218G of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislative Auditor shall, to the extent money is available for this purpose, include in a report of an audit the number of persons employed as a director or chief executive officer of the audited agency, and, if available, the number of such persons who self-identify as:

1. Women, without regard to designated sex at birth.

2. Black, African-American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, Native Alaskan, gay, lesbian, bisexual or transgender.

Sec. 7.4. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.6 and 7.8 of this act.

Sec. 7.6. 1. It is hereby declared to be the public policy of the State of Nevada that, except as otherwise required by law, persons employed by the State must, to the extent practicable, reflect the diversity of this State, including, without limitation, the age, gender, sexual, ethnic and geographic diversity of this State.

2. Each state agency shall post the policy set forth in subsection 1 on the Internet website maintained by the State agency.

Sec. 7.8. 1. To the extent that money is available, a public employer shall provide training concerning diversity and racial equity to each of its officers and employees, which may include, without limitation, training regarding:

(a) Implicit and unconscious bias; and

(b) Undoing organizational, institutional, structural and systemic racism.

2. A public officer or employee shall complete any training provided pursuant to subsection 1.

Sec. 8. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Minority Health and Equity Account is hereby created in the State General Fund. The Account must be administered by the Manager. The Manager shall deposit in the Account:

(a) Any legislative appropriations made to the Office; and

(b) Any other money received by the Office pursuant to NRS 232.476.

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➡ must be credited to the Account.

3. *Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

4. *The money in the Account must be expended to carry out the purposes of this section and NRS 232.467 to 232.484, inclusive.*

Sec. 9. 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 16 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. 10. NRS 232.467 is hereby amended to read as follows:

232.467 As used in NRS 232.467 to 232.484, inclusive, *and section 8 of this act*, unless the context otherwise requires, the words and terms defined in NRS 232.468 to 232.473, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 232.476 is hereby amended to read as follows:

232.476 The Office may:

1. Apply for any available grants and accept any available gifts, grants, appropriations or donations, and use any such gifts, grants, appropriations or donations to carry out its purposes;

2. Contract *or enter into a partnership* with a public or private entity to assist in carrying out its purposes; and

3. Adopt such regulations as are necessary to carry out the provisions of NRS 232.467 to 232.484, inclusive ~~[]~~, *and section 8 of this act*.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent practicable, the Division shall require a managed care organization, including, without limitation, a health maintenance organization, that provides behavioral health services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division to prepare and implement a plan to ensure that such services are provided in a culturally competent manner.*

2. A plan to ensure that behavioral health services are provided in a culturally competent manner must be approved by the Division and must include, without limitation:

(a) Identification of disparities in the incidence of behavioral health problems, access to or usage of behavioral health services and in behavioral health outcomes based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language and income level, to the extent that data is available to identify such disparities;

(b) Strategies for reducing the disparities identified pursuant to paragraph (a) and the rationale for each strategy;

(c) Mechanisms and goals to measure the effectiveness of the strategies prescribed pursuant to paragraph (b) and, if applicable, the degree to which the managed care organization has achieved goals set forth in previous plans;

(d) Strategies for addressing trauma and providing services in a trauma-informed manner; and

(e) Strategies for soliciting input from persons to whom the managed care organization provides services and other interested persons.

3. If the Division requires a managed care organization to prepare and implement a plan to ensure that behavioral health services are provided in a culturally competent manner, the managed care organization must:

(a) Establish, through an open invitation, a committee of interested persons for the purpose of conducting an ongoing review of the plan. The committee must include, without limitation, state and local government officers and employees, consumers of behavioral health services, advocates for consumers of behavioral health services, experts on reducing disparities in behavioral health and providers of behavioral health services.

(b) ~~Annually~~ Biennially update the plan to reflect changes in the population served by the managed care organization and submit the updated plan to the Division for approval ~~and for technical assistance and feedback concerning the implementation of the plan.~~

(c) Post the plan and each updated version of the plan on a publicly available Internet website.

(d) ~~Annually~~ Biennially compile, submit to the Division and post publicly on the Internet a report concerning the degree to which the managed care organization has achieved or is progressing toward achieving the goals set forth pursuant to paragraph (c) of subsection 2.

~~[(e) Every third year, submit the plan to the Division for technical assistance and feedback concerning the implementation of the plan.]~~

4. A committee established pursuant to paragraph (a) of subsection 3 must meet at least ~~monthly~~ quarterly. Such meetings:

(a) May be conducted remotely or in person; and

(b) Must be open to the public.

5. The Department and the Division shall provide a managed care organization with any demographic information or technical assistance

necessary to carry out the requirements imposed pursuant to this section. A managed care organization may solicit any information necessary to carry out the requirements imposed pursuant to this section from persons who receive behavioral health services from the plan.

6. As used in this section, "trauma-informed manner" means a manner that:

- (a) Is informed by knowledge of and responsiveness to the effects of trauma;
- (b) Emphasizes physical, psychological and emotional safety for persons receiving services; and
- (c) Creates opportunities for a person affected by trauma to rebuild a sense of control and empowerment.

Sec. 17. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division ~~[shall]~~ may apply for grants available from the Federal Government and other sources ~~[to support the provision of behavioral health services or other services to promote emotional well-being in communities with higher risk of behavioral health problems, decreased access to or usage of behavioral health care services or worse behavioral health outcomes or emotional well-being than the general population]~~ which have the express purpose of addressing disparities in behavioral health care and behavioral health outcomes based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level.

2. To the extent authorized by the terms of a grant obtained pursuant to subsection 1, the Division may:

(a) Use a competitive process to select and award a grant of money to a nonprofit organization to serve as a lead partner to ensure that services supported by a grant obtained pursuant to subsection 1 are funded and allocated in an equitable manner. The lead partner must:

(1) Be based in the community to which the services are to be provided; and

(2) Have demonstrated experience serving that community.

(b) Establish and consult with an advisory committee to ensure that services supported by a grant obtained pursuant to subsection 1 are provided in a culturally competent manner. The advisory committee must be composed of representatives of nonprofit organizations that have demonstrated experience serving the community to which the services are to be provided.

3. On or before February 1 of each year, the Department shall:

(a) Compile a report that includes, without limitation:

(1) The amount of money allocated by the Department during the immediately preceding calendar year to support the provision of behavioral health services or other services to promote emotional well-being in communities with higher risk of behavioral health problems, decreased access to or usage of behavioral health services or worse behavioral health outcomes or emotional well-being than the general population based on race, color,

ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level;

(2) A description of the services described in subparagraph (1) that were provided during the immediately preceding calendar year and the efforts made by the Department during the immediately preceding calendar year to locate persons in need of such services and provide such services to those persons;

(3) The number of persons who received the services described in subparagraph (1) and, to the extent available, information regarding the income level, age, race and ethnicity of those persons; and

(4) Any community-based organizations with which the Department collaborated to provide those services; and

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

(1) In even-numbered years, the Legislative Commission and the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

Sec. 18. ~~[Section 5 of this act is hereby amended to read as follows:~~

~~Sec. 5. 1. The members of the Task Force shall meet at the call of the Co-Chairs. The Task Force shall prescribe regulations for its own management and government.~~

~~2. 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.~~

~~3. The Task Force shall:~~

~~(a) Collaborate with interested persons and entities, including, without limitation, governmental entities and educational institutions, to examine, provide education concerning and increase awareness of chronic kidney disease, kidney transplant, donation of kidneys by living and deceased donors and disparities among races in rates of kidney disease.~~

~~(b) Develop a sustainable plan to raise awareness concerning early detection of kidney disease, promote kidney transplant, increase equity in health care services and reduce the frequency and severity of kidney disease in this State. The plan must include, without limitation, ongoing workshops, seminars, research, preventive screenings, social media campaigns and television and radio advertisements.~~

~~(c) Make recommendations concerning kidney health and kidney disease to the Division, the Department, the Legislature and other interested persons and entities.~~

~~(d) On or before December 31 of each year, compile a report concerning the activities of the Task Force and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) In odd-numbered years, the Legislative Committee on Health Care; and~~

~~(2) In even numbered years, the next regular session of the Legislature.] (Deleted by amendment.)~~

Sec. 19. ~~[As soon as practicable after July 1, 2021:~~

~~1. The Majority Leader of the Senate shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (a) of subsection 1 of section 4 of this act to an initial term of 2 years.~~

~~2. The Speaker of the Assembly shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (b) of subsection 1 of section 4 of this act to an initial term of 2 years.~~

~~3. The Minority Leader of the Senate shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (c) of subsection 1 of section 4 of this act to an initial term of 2 years.~~

~~4. The Minority Leader of the Assembly shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (d) of subsection 1 of section 4 of this act to an initial term of 2 years.~~

~~5. The Governor shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (e) of subsection 1 of section 4 of this act to an initial term of 1 year.~~

~~6. The Co Chairs of the Kidney Disease Prevention and Education Task Force shall appoint to the Task Force the members described in paragraphs (f) to (i), inclusive, and (l) of subsection 1 of section 4 of this act to initial terms of 1 year.~~

~~7. The National Kidney Foundation shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (j) of subsection 1 of section 4 of this act to an initial term of 2 years.~~

~~8. The American Kidney Fund shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (k) of subsection 1 of section 4 of this act to an initial term of 2 years.] (Deleted by amendment.)~~

Sec. 20. 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. 21. 1. This section and sections 1 to 17, inclusive, 19 and 20 of this act become effective on July 1, 2021.

2. Section 18 of this act becomes effective on July 1, 2026.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 697 to Senate Bill No. 341 deletes sections 3, 4, 5, 18 and 19 of the bill relating to the Kidney Disease Prevention and Education Task Force. The amendment further eliminates "require" and "shall" in sections 2 and 17 of Senate Bill No. 341 and substitutes "authorize" and "may" to clarify that Senate Bill No. 341 does not create an obligation for the Division of Public and Behavioral Health in DHHS to apply for grants.

Amendment No. 697 to Senate Bill No. 341 adds section 7.2 to the bill, which provides to the extent that money is available, the Legislative Auditor is required to include certain information relating to persons employed as a director or chief executive officer in a report of an audit. It adds sections 7.4, 7.6 and 7.8, which declare the policy of the State that persons employed by the State must, to the extent practicable, reflect the age, gender, sexual, ethnic and geographic diversity of Nevada. It requires each State agency to post this policy on their website and, to the extent money is available, require a public employer to provide training concerning diversity and racial equity to public office holders.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 341 makes changes related to health care. It requires the Division of Public and Behavioral Health of DHHS to apply for available grants to address disparities in health care. It creates the Kidney Disease Prevention and Education Task Force, which must collaborate with certain people and entities to raise awareness of issues related to kidney disease, promote transplantation and increase equity in health care. It creates the Minority Health and Equity Account to hold money for the Office of Minority Health and Equity within DHHS. It requires the Division of Health Care Financing and Policy of DHHS to require managed-care organizations that provide behavioral-health services through Medicaid or the Children's Health Insurance Program to implement a plan to ensure such services are provided in a culturally competent manner.

Roll call on Senate Bill No. 341:

YEAS—12.

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

Senate Bill No. 341 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 356.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 726.

SUMMARY—Provides for a study of certain issues relating to the housing of youthful offenders. (BDR S-501)

AN ACT relating to youthful offenders; providing for a study of certain issues relating to the housing of youthful offenders; requiring the transmittal of a report of the findings of the study to the Legislative Committee on Child Welfare and Juvenile Justice; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Legislative Committee on Child Welfare and Juvenile Justice and directs the Committee to evaluate and review various issues relating to child welfare and juvenile justice in this State. (NRS 218E.700-218E.720) During the 2019 Legislative Session, the Legislature enacted legislation requiring the Committee to conduct a study during the 2019-2020 interim concerning juvenile detention in this State, which included, without limitation: (1) consideration of the implementation of

a regional approach to the housing of juvenile offenders in this State, through which the Nevada Department of Corrections retains jurisdiction over juvenile offenders who are housed locally in other local or state institutions or facilities for the detention of juvenile offenders; (2) a review of the adequacy of the current capacity of institutions and facilities in this State to house juvenile offenders; and (3) a review of the programs and services in other states where juvenile offenders who are tried as adults are housed with juvenile offenders within the juvenile justice system. (Chapter 382, Statutes of Nevada 2019, at page 2425)

~~[This]~~ Section 1 of this bill requires the Department of Corrections and the Division of Child and Family Services of the Department of Health and Human Services, in consultation with the Juvenile Justice Oversight Commission and other stakeholders, to study the feasibility of: (1) housing youthful offenders regionally, in facilities of the Division of Child and Family Services or in county facilities; and (2) developing a new model relating to the housing of youthful offenders in which youthful offenders who are between 18 and 24 years of age, who have been convicted as adults and who will be released from confinement before reaching 25 years of age would be housed separately from offenders who will not be released from confinement before reaching 25 years of age. ~~[This]~~ Section 1 of this bill also requires that not later than July 1, 2022, the Department of Corrections and the Division must prepare and submit a report of the findings of the study to the Director of the Legislative Counsel Bureau for transmittal to the Committee. Section 1.5 of this bill makes an appropriation to the Division for the costs of conducting the study.

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

Section 1. 1. The Department of Corrections and the Division of Child and Family Services of the Department of Health and Human Services, in consultation with the Juvenile Justice Oversight Commission and other stakeholders, shall study the feasibility of: (1) housing youthful offenders regionally, in facilities of the Division or in county facilities; and (2) developing a new model relating to the housing of youthful offenders in which youthful offenders who are between 18 and 24 years of age, who have been convicted as adults and who will be released from confinement before reaching 25 years of age would be housed separately from offenders who will not be released from confinement before reaching 25 years of age. The study must include, include, without limitation, a review and consideration of the following issues:

(a) With respect to housing youthful offenders regionally, in facilities of the Division or in county facilities:

(1) An investigation of the costs of upgrading facilities or new construction.

(2) The complexities of entering into a memorandum of understanding between the Department and the Division whereby appropriately trained staff

of the Department would, if necessary, be assigned to work in facilities of the Division.

(3) Any potential savings in costs at the Department resulting from no longer housing youthful offenders that could potentially be shifted to the Division or to counties.

(4) Any other issues relating to budgeting.

(5) An analysis of the costs and benefits of implementing the proposal.

(6) Any other issues deemed pertinent by the Department or Division.

(b) With respect to developing a new model relating to the housing of youthful offenders in which youthful offenders who are between 18 and 24 years of age, who have been convicted as adults and who will be released from confinement before reaching 25 years of age would be housed separately from offenders who will not be released from confinement before reaching 25 years of age:

(1) A review of necessary statutory and regulatory changes.

(2) Models from other states.

(3) Estimates of expected costs.

(4) Any other issues relating to budgeting.

(5) An analysis of the costs and benefits of the proposal.

(6) Any other issues deemed pertinent by the Department or Division.

2. Not later than July 1, 2022, the Department and the Division shall prepare and submit a report of the findings of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Child Welfare and Juvenile Justice.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of \$50,000 for the costs of conducting the study of housing youthful offenders required by section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 3. This act becomes effective ~~on July 1, 2021.~~ upon passage and approval.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 726 to Senate Bill No. 356 added \$50,000 in General Fund appropriations in Fiscal Year 2021 to fund a contracted position to assist the Department of Corrections and the Division of Child and Family Services of DHHS in carrying out the study relating to the housing of youthful offenders.

Amendment adopted.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 356 requires the Department of Corrections and the Division of Child and Family Services of DHHS, in consultation with the Juvenile Justice Oversight Commission and other stakeholders, to conduct a feasibility study regarding youthful offenders. The study must include a review of housing youthful offenders, including housing youthful offenders between 18 and 24 years of age convicted as adults separately from offenders who will not be released before the age of 25.

The Department and Division must provide a report to the Legislative Committee on Child Welfare and Juvenile Justice no later than July 1, 2022.

Roll call on Senate Bill No. 356:

YEAS—21.

NAYS—None.

Senate Bill No. 356 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 390.

Bill read third time.

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

Amendment No. 689.

SUMMARY—Revises provisions relating to behavioral health. (BDR 39-635)

AN ACT relating to behavioral health; providing for the establishment of a suicide prevention and behavioral health crisis hotline; exempting a telecommunications provider from certain damages relating to the hotline; requiring the imposition of a surcharge on certain communications services to support the hotline; creating the ~~[[Nevada]]~~ Fund for ~~[[Healthy Communities]]~~ a Resilient Nevada; requiring the ~~[[State Treasurer]]~~ Attorney General to deposit the proceeds of certain litigation into the Fund; authorizing the Department of Health and Human Services to use ~~[[a portion of]]~~ the money in the Fund for certain statewide projects ~~[[requiring the Department]]~~ and to award grants ~~[[from the Fund to support certain projects]]~~ to various public and private entities to address the impact of opioid use disorder and other substance use disorders; prescribing certain procedures relating to the awarding of those grants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the National Suicide Prevention Lifeline program, including the establishment of a national suicide prevention and

mental health crisis hotline that may be accessed by dialing the digits 9-8-8. (42 U.S.C. §§ 290bb-36c) Section 2 of this bill defines the term "National Suicide Prevention Lifeline program" to refer to that program. Section 3 of this bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to ~~establish: (1)~~ perform certain activities to support the implementation of a hotline for persons who are considering suicide or otherwise in a behavioral health crisis that may be accessed by dialing the digits 9-8-8. ~~and (2)~~ Specifically, section 3 requires the Division to: (1) establish at least one support center to answer calls to the hotline and coordinate the response to those calls. ~~Section 3 also requires the Division to: (1)~~ ; (2) encourage the establishment of or establish mobile crisis teams to respond to calls; and (2) ~~(3) perform certain other duties related to the hotline. Section 3 exempts telecommunications providers from certain damages relating to the hotline.~~ Section 4 of this bill establishes operational requirements and duties for a support center. Those duties include coordinating and deploying necessary services for persons who access the hotline and providing follow-up services for such persons. Section 6 of this bill requires the Division to annually submit to the Legislature, the Commission on Behavioral Health and each regional behavioral health policy board a report concerning the usage of the hotline and the services provided to persons who access the hotline.

Existing federal law authorizes a state to impose a fee or charge on a commercial mobile communication service or an IP-enabled voice service to fund the operations of a suicide prevention and mental health crisis hotline established pursuant to the National Suicide Prevention Lifeline program. (47 U.S.C. § 251a) Section 5 of this bill requires the ~~Public Utilities Commission~~ State Board of Health to adopt regulations to impose a surcharge on mobile communication services, IP-enabled voice services and landline telephone services. Section 5 requires the ~~Commission~~ Division to deposit the proceeds from the surcharge into an account ~~administered by the Division,~~ and use that money to support the operation of the hotline and the services provided to persons who access the hotline. Section 5 additionally authorizes the Division to accept gifts, grants and donations to support ~~the operation of the hotline and the services provided to persons who access the hotline,~~ those activities. Section 6 of this bill requires the Division to annually submit to the Legislature a report concerning the revenue generated by the surcharge and deposits and expenditures from the account.

Existing law: (1) creates the Fund for a Healthy Nevada; (2) requires the State Treasurer to deposit in the Fund the proceeds of litigation by the State against manufacturers of tobacco products; and (3) requires the Department of Health and Human Services, with the authorization of the Legislature, to allocate the money in the Fund for certain purposes to address the health needs of residents of this State. (NRS 439.620, 439.630) Sections ~~7-9.5~~ 7-9.9 of this bill similarly: (1) create the Fund for a Resilient Nevada Fund for Healthy Communities to hold the proceeds of certain litigation by the State concerning

the manufacture, distribution, sale and marketing of opioids; and (2) provide for the use of that money for statewide projects and distribution ~~[of that money]~~ as grants to ~~[state,]~~ regional, local and tribal governments and ~~[nonprofit]~~ private sector organizations for projects that address the impacts of opioid use disorder and other substance use disorders. ~~[Section 7 of this bill defines the term "Fund" to refer to.]~~ Sections 7-7.6 of this bill define certain relevant terms. Section 7.7 of this bill creates the Advisory Committee for a Resilient Nevada, which is made up of persons who are affected by or otherwise interested in issues relating to substance use disorder. Section 7.8 of this bill prescribes procedural requirements governing the operation of the Advisory Committee. Section 7.9 of this bill requires the Advisory Committee to submit to the Director of the Department a biennial report of recommendations concerning the allocation and distribution of money from the Fund. Section 8 of this bill creates the Fund, ~~[and]~~ requires the ~~[State Treasurer]~~ Director to administer the Fund, ~~[and]~~ and prescribes certain requirements relating to the expenditure of money from the Fund. Section 10 of this bill authorizes the Interim Finance Committee to perform duties relating to the authorization of administrative expenses from the Fund during a regular session of the Legislature. Section 9 of this bill requires the Department ~~[of Health and Human Services]~~ to: (1) conduct a statewide needs assessment to determine the priorities for allocating money from the Fund; and (2) ~~[distribute the money in the Fund as grants to state, regional, local and tribal agencies and nonprofit organizations for projects that address the impacts of opioid use disorder and other substance use disorders.]~~ Section 8 additionally authorizes the Department, subject to legislative authorization, to spend the money in the Fund for certain statewide projects. ~~[Section]~~ based on that needs assessment, develop a statewide plan for allocating the money in the Fund. Sections 9.5 and 9.6 of this bill ~~[and (1) prescribes]~~ prescribe specific requirements concerning the statewide needs assessment conducted pursuant to section 9, ~~[and]~~ ~~[(2) requires state, regional, local and tribal agencies to submit to the Department plans to address the priorities identified in the needs assessment.]~~ Section 9 requires the Department to consider those plans when awarding grants. Section 8 requires expenditures from the Fund to be authorized by the Interim Finance Committee. Section 10 of this bill authorizes the Interim Finance Committee to perform duties relating to the authorization of such grants during a regular session of the Legislature, the statewide plan developed pursuant to that section, respectively. Specifically, section 9.6 authorizes the statewide plan to provide for the allocation of money from the Fund to: (1) fund certain statewide projects to address the impact of opioid use disorder and other substance use disorders; and (2) provide grants to regional, local or tribal governments and private sector organizations whose work relates to opioid use disorder or other substance use disorders. Section 9.6 requires the statewide plan to be approved by the Legislature before implementation. Section 10.3 of this bill exempts the statewide plan from the requirements of the Nevada Administrative Procedure Act. Section 9.7 of this bill requires each regional, local or tribal governmental

entity that wishes to apply for a grant of money from the Fund to conduct a needs assessment and develop a plan for the expenditure of the money, and sections 9.8 and 9.9 of this bill prescribe requirements governing such a needs assessment and plan, respectively. Section 9.7 also requires any regional, local or tribal governmental entity or private sector organization that receives a grant to annually submit to the Department a report concerning the use of that money. Additionally, if a regional, local or tribal governmental entity that receives a grant later receives its own recovery resulting from litigation relating to the manufacture, distribution, sale or marketing of opioids, section 9.7 authorizes the Department to recover all or a portion of the grant money, not to exceed the amount of the recovery.

Section 11 of this bill requires any state agency that has previously received proceeds of litigation by the State concerning the manufacture, distribution, sale and marketing of opioids to transfer any uncommitted portion of those proceeds to the ~~[State Treasurer]~~ Director of the Department for deposit in the Fund.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~10.5,~~ 9.9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "National Suicide Prevention Lifeline program" means the National Suicide Prevention Lifeline program established by 42 U.S.C. § 290bb-36c.*

Sec. 3. 1. *The Division shall ~~fr~~
~~(a) Establish~~ support the implementation of a hotline for persons who are considering suicide or otherwise in a behavioral health crisis that may be accessed by dialing the digits 9-8-8 ~~fr~~*

~~(b) Establish~~ by:

(a) Establishing at least one support center that meets the requirements of section 4 of this act to answer calls to the hotline and coordinate the response to persons who access the hotline;

~~(c) Encourage~~

(b) Encouraging the establishment of and, to the extent that money is available, ~~establish~~ establishing mobile crisis teams to provide community-based intervention, including, without limitation, de-escalation and stabilization, for persons who are considering suicide or otherwise in a behavioral health crisis and access the hotline;

~~(d) Participate~~

(c) Participating in any collection of information by the Federal Government concerning the National Suicide Prevention Lifeline program;

~~(e) Collaborate~~

(d) Collaborating with the National Suicide Prevention Lifeline program and the Veterans Crisis Line program established pursuant to 38 U.S.C. § 1720F(h) to ensure consistent messaging to the public about the hotline; and

~~[(f) Adopt]~~

(e) Adopting any regulations necessary to carry out the provisions of sections 2 to 6, inclusive, of this act, including, without limitation:

(1) Regulations establishing the qualifications of providers of services who are involved in responding to persons who are considering suicide or are otherwise in a behavioral health crisis and access the hotline; ~~and~~

(2) Any regulations necessary to allow for communication and sharing of information between persons and entities involved in responding to crises and emergencies in this State to facilitate the coordination of care for persons who are considering suicide or are otherwise in a behavioral health crisis and access the hotline ~~and~~; and

(3) Regulations defining the term "person professionally qualified in the field of behavioral health" for the purposes of this section.

2. A mobile crisis team established pursuant to paragraph ~~[(e)]~~ (b) of subsection 1 must be:

(a) A team based in the jurisdiction that it serves which includes persons professionally qualified in the field of ~~psychiatric mental~~ behavioral health and providers of peer recovery support services;

(b) A team established by a provider of emergency medical services that includes persons professionally qualified in the field of behavioral health and providers of peer recovery support services; or

(c) A team established by a law enforcement agency that includes law enforcement officers, persons professionally qualified in the field of psychiatric mental health and providers of peer recovery support services.

3. A telecommunications provider and its employees, agents, subcontractors and suppliers are not liable for damages that directly or indirectly result from the installation, maintenance or provision of service in relation to the hotline implemented pursuant to this section, including, without limitation, the total or partial failure of any transmission to a support center, unless willful conduct or gross negligence is proven.

4. As used in this section, "peer recovery support services" ~~has the meaning ascribed to it in NRS 449.01566.~~ means nonclinical supportive services that use lived experience in recovery from a substance use disorder or other behavioral health disorder to promote recovery in another person with a substance use disorder or other behavioral health disorder by advocating, mentoring, educating, offering hope and providing assistance in navigating systems.

Sec. 4. 1. Any support center established pursuant to section 3 of this act must:

(a) Meet the requirements established for participation in the National Suicide Prevention Lifeline program including, without limitation, requirements established by the National Suicide Prevention Lifeline Program for serving lesbian, gay, bisexual, transgender and questioning persons, persons with substance use disorders or persons with co-occurring disorders, Native Americans and other high-risk and specialized populations identified

by the Substance Abuse and Mental Health Services Administration of the United States Health and Human Services. Such requirements include, without limitation, requirements for training staff to respond to callers who are members of specialized populations and transferring such callers to an appropriate specialized center or subnetwork.

(b) Use technology that is interoperable between systems for responding for crises and emergencies across this State, including, without limitation:

- (1) Systems used to provide emergency 911 service;
- (2) Systems used by providers of emergency medical services; and
- (3) Registries of beds available for persons who require inpatient psychiatric treatment.

2. A support center shall:

(a) Enter into an agreement with the National Suicide Prevention Lifeline program to participate in the network of local crisis support centers established by that program;

(b) Implement the operational and clinical standards and best practices prescribed by the National Suicide Prevention Lifeline program for a local crisis support center;

(c) Share information with other persons and entities in this State responsible for providing services to persons in a behavioral health crisis to facilitate performance of the duties described in paragraph (d);

(d) Coordinate and deploy necessary services, including, without limitation, crisis stabilization services and mobile crisis teams, for persons who are considering suicide or otherwise in a behavioral health crisis and access the hotline established pursuant to section 3 of this act; and

(e) Provide follow-up services for persons who are considering suicide or otherwise in a behavioral health crisis and access the hotline established pursuant to section 3 of this act.

3. As used in this section, "crisis stabilization services" has the meaning ascribed to it in NRS 449.0915.

Sec. 5. 1. The ~~{Public Utilities Commission of Nevada}~~ State Board of Health shall ~~fr~~

~~—(a) Impose~~ adopt regulations to impose a surcharge on each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a and each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State. Those companies and providers shall collect the surcharge from their customers and transfer the money collected to the ~~{Commission}~~ Division pursuant to regulations adopted by the ~~{Commission}~~.

~~—(b) In consultation with the Division, adopt regulations establishing the~~ State Board of Health. The amount of the surcharge ~~{which}~~ must be sufficient to support the uses set forth in subsection 2. ~~fr~~, except that the amount of the surcharge must not exceed 35 cents for each access line or trunk line.

2. The Crisis Response Account is hereby created in the State General Fund. Any money collected from the surcharge imposed pursuant to subsection 1 must be deposited in the State Treasury for credit to the Account. The Division shall administer the Account. The money in the Account ~~must be~~:

(a) Must be used ~~only for purposes~~ by the Division to carry out the provisions of sections 2 to 6, inclusive, of this act, to the extent authorized by 47 U.S.C. § 251a ~~+~~; and

(b) Must not be used to supplant existing methods of funding that are available for those purposes.

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

4. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund but must be carried over into the next fiscal year.

5. The Division may accept gifts, grants and donations for the purpose of carrying out the provisions of sections 2 to 6, inclusive, of this act.

Sec. 6. On or before December 31 of each year, the Division shall compile:

1. A report concerning the usage of the hotline established pursuant to section 3 of this act and the services provided to persons who are considering suicide or otherwise in a behavioral health crisis and access the hotline and submit the report to:

(a) The Commission on Behavioral Health;

(b) Each regional behavioral health policy board created by NRS 433.429; and

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislative Committee on Health Care created by NRS 439B.200 and the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750; and

(2) In even-numbered years, the next regular session of the Legislature.

2. A report concerning the revenue generated by the surcharge imposed pursuant to section 5 of this act and deposits and expenditures from the Account created by that section and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In odd-numbered years, the Interim Finance Committee; and

(b) In even-numbered years, the next regular session of the Legislature.

Sec. 7. As used in sections 7 to ~~9.5~~ 9.9, inclusive, of this act, unless the context otherwise requires, ~~["Fund" means the Nevada Fund for Healthy Communities created by section 8 of this act.]~~ the words and terms defined in sections 7.1 to 7.6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 7.1. "Advisory Committee" means the Advisory Committee for a Resilient Nevada created by section 7.7 of this act.

Sec. 7.2. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 7.3. "Fund" means the Fund for a Resilient Nevada created by section 8 of this act.

Sec. 7.4. "Office" means the Office of Minority Health and Equity of the Department created by NRS 232.474.

Sec. 7.5. "Special population" means a population uniquely affected by substance use or substance use disorder. The term includes, without limitation:

1. Veterans;
2. Persons who are pregnant;
3. Parents of dependent children;
4. Youth;
5. Persons who are lesbian, gay, bisexual, transgender and questioning;
- and
6. Persons and families involved in the criminal justice system, juvenile justice system and child welfare system.

Sec. 7.6. "Substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance use and substance use disorders in a region of this State.

Sec. 7.7. 1. The Advisory Committee for a Resilient Nevada is hereby created within the Department.

2. The Attorney General shall appoint to the Advisory Committee:

(a) One member who possesses knowledge, skills and experience working with youth in the juvenile justice system;

(b) One member who possesses knowledge, skills and experience working with persons in the criminal justice system;

(c) One member who possesses knowledge, skills and experience in the surveillance of overdoses; and

(d) One member who:

(1) Resides in a county other than Clark or Washoe County; and

(2) Has experience having a substance use disorder or having a family member who has a substance use disorder.

3. The Office shall appoint to the Advisory Committee:

(a) One member who:

(1) Resides in Clark County; and

(2) Has experience having a substance use disorder or having a family member who has a substance use disorder;

(b) One member who possesses knowledge, skills and experience in public health;

(c) One member who is the director of an agency which provides child welfare services or his or her designee;

(d) One member who represents a program that specializes in the prevention of substance use by youth;

(e) One member who represents a faith-based organization that specializes in recovery from substance use disorder; and

(f) One member who represents a program for substance use disorders that is operated by a nonprofit organization and certified pursuant to NRS 458.025.

4. The Director shall appoint to the Advisory Committee:

(a) One member who:

(1) Resides in Washoe County; and

(2) Has experience having a substance use disorder or having a family member who has a substance use disorder;

(b) One member who is a physician certified in the field of addiction medicine by the American Board of Addiction Medicine or its successor organization;

(c) One member who represents a nonprofit, community-oriented organization that specializes in peer-led recovery from substance use disorder;

(d) One member who has survived an opioid overdose;

(e) One member who represents a program to prevent overdoses or otherwise reduce the harm caused by the use of substances;

(f) One member who represents an organization that specializes in housing; and

(g) One member who possesses knowledge, skills and experience with the education of pupils in kindergarten through 12th grade.

5. In appointing the members of the Advisory Committee pursuant to subsections 2, 3 and 4, the appointing authorities shall coordinate the appointments when practicable so that the members of the Advisory Committee represent the diversity of:

(a) This State; and

(b) The communities within this State that are disproportionately affected by opioid use disorder and disparities in access to care and health outcomes.

6. The term of each member of the Advisory Committee is 2 years. A member may be reappointed for an additional term of 2 years in the same manner as the original appointment. A vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

7. To the extent that money is available for these purposes:

(a) Each member of the Advisory Committee who is not an officer or employee of this State is entitled to receive a salary of not more than \$80, as fixed by the Department, for each day or portion of a day spent on the business of the Advisory Committee.

(b) Each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Advisory Committee.

8. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend

meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee 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 Advisory Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

Sec. 7.8. 1. At the first meeting of each calendar year, the Advisory Committee shall elect from its members a Chair.

2. The Advisory Committee shall meet at least twice annually at the call of the Chair or a majority of its members.

3. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

4. The Department shall provide staff assistance to the Advisory Committee.

Sec. 7.9. 1. On or before June 30 of each even-numbered year, the Advisory Committee shall submit to the Director of the Department a report of recommendations concerning:

(a) The statewide needs assessment conducted pursuant to paragraph (a) of subsection 1 of section 9 of this act, including, without limitation, the establishment of priorities pursuant to paragraph (e) of subsection 1 of section 9.5 of this act; and

(b) The statewide plan to allocate money from the Fund developed pursuant to paragraph (b) of subsection 1 of section 9 of this act.

2. When developing recommendations to be included in the report pursuant to subsection 1, the Advisory Committee shall consider:

(a) Health equity and identifying relevant disparities among racial and ethnic populations, geographic regions and special populations in this State; and

(b) The need to prevent overdoses, address disparities in access to health care and prevent substance use among youth.

3. When developing recommendations concerning the establishment of priorities pursuant to paragraph (e) of subsection 1 of section 9.5 of this act, the Advisory Committee shall use an objective method to define the potential positive and negative impacts of a priority on the health of the affected communities with an emphasis on disproportionate impacts to any population targeted by the priority.

4. Before finalizing a report of recommendations pursuant to subsection 1, the Advisory Committee must hold at least one public meeting to solicit comments from the public concerning the recommendations and make any revisions to the recommendations determined, as a result of the public comment received, to be necessary.

Sec. 8. 1. The ~~{Nevada}~~ Fund for ~~{Healthy Communities}~~ a Resilient Nevada is hereby created in the State Treasury. ~~{The State Treasurer}~~ Unless otherwise required by the applicable judgment or settlement, the Attorney General shall , after deducting any fees and costs imposed pursuant to an applicable contingent fee contract as described in NRS 228.111, deposit in the Fund ~~;~~

~~—(a) All~~ all money received by this State pursuant to any judgment received or settlement entered into by the State of Nevada as a result of litigation concerning the manufacture, distribution, sale ~~{and}~~ or marketing of opioids ~~;~~ and

~~—(b) All money recovered by this State from a judgment in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids.~~ conducted in accordance with the declaration of findings issued by the Governor and the Attorney General pursuant to paragraph (a) of subsection 1 of NRS 228.111 on January 24, 2019.

2. The ~~{State Treasurer}~~ Director of the Department shall administer the Fund. ~~{As administrator of the Fund, the State Treasurer}~~

~~—(a) Shall maintain the financial records of the Fund;~~

~~—(b) Shall invest the money in the Fund as the money in other state funds is invested;~~

~~—(c) Shall manage any account associated with the Fund;~~

~~—(d) Shall maintain any instruments that evidence investments made with the money in the Fund;~~

~~—(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and~~

~~—(f) May perform any other duties necessary to administer the Fund.~~

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. ~~{The State Treasurer}~~ To the extent authorized by the terms of any judgment or settlement described in subsection 1, the Director of the Department may submit to the Interim Finance Committee a request for an allocation for administrative expenses from the Fund pursuant to this section. Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund must not exceed ~~{2}~~ 8 percent of the money ~~{in}~~ deposited into the Fund . ~~;~~ as calculated pursuant to subsection 5, each year to pay the costs incurred by the State Treasurer to administer the Fund. For the purposes of this subsection, expenses directly related to conducting a statewide needs assessment pursuant to paragraph (a) of subsection 1 of section 9 of this act, developing the statewide plan to allocate money from the Fund pursuant to paragraph (b) of subsection 1 of section 9 of this act and allocating money from the Fund in accordance with that statewide plan do not constitute administrative expenses.

5. ~~{For the purposes of subsection 4, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.}~~

~~6.}~~ The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

~~{7.}~~ 6. Except as otherwise provided in subsection ~~{8.}~~ 4, all money that is deposited or paid into the Fund is hereby appropriated to the Department to be used, subject to legislative authorization, to ~~+~~

~~(a) Perform the duties prescribed by}~~ carry out the provisions of sections 9 and 9.5 to 9.7, inclusive, of this act. + and

~~(b) Award grants of money to state, regional, local and tribal agencies and nonprofit organizations pursuant to section 9 of this act. Money expended from the Fund must not be used to supplant existing methods of funding that are available to state, regional, local or tribal agencies.~~

~~8. Subject to legislative authorization, the Department may spend money in the Fund for statewide projects, including, without limitation:~~

~~(a) Workforce development;~~

~~(b) The collection and analysis of data; and~~

~~(c) Capital projects, including, without limitation, construction, purchasing and remodeling.~~

~~9.}~~ 7. Money expended from the Fund must not be used to supplant existing methods of funding that are available to state, regional, local or tribal agencies.

8. The Department may accept and {transfer to the State Treasurer for} deposit into the Fund gifts, grants, donations and appropriations to support the activities described in sections {7 to 9.5,} 9 to 9.7, inclusive, of this act.

~~{ 10. The Department shall submit all proposed expenditures from the Fund pursuant to subsection 8 and section 9 of this act to the Interim Finance Committee. Upon approval of the appropriate committee or committees, the money may be so expended. }~~

Sec. 9. 1. ~~{The}~~ At least once every 4 years, the Department, in consultation with the Office, shall:

~~(a) {Collaborate with state, regional, local and tribal agencies and nonprofit organizations in this State to conduct a needs assessment and solicit and evaluate plans to address the priorities identified in that assessment pursuant to section 9.5 of this act.}~~

~~(b) Subject to legislative authorization, award grants from the Fund to state, regional, local and tribal agencies and nonprofit organizations for projects that address the impacts of opioid use disorder and other behavioral health disorders.~~

~~(c) Develop policies and procedures for the administration and distribution of grants pursuant to paragraph (b). A condition of any such grant must be that not more than 8 percent of the grant may be used for administrative expenses or other indirect costs.~~

- ~~(d) In awarding grants pursuant to paragraph (b):~~
~~(1) Develop, solicit and accept applications for grants;~~
~~(2) Review and consider:~~
~~(I) The results of the needs assessment conducted and the proposals in the plans received pursuant to section 9.5 of this act; and~~
~~(II) Any recommendations of the Office of the Attorney General;~~
~~(3) Take into account any money received by a county or tribal agency of which the Department is notified pursuant to subsection 2 when determining the need for the grant;~~
~~(4) To determine the amount of any money that will be allocated to county and tribal agencies, use a formula that uses a multiplier based on the population of the county or the number of members of the tribe, as applicable, and the impact of opioid use disorder on the county or tribe; and~~
~~(5) Conduct annual evaluations of programs to which grants have been awarded.~~
~~(e) Conduct a statewide needs assessment in accordance with section 9.5 of this act; and~~
 (b) Based on the statewide needs assessment, develop or revise, as applicable, a statewide plan to allocate the money in the Fund in accordance with section 9.6 of this act.
2. When performing the duties described in subsection 1, the Department and the Office shall consider:
- (a) The recommendations provided by the Advisory Committee in the report submitted pursuant to section 7.9 of this act; and
- (b) The recommendations of state, regional, local and tribal governmental entities in this State whose work relates to opioid use disorders and other substance use disorders.
3. On or before January 31 of each year, the Department shall transmit a report ~~for~~ concerning all findings and recommendations made and ~~for grants awarded~~ money expended pursuant to ~~this section~~ sections 9 to 9.7, inclusive, of this act to:
- (1) The Governor;
 - (2) The Director of the Legislative Counsel Bureau for transmittal to:
 - (I) In odd-numbered years, the next regular session of the Legislature;
 and
 - (II) In even-numbered years, the Legislative Committee on Health Care and the Interim Finance Committee;
 - (3) The Commission;
 - (4) Each regional behavioral health policy board created by NRS 433.429;
 - (5) The Office of the Attorney General; and
 - (6) Any other committees or commissions the Director of the Department deems appropriate.
- ~~2. Each county or tribal agency that applies for or receives a grant pursuant to this section shall notify the Department of any money received~~

~~through a settlement or judgment concerning the manufacture, distribution, sale and marketing of opioids.~~

~~3. Each state, regional, local or tribal agency and any nonprofit organization that receives a grant pursuant to this section shall annually submit to the Department a report concerning the expenditure of the money that was received and the outcomes of the projects on which that money was spent.]~~

4. The Department may adopt any regulations or take such other actions as are necessary to carry out its duties pursuant to ~~[this section.]~~ sections 7 to 9.9, inclusive, of this act.

Sec. 9.5. 1. A statewide needs assessment conducted by the Department, in consultation with the Office, pursuant to paragraph (a) of subsection 1 of section 9 of this act must ~~[, to the extent that resources are available.];~~ :

(a) Be evidence-based and use information from damages reports created by experts as part of the litigation described in subsection 1 of section 8 of this act.

(b) Include an analysis of the impacts of opioid use and opioid use disorder on this State that uses quantitative and qualitative data concerning this State and the regions, counties and ~~[Indian]~~ Native American tribes in this State to determine the risk factors that contribute to opioid use, the use of substances and the rates of opioid use disorder, other substance use disorders and co-occurring disorders among residents of this State.

(c) Focus on health equity and identifying disparities across all racial and ethnic populations, geographic regions and special populations in this State. ~~[Such special populations include, without limitation, veterans, pregnant women, parents of dependent children, youth, persons who are lesbian, gay, bisexual, transgender and questioning, and persons and families involved in the criminal justice system, juvenile justice system and child welfare system.]~~

(d) Take into account the resources of state, regional, local and tribal agencies and nonprofit organizations , including, without limitation, any money recovered or anticipated to be recovered by county, local or tribal governmental agencies through judgments or settlements resulting from litigation concerning the manufacture, distribution, sale or marketing of opioids, and the programs currently existing in each geographic region of this State to address opioid use disorder and other substance use disorders.

(e) Based on the information and analyses described in paragraphs (a) to (d), inclusive, ~~[input from interested persons and experts and established best practices for use of funds described in subsection 1 of section 8 of this act,]~~ establish ~~[a statement of]~~ priorities for the use of the funds described in subsection 1 of section 8 of this act . ~~[by state, regional, local and tribal agencies and nonprofit organizations.]~~ Such priorities must include, without limitation, priorities related to the prevention of overdoses, addressing disparities in access to health care and the prevention of substance use among youth. ~~[The Department shall revise the statement of priorities at least once every 3 years.]~~

2. When conducting a needs assessment, the Department ~~and the state, regional, local and tribal agencies and nonprofit organizations with which it collaborates~~, in consultation with the Office, shall ~~use~~ :

(a) Use community-based participatory research methods or similar methods to conduct outreach to groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

~~[(a)]~~ (1) Persons and families impacted by the use of opioids and other substances;

~~[(b)]~~ (2) Providers of treatment for opioid use disorder and other substance use disorders;

~~[(c)]~~ (3) Substance use disorder prevention coalitions;

~~[(d)]~~ (4) Communities of persons in recovery from opioid use disorder and other substance use disorders;

~~[(e)]~~ (5) Providers of services to reduce the harms caused by opioid use disorder and other substance use disorders;

~~[(f) The Office of the Attorney General, the Department of Public Safety, the Department of Corrections and other persons and entities involved in law enforcement or criminal justice;~~

~~[(g) Agencies which provide child welfare services and other persons and entities]~~

(6) Persons involved in the child welfare system;

~~[(h)]~~ (7) Providers of social services;

~~[(i)]~~ (8) Faith-based organizations;

~~[(j) Public health agencies;~~

~~[(k)]~~ (9) Providers of health care and entities that provide health care services; and

~~[(l)]~~ (10) Members of diverse communities disproportionately impacted by opioid use and opioid use disorder.

~~3. Based on the needs assessment, state, regional, local and tribal agencies whose work relates to opioid use disorders and other substance use disorders shall, to the extent that resources are available, develop and submit to the Department for consideration a plan to address the priorities identified in the statement of priorities, including, without limitation, priorities related to the prevention of overdoses, addressing disparities in access to health care and the prevention of substance use among youth. Such a plan must:~~

~~[(a) Include, without limitation:~~

~~— (1) A detailed description of the projects for which the state, regional, local or tribal agency proposes to receive funding pursuant to section 9 of this act and the priorities that each project will address;~~

~~— (2) A timeline for each project described in subparagraph (1);~~

~~— (3) A competitive process to allocate any funding that will be subgranted by the state, regional, local or tribal agency;~~

~~— (4) A detailed description of the manner in which funding will be allocated to each project described in subparagraph (1);~~

~~(5) A detailed plan to oversee the activities performed under each project described in subparagraph (1);~~

~~(6) A summary of public comment provided pursuant to subsection 4; and~~

~~(7) A statement of any changes made to the plan as a result of that public comment.~~

~~(b) Be revised and resubmitted to the Department at least once every 3 years.~~

~~4. A state, regional, local or tribal agency shall, before submitting a plan pursuant to subsection 3 or a revision thereof:~~

~~(a) Hold at least three public hearings to solicit input from the public concerning the plan or revision, as applicable; and~~

~~(b) Make the plan or revision, as applicable, publicly available for at least 30 days and solicit public comment on the plan.~~

~~5. The Department shall coordinate with and provide support to regional, local and tribal agencies developing plans pursuant to subsection 3.~~

~~6. As used in this section, "substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance use and substance use disorders in a region of this State.]; and~~

(b) Conduct outreach to governmental agencies who interact with persons or groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

(1) The Office of the Attorney General, the Department of Public Safety, the Department of Corrections, courts, juvenile justice agencies and other governmental agencies involved in law enforcement or criminal justice;

(2) Agencies which provide child welfare services and other governmental agencies involved in the child welfare system; and

(3) Public health agencies.

Sec. 9.6. 1. The statewide plan to allocate money from the Fund established by the Department, in consultation with the Office, pursuant to paragraph (b) of subsection 1 of section 9 of this act must:

(a) Establish policies and procedures for the administration and distribution of money from the Fund;

(b) Allocate the money in the Fund for the purposes described in subsection 2; and

(c) Establish requirements governing the use of money allocated from the Fund.

2. The statewide plan may allocate money to:

(a) Statewide projects, which may include, without limitation:

(1) Expanding access to evidence-based prevention of substance use disorders, early intervention for persons at risk of a substance use disorder, treatment for substance use disorders and support for persons in recovery from substance use disorders;

(2) Programs to reduce the incidence and severity of neonatal abstinence syndrome;

(3) Prevention of adverse childhood experiences and early intervention for children who have undergone adverse childhood experiences and the families of such children;

(4) Services to reduce the harm caused by substance use;

(5) Prevention and treatment of infectious diseases in persons with substance use disorders;

(6) Services for children and other persons in a behavioral health crisis and the families of such persons;

(7) Housing for persons who have or are in recovery from substance use disorders;

(8) Campaigns to educate and increase awareness of the public concerning substance use and substance use disorders;

(9) Programs for persons involved in the criminal justice or juvenile justice system and the families of such persons, including, without limitation, programs that are administered by courts;

(10) The evaluation of existing programs relating to substance use and substance use disorders;

(11) Development of the workforce of providers of services relating to substance use and substance use disorders;

(12) The collection and analysis of data relating to substance use and substance use disorders;

(13) Capital projects relating to substance use and substance use disorders, including, without limitation, construction, purchasing and remodeling; and

(14) Implementing the hotline for persons who are considering suicide or otherwise in a behavioral health crisis and providing services to persons who access that hotline in accordance with the provisions of sections 2 to 6, inclusive, of this act.

(b) Grants to regional, county, local and tribal agencies and private-sector organizations whose work relates to opioid use disorder and other substance use disorders.

3. The projects described in paragraph (a) of subsection 2 many include, without limitation, projects to maximize expenditures through federal, local and private matching contributions.

4. Before money is used for any purpose described in subsection 2, the statewide plan to allocate money from the Fund must be approved by the Legislature or, if the Legislature is not in session, the Interim Finance Committee. Such approval constitutes legislative authorization pursuant to subsection 6 of section 8 of this act to use money in the Fund in the manner prescribed by the plan.

5. The Department, in consultation with the Office, may revise the statewide plan to allocate money from the Fund as necessary without conducting a statewide needs assessment pursuant to paragraph (a) of subsection 1 of section 9 of this act so long as a needs assessment is conducted at the intervals required by that subsection. The Department must obtain

legislative approval of each such revision in accordance with subsection 4 before implementing the revision.

Sec. 9.7. 1. If the Department awards grants pursuant to paragraph (b) of subsection 2 of section 9.6 of this act, the Department, in consultation with the Office, must:

(a) Develop, solicit and accept applications for those grants. An application submitted by a regional, local or tribal governmental entity must include, without limitation:

(1) The results of a needs assessment that meets the requirements of section 9.8 of this act; and

(2) A plan for the use of the grant that meets the requirements of section 9.9 of this act.

(b) Coordinate with and provide support to regional, local and tribal governmental entities in conducting needs assessments and developing plans pursuant to paragraph (a).

(c) Consider any money recovered or anticipated to be recovered by county, local or tribal governmental agencies through judgments received or settlements entered into as a result of litigation concerning the manufacture, distribution, sale or marketing of opioids.

(d) Conduct annual evaluations of programs to which grants have been awarded.

2. To the extent authorized by the terms of any judgment or settlement described in subsection 1 of section 8 of this act, the recipient of a grant pursuant to paragraph (b) of subsection 2 of section 9.6 of this act may use not more than 8 percent of the grant for administrative expenses related to the grant or the projects supported by the grant.

3. The recipient of a grant pursuant to paragraph (b) of subsection 2 of section 9.6 of this act shall annually submit to the Department a report concerning the expenditure of the money that was received and the outcomes of the projects on which that money was spent.

4. If a regional, local or tribal governmental entity that receives a grant pursuant to paragraph (b) of subsection 2 of section 9.6 of this act later recovers money through a judgment or a settlement resulting from litigation concerning the manufacture, distribution, sale or marketing of opioids:

(a) The regional, local or tribal governmental entity must immediately notify the Department; and

(b) The Department may recover from the governmental entity an amount not to exceed the amount of the grant or the amount of the recovery, whichever is less.

5. A regional, local or tribal governmental entity that receives a grant pursuant to paragraph (b) of subsection 2 of section 9.6 of this act shall conduct a new needs assessment and update its plan for the use of the grant at intervals prescribed by regulation of the Department, which must be not less than every 4 years.

Sec. 9.8. 1. A needs assessment conducted pursuant to subparagraph (1) of paragraph (a) of subsection 1 of section 9.7 of this act by a regional, local or tribal governmental entity applying for a grant must:

(a) Be evidence-based.

(b) Include an analysis of the impacts of opioid use and opioid use disorder on the area under the jurisdiction of the applicant that uses quantitative and qualitative data to determine the risk factors that contribute to opioid use, the use of substances and the rates of opioid use disorder, other substance use disorders and co-occurring disorders among residents of the area.

(c) Focus on health equity and identifying disparities across all racial and ethnic populations, geographic regions and special populations in the area under the jurisdiction of the applicant.

(d) Take into account the resources of the applicant and the programs currently existing in the area under the jurisdiction of the applicant to address opioid use disorder and other substance use disorders.

(e) Based on the information and analyses described in paragraphs (a) to (d), inclusive, establish priorities for the use of the funds for which the applicant is applying.

2. When conducting a needs assessment, a regional, local or tribal governmental entity applying for a grant shall:

(a) Use community-based participatory research methods or similar methods to conduct outreach to groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

(1) Persons and families impacted by the use of opioids and other substances;

(2) Providers of treatment for opioid use disorder and other substance use disorders;

(3) Substance use disorder prevention coalitions;

(4) Communities of persons in recovery from opioid use disorder and other substance use disorders;

(5) Providers of services to reduce the harms caused by opioid use disorder and other substance use disorders;

(6) Persons involved in the child welfare system;

(7) Providers of social services;

(8) Faith-based organizations;

(9) Providers of health care and entities that provide health care services; and

(10) Members of diverse communities disproportionately impacted by opioid use and opioid use disorder; and

(b) Conduct outreach to governmental agencies that interact with persons or groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

(1) Courts, juvenile justice agencies and other governmental agencies involved in law enforcement or criminal justice;

(2) Agencies which provide child welfare services and other governmental agencies involved in the child welfare system; and

(3) Public health agencies.

Sec. 9.9. 1. A plan for the use of grant money by a state, local or tribal governmental entity developed pursuant to subparagraph (2) of paragraph (a) of subsection 1 of section 9.7 of this act must:

(a) Establish policies and procedures for the administration and distribution of the grant money for which the governmental entity is applying;

(b) Describe the projects to which the governmental entity is proposing to allocate grant money; and

(c) Establish requirements governing the use of the grant money.

2. A plan for the use of grant money by a state, local or tribal governmental entity may allocate money pursuant to paragraph (b) of subsection 1 to:

(a) Projects and programs to:

(1) Expand access to evidence-based prevention of substance use disorders, early intervention for persons at risk of a substance use disorder, treatment for substance use disorders and support for persons in recovery from substance use disorders;

(2) Reduce the incidence and severity of neonatal abstinence syndrome;

(3) Prevent incidents of adverse childhood experiences and increase early intervention for children who have undergone adverse childhood experiences and the families of such children;

(4) Reduce the harm caused by substance use;

(5) Prevent and treat infectious diseases in persons with substance use disorders;

(6) Provide services for children and other persons in a behavioral health crisis and the families of such persons; and

(7) Provide housing for persons who have or are in recovery from substance use disorders;

(b) Campaigns to educate and increase awareness of the public concerning substance use and substance use disorders;

(c) Programs for persons involved in the criminal justice or juvenile justice system and the families of such persons, including, without limitation, programs that are administered by courts;

(d) Evaluation of existing programs relating to substance use and substance use disorders;

(e) Development of the workforce of providers of services relating to substance use and substance use disorders;

(f) The collection and analysis of data relating to substance use and substance use disorders; and

(g) Capital projects relating to substance use and substance use disorders, including, without limitation, construction, purchasing and remodeling.

3. The projects described in subsection 2 may include, without limitation, projects to maximize expenditures through federal, local and private matching contributions.

Sec. 10. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650 ~~[-]~~ and section 8 of this act. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 10.3. NRS 233B.039 is hereby amended to read as follows:

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

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

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

3. The special provisions of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by section 8 of this act established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of section 9 of this act.

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

Sec. 10.6. 1. As soon as practicable after the effective date of this section:

(a) The Attorney General shall appoint to the Advisory Committee:

(1) The members described in paragraphs (a) and (b) of subsection 2 of section 7.7 of this act to initial terms that expire on July 1, 2022.

(2) The members described in paragraphs (c) and (d) of subsection 2 of section 7.7 of this act to initial terms that expire on July 1, 2023.

(b) The Office of Minority Health and Equity of the Department shall appoint to the Advisory Committee:

(1) The members described in paragraphs (a), (b) and (c) of subsection 3 of section 7.7 of this act to initial terms that expire on July 1, 2022.

(2) The members described in paragraphs (d), (e) and (f) of subsection 3 of section 7.7 of this act to initial terms that expire on July 1, 2023.

(c) The Director of the Department shall appoint to the Advisory Committee:

(1) The members described in paragraphs (a), (b) and (c) of subsection 4 of section 7.7 of this act to initial terms that expire on July 1, 2022.

(2) The members described in paragraphs (d) to (g), inclusive, of subsection 4 of section 7.7 of this act to initial terms that expire on July 1, 2023.

2. As used in this section:

(a) "Advisory Committee" means the Advisory Committee for a Resilient Nevada created by section 7.7 of this act.

(b) "Department" means the Department of Health and Human Services.

Sec. 11. Any state agency that has received money from a settlement or judgment ~~[in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids]~~ as a result of the litigation described in subsection 1 of section 8 of this act before January 1, 2022, shall, to the extent authorized by the settlement or judgment, transfer to the ~~[State Treasurer]~~ Director of the Department of Health and Human Services any portion of such money that remains uncommitted for deposit in the ~~[Nevada]~~ Fund for ~~[Healthy Communities]~~ A Resilient Nevada pursuant to section 8 of this act.

Sec. 11.5. During the 2022-2023 interim, the Department of Health and Human Services, in consultation with the Office of Minority Health and Equity of the Department, may, without further legislative authorization, use money in the Fund For A Resilient Nevada created by section 8 of this act to conduct an initial statewide needs assessment and develop an initial statewide plan to spend the money in the Fund pursuant to section 9 of this act. The initial statewide plan must be approved by the Legislature or, if the Legislature is not in session, the Interim Finance Committee in accordance with subsection 4 of section 9.6 of this act before money from the Fund is used for the purposes described in the plan.

Sec. 12. 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. 13. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 14. 1. This section and ~~[section]~~ sections 7 to 13, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to ~~[12]~~ 6, 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 January 1, 2022, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 689 to Senate Bill No. 390 provides that telecommunications providers and related entities are not liable for damages that result from installation, maintenance or provision of service through the 9-8-8 hotline. It requires the State Board of Health, rather than the Public Utilities Commission of Nevada, to adopt regulations to impose a surcharge on mobile communication services, IP-enabled voice services and landline telephone services. It creates the

Advisory Committee for a Resilient Nevada in the Department that must submit certain recommendations to the Director of the Department regarding allocation and distribution of money from the Fund for a Resilient Nevada. It also revises provisions related to required needs assessments and the Statewide plan used to determine the process of allocating funds.

Amendment adopted.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:50 p.m.

SENATE IN SESSION

At 11:53 p.m.

President Marshall presiding.

Quorum present.

Senator Ratti moved that Senate Bill No. 390 be taken from the General File and placed on the Secretary's desk, upon return from reprint.

Motion carried.

Senate Bill No. 448.

Bill read third time.

The following amendment was proposed by Senator Brooks:

Amendment No. 744.

SUMMARY—Revises provisions governing public utilities. (BDR 58-46)

AN ACT relating to utilities; revising provisions governing partial tax abatements for certain renewable energy facilities; repealing provisions governing the Electric Vehicle Infrastructure Demonstration Program; requiring an electric utility to submit a plan to accelerate transportation electrification in this State; requiring an electric utility to file a plan for certain high-voltage transmission infrastructure projects; requiring the Public Utilities Commission of Nevada to require a transmission provider to join a regional transmission organization; creating and setting forth the powers, duties and membership of the Regional Transmission Coordination Task Force; providing that there is no presumption that the expenditures of a utility were prudently incurred for certain purposes; revising the definition of public utility; revising provisions governing the disposal of generation assets; revising provisions governing the Economic Development Electric Rate Rider Program; revising requirements for the energy efficiency plan of an electric utility; abolishing the New Energy Industry Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who intends to locate a facility for the generation of process heat from solar renewable energy or a wholesale facility for the generation of renewable energy in this State to apply to the Director of the Office of Energy within the Office of the Governor for a partial abatement of certain sales and use taxes or property taxes. (NRS 701A.360) Section 7 of

this bill authorizes a person who intends to locate a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility in this State to apply for this partial tax abatement as well. Sections 3-5 of this bill define additional terms related to this partial tax abatement. Section 8 of this bill makes a conforming change to reflect that a partial tax abatement may be granted for a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility.

Existing law creates an Electric Vehicle Infrastructure Demonstration Program, in connection with which a utility is required to submit to the Public Utilities Commission of Nevada an annual plan for carrying out the Program in the service area of the utility. (NRS 701B.670) Section 10 of this bill removes the requirement for a utility to submit an annual plan for carrying out the Program. Section 56 of this bill repeals the remaining provisions of law relating to the Program. Sections 9 and 48 of this bill remove provisions of law which reference the Program.

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard. (NRS 704.741) Sections 39 and 41 of this bill remove the requirement for an electric utility to include a plan for the construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard in its resource plan. Instead, sections 15-24 of this bill require an electric utility, on or before September 1, 2021, to amend its most recently filed resource plan to include a plan for certain high-voltage transmission infrastructure construction projects that will be placed into service not later than December 31, 2028. Section 39 requires the integrated resource plan, with respect to the possible sources of supply of the electric utility, to include at least one scenario of low carbon dioxide emissions that uses sources of supply that will achieve certain reductions in carbon dioxide emissions. Sections 39 and 41 also revise provisions governing the proposal for certain expenditures related to energy efficiency and conservation programs which must be included in the integrated resource plan.

Section 30 of this bill requires the Public Utilities Commission of Nevada to require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030, unless the transmission provider obtains a waiver or delay of the requirement from the Commission. Sections 26-29 of this bill define terms related to transmission providers and regional transmission organizations.

Sections 31-34 of this bill create and set forth the membership and duties of the Regional Transmission Coordination Task Force. Section 33 of this bill

requires the Task Force to advise the Governor and the Legislature on topics and policies related to energy transmission in this State, including the costs and benefits of the transmission providers in this State joining a regional transmission organization. Sections 26-29 of this bill define terms related to regional transmission organizations and the Task Force.

Sections 14 and 39 of this bill require an electric utility to include a plan to accelerate transportation electrification in the distributed resources plan submitted by the utility as part of its integrated resource plan. Section 40 of this bill establishes factors which must be considered by the Commission in deciding whether to accept or modify a transportation electrification plan which has been submitted by a utility. Section 1 of this bill sets forth certain findings of the Legislature which are relevant to the transportation electrification plan. Section 51 of this bill provides that an electric utility is not required to include a transportation electrification plan in its resource plan filed on or before June 1, 2021, but an electric utility is required to file an amendment to its resource plan to add a transportation electrification plan on or before September 1, 2022. Section 38 of this bill makes a conforming change.

Section 49 of this bill requires an electric utility, on or before September 1, 2021, to file a plan to invest in certain transportation electrification programs during the period beginning January 1, 2022, and ending on December 31, 2024, and establishes requirements for the contents of the transportation electrification investment plan for that period. Section 49 also establishes requirements for the review and the acceptance or modification of the transportation electrification investment plan by the Commission.

Section 35 of this bill provides that there is no presumption that the expenses, investments or other costs incurred by a utility were prudently incurred and places the burden on the utility to demonstrate that expenses, investments or other costs were prudently and reasonably incurred. Section 37 of this bill makes a conforming change to indicate the proper placement of section 35 in the Nevada Revised Statutes.

Section 36 of this bill provides that a person is not a public utility if he or she owns or operates a net metering system that provides electricity to multiple units or spaces on the same premises as the net metering system if the electricity is delivered only to units or spaces on the same premises as the net metering system, there are no individual meters measuring electricity use by the units or spaces and the persons occupying the units or spaces are not charged for electricity based upon volumetric electricity use.

Existing law authorizes an electric utility to dispose of its generation assets pursuant to an authorized merger, acquisition or transaction or pursuant to an authorized transfer of its certificate of public convenience and necessity if the merger, acquisition, transaction or transfer satisfies certain requirements, including that the other person in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric company. (NRS 704.7591) Section 42 of this bill removes the

requirement that the other person involved in the merger, acquisition, transaction or transfer is not a subsidiary, affiliate or a person that holds a controlling interest in the electric utility and instead requires that the disposal of the generation assets be approved in an order issued by the Commission.

Existing law establishes the Economic Development Electric Rate Rider Program to encourage the location or relocation of new businesses in this State by providing discounted rates for electricity to eligible participants. (NRS 704.7871-704.7882) The Commission is required to establish the discounted electric rates that may be charged pursuant to the Program as a percentage of the base tariff energy rate. (NRS 704.7881) Existing law prohibits the Office of Economic Development within the Office of the Governor from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2017, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. (NRS 704.788) Section 45 of this bill prohibits the Office of Economic Development from accepting an application or approving an applicant for participation in the Program after the earlier of December 31, 2024, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated. Section 46 of this bill modifies provisions governing the maximum amount of the discount which the Commission is authorized to establish for the rate charged under the Program. Section 47 of this bill requires the Commission to submit a report concerning the Program on or before December 31, 2022, for transmittal to the 82nd Session of the Legislature.

Existing law requires the Commission to establish goals for energy savings for each electric utility for each calendar year and also requires each electric utility to implement an energy efficiency plan which is cost effective and designed to meet the goals for energy savings established by the Commission. Existing law further requires that at least 5 percent of the expenditures related to energy efficiency programs must be directed toward low-income customers of the electric utility. (NRS 704.741, 704.7836) Sections 39, 41 and 44 of this bill require that at least 10 percent of the expenditures related to energy efficiency programs must be spent on energy efficiency measures for customers in low-income households and residential customers and public schools in historically underserved communities. Additionally, section 44 provides that programs that can offer variable incentive levels must offer higher incentive levels for low-income households. Section 54 of this bill requires an electric utility to amend its energy efficiency plan to conform with the amendatory provisions of this bill. Sections 12 and 13 of this bill define terms relating to the energy efficiency plan. Section 43 makes a conforming change to indicate the proper placement of sections 12 and 13 in the Nevada Revised Statutes.

Existing law creates the New Energy Industry Task Force which is charged with advising the Director of the Office of Energy on measures to promote the

development of renewable energy and energy efficiency projects. (NRS 701.500, 701.510) Section 55 of this bill abolishes the Task Force.

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

Section 1. The Legislature hereby finds and declares that:

1. Human activities, including, without limitation, the burning of fossil fuels for electricity, transportation and heat in buildings, cause the release of greenhouse gases that trap heat in the Earth's atmosphere, and these human activities have been and continue to be the primary driver of global climate change.

2. The transportation sector now accounts for the greatest percentage of greenhouse gas emission in Nevada, and, based on current policies, is projected to remain the largest contributor of greenhouse gas emissions through 2030.

3. Pursuant to NRS 445B.380, the Legislature has established goals to achieve reductions in Nevada's net greenhouse gas emissions, relative to 2005 emissions, of 28 percent by the year 2025, 45 percent by the year 2030 and zero or near-zero emissions by the year 2050.

4. Meeting these greenhouse gas emission goals will require substantial further reductions in Nevada's transportation sector emissions below the current projected emission levels for that sector for 2025 and 2030.

5. Accelerating the use of electric vehicles will help preserve Nevada's climate and help protect Nevadans from unhealthy air pollution.

6. Accelerating the use of electric vehicles will reduce pollution in low-income neighborhoods and communities of color that traditionally have been most affected by transportation pollution.

7. The acceleration of the use of electric vehicles will be assisted by investments in the infrastructure necessary to maximize the benefits of the expanding electric vehicle market.

8. Widespread adoption of electric vehicles requires that electric utilities increase access to electricity as a transportation fuel, including access for low-income Nevadans and historically underserved communities.

9. Widespread adoption of electric vehicles should provide consumers with fuel cost savings and electric utility customers with potential cost-saving benefits.

10. Widespread adoption of electric vehicles should stimulate innovation, competition and increased choices in charging equipment and networks and should also attract private capital investments and create high-quality jobs in Nevada.

11. Widespread adoption of electric vehicles should improve an electric utility's electrical system efficiency and operational flexibility, including, without limitation, the ability of the electric utility to integrate variable renewable energy generation resources and to make use of off-peak generation resources.

Sec. 2. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *"Energy storage technology" means technology that stores energy as potential, kinetic, chemical or thermal energy that can be released as electric power, including, without limitation, batteries, flywheels, electrochemical capacitors, compressed-air storage and thermal storage devices.*

Sec. 4. 1. *"Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the sole purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release as electric power at a later time, including, without limitation, a facility that is designed to use energy storage technology.*

2. *The term does not include a facility that is located on a residential property.*

Sec. 5. *"Hybrid renewable generation and energy storage facility" means a facility that includes both a wholesale facility for the generation of electricity from renewable energy and a facility for the storage of energy from renewable generation.*

Sec. 6. NRS 701A.300 is hereby amended to read as follows:

701A.300 As used in NRS 701A.300 to 701A.390, inclusive, and sections 3, 4 and 5 of this act, unless the context otherwise requires, the words and terms defined in NRS 701A.305 to 701A.345, inclusive, and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, ~~for~~ a wholesale facility for the generation of electricity from renewable energy, *a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility* in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS. An applicant may submit a copy of the application to the board of county commissioners at any time after the applicant has submitted the application to the Director.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive ~~for~~, and sections 3, 4 and 5 of this act.

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

- (a) The Chief of the Budget Division of the Office of Finance;
- (b) The Department of Taxation;
- (c) The board of county commissioners;
- (d) The county assessor;
- (e) The county treasurer; and

(f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 8. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and sections 3, 4 and 5 of this act* if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) Except as otherwise provided in paragraph (e), if the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at

least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection 6, the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the

facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable energy , ~~for~~ a wholesale facility for the generation of electricity from renewable energy , *a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility* unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➡ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages":

(a) Means the basic hourly rate of pay.

(b) Does not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are a benefit to the employee.

Sec. 9. NRS 701B.005 is hereby amended to read as follows:

701B.005 1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by subsections 2 and 3, the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.

2. Subject to the limitation prescribed by subsection 3, the Commission may authorize the payment of an incentive pursuant to the Solar Energy Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 ~~[, the Electric Vehicle Infrastructure Demonstration Program created by NRS 701B.670]~~ and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would not cause the total amount of incentives paid by all utilities in this State for the installation of ~~[electric vehicle infrastructure,]~~ solar energy systems, solar distributed generation systems, energy storage systems, wind energy systems and waterpower energy systems to exceed \$295,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025.

3. For the period beginning on January 1, 2018, and ending on December 31, 2023, the Commission shall, from the money allocated for the payment of an incentive pursuant to subsection 2, authorize the payment of incentives in an amount of not more than \$1,000,000 per year for the installation of solar energy systems and distributed generation systems at locations throughout the service territories of utilities in this State that benefit low-income customers, including, without limitation, homeless shelters,

low-income housing developments and public entities, other than municipalities, that serve significant populations of low-income residents.

4. The Commission may, subject to the limitations prescribed by subsections 2 and 3, authorize the payment of performance-based incentives for the period ending on December 31, 2025.

5. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

6. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

~~(b) ["Electric vehicle infrastructure" has the meaning ascribed to it in NRS 701B.670.~~

~~—(c)—~~ "Energy storage system" has the meaning ascribed to it in NRS 701B.057.

~~{{(d)}} (c)~~ "Municipality" means any county or city in this State.

~~{{(e)}} (d)~~ "Utility" means a public utility that supplies electricity in this State.

Sec. 10. NRS 701B.670 is hereby amended to read as follows:

701B.670 1. The Legislature hereby finds and declares that it is the policy of this State to expand and accelerate the deployment of electric vehicles and supporting infrastructure throughout this State.

2. The Electric Vehicle Infrastructure Demonstration Program is hereby created.

3. The Commission shall adopt regulations to carry out the provisions of the Electric Vehicle Infrastructure Demonstration Program . ~~[, including, without limitation, regulations that require a utility to submit to the Commission an annual plan for carrying out the Program in its service area. The annual plan submitted by a utility may include any measure to promote or incentivize the deployment of electric vehicle infrastructure, including, without limitation:~~

~~—(a) The payment of an incentive to a customer of the utility that installs or provides electric vehicle infrastructure;~~

~~—(b) Qualifications and requirements an applicant must meet to be eligible to be awarded an incentive;~~

~~—(c) The imposition of a rate by the utility to require the purchase of electric service for the charging of an electric vehicle at a rate which is based on the time of day, day of the week or time of year during which the electricity is used, or which otherwise varies based upon the time during which the electricity is used, if a customer of the utility participates in the Electric Vehicle Infrastructure Demonstration Program;~~

~~—(d) The establishment of programs directed by the utility to promote electric vehicle infrastructure, including, without limitation, education and awareness programs for customers of the utility, programs to provide technical assistance~~

~~related to the charging of electric vehicles to governmental entities or the owners or operators of large fleets of motor vehicles and programs to create partnerships with private organizations to promote the development of electric vehicle infrastructure; and~~

~~—(e) The payment of an incentive to a customer of the utility that is a public school, as defined in NRS 385.007, that installs electric vehicle infrastructure on the property of the public school or purchases electric vehicles dedicated to the transportation of students, not to exceed 75 percent of the cost to install such infrastructure or purchase such vehicles.]~~

4. ~~{The Commission shall:~~

~~—(a) Review each annual plan submitted by a utility pursuant to the regulations adopted pursuant to subsection 3 for compliance with the requirements established by the Commission; and~~

~~—(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Electric Vehicle Infrastructure Demonstration Program.~~

~~—5.]~~ Each utility:

(a) Shall carry out and administer the Electric Vehicle Infrastructure Demonstration Program within its service area ~~{in accordance with its annual plan}~~ as approved by the Commission ; ~~{pursuant to subsection 4;}~~ and

(b) May recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

~~{6.}~~ 5. As used in this section:

(a) "Electric vehicle" means a vehicle powered solely by one or more electric motors.

(b) "Electric vehicle infrastructure" includes, without limitation, electric vehicles and the charging stations for the recharging of electric vehicles.

Sec. 11. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 35, inclusive, of this act.

Sec. 12. 1. "*Historically underserved community*" means:

(a) A census tract:

(1) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(2) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(b) A public school in this State:

(1) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(2) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(c) *Qualified tribal land, as defined in NRS 370.0325.*

2. *As used in this section:*

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

(b) *"Block group" means a combination of blocks whose numbers begin with the same digit.*

(c) *"Census tract" means a combination of block groups.*

Sec. 13. *"Low-income household" means a household, which may include one or more persons, with a median household income of not more than 80 percent of the area median household income, based on the guidelines published by the United States Department of Housing and Urban Development.*

Sec. 14. 1. *An electric utility in this State shall file with the Commission, as part of the distributed resources plan required to be submitted pursuant to NRS 704.741, a plan to accelerate transportation electrification in this State. Two or more electric utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.*

2. *A plan submitted pursuant to subsection 1 may include:*

(a) *Investments or incentives to facilitate the deployment of charging infrastructure and associated electrical equipment which supports transportation electrification across all customer classes including, without limitation, investments or incentives for residential charging infrastructure at single-family homes and multi-unit dwellings for both shared and assigned parking spaces;*

(b) *Investments or incentives to facilitate the electrification of public transit and publicly owned vehicle fleets;*

(c) *Investments or incentives to increase access to the use of electricity as a transportation fuel in historically underserved communities;*

(d) *Rate designs, programs or management systems that encourage the charging of vehicles in a manner that supports the operation and optimal integration of transportation electrification into the electric grid, including, without limitation, proposed schedules necessary to implement the rate designs or programs; and*

(e) *Customer education and culturally competent and linguistically appropriate outreach programs that increase awareness of investments, incentives, rate designs and programs of the type listed in paragraphs (a) to (d), inclusive, and of the benefits of transportation electrification.*

3. *During the 9 months immediately before an electric utility files its first plan pursuant to subsection 1 and during the 12 months immediately before an electric utility files any subsequent plan pursuant to subsection 1, the electric utility shall conduct at least one stakeholder engagement meeting each calendar quarter to discuss the development of the plan and to solicit*

comments and gather ideas for improvements or additions to the plan which support transportation electrification. Each stakeholder engagement meeting must be open to participation by the Regulatory Operations Staff of the Commission, personnel from the Bureau of Consumer Protection in the Office of the Attorney General and any other interested person. Each plan filed pursuant to subsection 1 must include a summary of the stakeholder engagement meetings conducted in the 9- or 12-month period, as applicable, immediately preceding the filing of the plan, which must include, without limitation, summaries of the comments and ideas provided by the participants.

4. Not more than 60 days after the issuance of an order by the Commission pursuant to NRS 704.751 approving or modifying a plan submitted pursuant to subsection 1, an electric utility which supplies electricity in this State shall file with the Commission any schedules necessary to implement the rate designs and programs included in the plan.

5. The Commission shall adopt regulations necessary to carry out the provisions of this section. ~~It, including, without limitation, regulations prescribing a process for the electric utility to recover all costs that it prudently and reasonably incurs to develop and implement a plan submitted pursuant to this section and approved by the Commission pursuant to NRS 704.751.~~ The regulations adopted pursuant to this section may require an annual review of the progress and budgets of an approved plan submitted pursuant to this section.

6. To the extent that a plan submitted pursuant to subsection 1 includes programs in which customers may participate, eligibility for participation by customers in such programs must be offered by the electric utility on a nondiscriminatory basis to both bundled retail customers and eligible customers, as defined in NRS 704B.080, who purchase or plan to purchase electricity from a provider of new electric resources, as defined in NRS 704B.130.

7. As used in this section:

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

(b) "Block group" means a combination of blocks whose numbers begin with the same digit.

(c) "Census tract" means a combination of block groups.

(d) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(e) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(2) A public school in this State:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) Qualified tribal land, as defined in NRS 370.0325.

(f) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 15. As used in sections 15 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. "Electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 17. "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

Sec. 18. "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

Sec. 19. "High-voltage transmission infrastructure" means bulk transmission lines capable of transmitting electricity at a voltage of 345 kilovolts or more, and associated electrical substations and substation expansions to accommodate the transmission lines.

Sec. 20. "Transmission infrastructure for a clean energy economy plan" or "plan" means a plan filed by an electric utility with the Commission pursuant to section 21 of this act.

Sec. 21. 1. On or before September 1, 2021, an electric utility shall file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate into the resource plan a transmission infrastructure for a clean energy economy plan which sets forth a plan for the construction of high-voltage transmission infrastructure that will be placed into service not later than December 31, 2028, to:

(a) Assure a reliable and resilient transmission network in this State to serve the existing and currently projected transmission service obligations of the electric utility;

(b) Assist the utility in meeting the portfolio standard established by NRS 704.7821 and the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820;

(c) Promote economic development in this State, including, without limitation, by creating jobs, expanding the tax base or providing other economic benefits;

(d) Expand transmission access to renewable energy zones designated by the Commission pursuant to subsection 2 of NRS 704.741 to promote the development and use of renewable energy resources in this State;

(e) Use federally granted rights-of-way within designated renewable energy transmission corridors before the expiration of such rights-of-way; and

(f) Support the development of regional transmission interconnections that may be required for:

(1) This State to cost-effectively achieve the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820; and

(2) The electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection.

➔ Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The plan submitted pursuant to subsection 1 must not include any project other than the following high-voltage transmission infrastructure projects for which the Commission has previously approved conceptual designs, permitting and land acquisition:

(a) A project for the implementation of high-voltage transmission infrastructure interconnecting northwest and northeast Nevada, which will increase the transmission import capacity of northern Nevada by not less than 800 megawatts.

(b) A project for the implementation of high-voltage transmission infrastructure located in southern Nevada and accessing a federally designated renewable energy transmission corridor that will accommodate future renewable energy development and increased demand for electricity.

3. Except as otherwise provided in this subsection, if an electric utility that primarily serves densely populated counties and an electric utility that primarily serves less densely populated counties submit a joint plan pursuant to subsection 1, 70 percent of the costs of high-voltage transmission infrastructure projects included in the plan must be allocated to the electric utility that primarily serves densely populated counties and 30 percent of such costs must be allocated to the electric utility that primarily serves less densely populated counties. The Commission may review and reassess the allocation of costs between electric utilities based on the actual benefits that accrue to the electric utilities after the projects are in service. The Commission retains full authority to decide any request by an electric utility for the recovery of such costs before a high-voltage transmission infrastructure project is placed into service, and to determine if any proposed financial incentive will be provided on the recovery of such costs.

4. The plan submitted pursuant to subsection 1 must include an evaluation of the impact that the implementation of the plan will have on:

(a) The reliability of the transmission network of the utility;

(b) The resilience of the transmission network of the utility, including, without limitation, the ability of the transmission network to withstand natural or manmade events that could otherwise disrupt the provision of electric service in this State;

(c) The development and use of renewable energy resources in this State;

(d) *Economic activity and economic development in this State over a period of not less than 20 years from the date of the plan, including, without limitation, capital investments, the direct or indirect creation of jobs and additions to the tax base of this State;*

(e) *The projected carbon dioxide emissions of the utility resulting from the generation of electricity, including, without limitation, carbon dioxide emissions from the generation of electricity that is purchased by the electric utility;*

(f) *The ability of the utility to diversify its supply portfolio of renewable energy resources by including larger amounts of geothermal energy generation and hydrogeneration;*

(g) *The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable renewable energy resources, including, without limitation, solar and wind energy resources;*

(h) *The ability of the utility to reduce its energy supply costs by selling to other states electricity generated in this State from renewable energy during periods when the utility's supply of electricity exceeds the demand for electricity by the customers of the utility;*

(i) *The ability of the utility to reduce its energy supply costs by purchasing electricity generated in other states from renewable energy during periods when the demand for electricity by the customers of the utility exceeds the availability of electricity from renewable generation in this State;*

(j) *The utility's provision of open access to interstate and intrastate transmission services, in accordance with the utility's open access transmission tariff, to other persons in this State using the utility's transmission network, including, without limitation, eligible customers, as defined in NRS 704B.080, and providers of new electric resources, as defined in NRS 704B.130, who are or intend to become customers of the utility's interstate transmission services;*

(k) *The ability of the utility to accommodate requests for access to renewable energy resources that will allow customers who want to acquire all of their energy from zero carbon dioxide emission resources to do so;*

(l) *The development of regional transmission interconnections that may be required for this State to cost-effectively achieve the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 or for the electric utility to participate fully in any future organized competitive regional wholesale electricity market on the Western Interconnection;*

(m) *The rates charged to the bundled retail customers of the utility; and*

(n) *The financial risk to the customers of the utility.*

5. As used in this section, "Western Interconnection" means the synchronously operated electric transmission grid located in the western part of North America, including parts of Montana, Nebraska, New Mexico, South Dakota, Texas, Wyoming and Mexico and all of Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington and the Canadian Provinces of British Columbia and Alberta.

Sec. 22. 1. In implementing a transmission infrastructure for a clean energy economy plan, an electric utility shall mitigate costs to the extent possible by utilizing available federal tax incentives and federal funding, including, without limitation, direct and indirect grants and loan guarantees.

2. If, in any general rate proceeding filed by an electric utility pursuant to NRS 704.110 or 704.7621, the electric utility includes a request for recovery of any amount related to the implementation of a transmission infrastructure for a clean energy economy plan and the recovery of such an amount would result in an increase in the electric utility's total revenue requirement of more than 10 percent, the utility must propose a method or mechanism by which such an increase may be mitigated. The Commission may accept or reject such a rate method or mechanism and is not obligated to implement any proposed mitigation plan. If a mechanism is implemented to mitigate an increase in the electric utility's total revenue requirement pursuant to this section, the electric utility is entitled to recover all of its prudently and reasonably incurred costs and a return on its investment. Nothing in this subsection shall be construed as requiring the Commission to provide a financial incentive to an electric utility.

Sec. 23. An electric utility may file an amendment to a transmission infrastructure for a clean energy economy plan as an amendment to its resource plan as provided in NRS 704.751.

Sec. 24. If the Commission deems inadequate any portion of a transmission infrastructure for a clean energy economy plan or any amendment to the plan, the Commission, as provided in NRS 704.751, may recommend to the electric utility a modification of that portion of the plan or amendment, and the electric utility may:

1. Accept the modification; or
2. Withdraw the proposed plan or amendment.

Sec. 25. As used in sections 25 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 26 to 29, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 26. "Regional transmission organization" means an entity established for the purpose of coordinating and efficiently managing the dispatch and transmission of electricity among public utilities on a multistate or regional basis that:

1. Is approved by the Federal Energy Regulatory Commission;
2. Effectuates separate control of transmission facilities from control of generation facilities;
3. Implements, to the extent reasonably possible, policies and procedures designed to minimize pancaked transmission rates;
4. Improves service reliability within this State;
5. Achieves the objectives of an open and competitive wholesale electric generation marketplace, elimination of barriers to market entry and preclusion of control of bottleneck electric transmission facilities in the provision of retail electric service;

6. *Is of sufficient scope or otherwise operates to substantially increase economical supply options for customers;*

7. *Has a structure of governance or control that is independent of the users of the transmission facilities, and no member of its board of directors has an affiliation with a user or with an affiliate of a user during the member's tenure on the board so as to unduly affect the regional transmission organization's performance;*

8. *Operates under policies that promote positive performance designed to satisfy the electricity requirements of customers;*

9. *Has an inclusive and open stakeholder process that does not place unreasonable burdens on or preclude meaningful participation by any stakeholder group;*

10. *Promotes and assists new economic development in this State; and*

11. *Is capable of maintaining real-time reliability of the transmission system, ensuring comparable and nondiscriminatory access and necessary service, minimizing system congestion and further addressing real or potential transmission constraints.*

Sec. 27. "Task Force" means the Regional Transmission Coordination Task Force created by section 31 of this act.

Sec. 28. "Transmission provider" means a public utility that owns, controls or operates facilities used for the transmission of electricity in interstate commerce and provides transmission service under a tariff approved by the Federal Energy Regulatory Commission.

Sec. 29. "User" means any entity or affiliate of an entity that buys or sells electricity in the regional transmission organization's region or in a neighboring region.

Sec. 30. 1. Except as otherwise provided in subsection 2, the Commission shall require every transmission provider in this State to join a regional transmission organization on or before January 1, 2030.

2. Upon application by a transmission provider, the Commission may waive or delay the requirement in subsection 1 if:

(a) The transmission provider files an application with the Commission on or before January 1, 2027, requesting the waiver or delay;

(b) The transmission provider demonstrates:

(1) That the transmission provider has made all reasonable efforts to comply with the requirement but is unable to find a viable and available regional transmission organization that the transmission provider can join on or before January 1, 2030; or

(2) That it would not be in the best interests of the transmission provider and its customers to join a regional transmission organization on or before January 1, 2030; and

(c) The Commission determines that it is in the public interest to grant the requested waiver or delay.

Sec. 31. 1. The Regional Transmission Coordination Task Force is hereby created.

2. The Governor shall appoint a person to act as the Chair of the Task Force who serves at the pleasure of the Governor. The Chair is a voting member of the Task Force.

3. In addition to the Chair, the Task Force consists of:

(a) The following voting members, appointed by the Governor:

(1) A representative of an electric utility that primarily serves densely populated counties, as defined in NRS 704.110;

(2) A representative of an organization that represents rural electric cooperatives and municipally owned electric utilities in this State;

(3) A representative of the Colorado River Commission;

(4) A representative of a transmission line development company operating in this State;

(5) A representative of the large-scale solar energy industry in this State;

(6) A representative of the geothermal energy industry in this State;

(7) A representative of the data center businesses in this State;

(8) A representative of an organization that represents the mining industry in this State;

(9) A representative of an organization that represents the gaming and resort businesses in this State;

(10) A representative of a labor organization in this State;

(11) A representative of an organization in this State that advocates on behalf of environmental or public lands issues who has expertise in or knowledge of environmental or public lands issues;

(12) A representative of the Office of Energy;

(13) A representative of the Office of Economic Development;

(14) Two members of the Senate, nominated by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(15) Two members of the Assembly, nominated by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(16) Not more than three persons who represent the general public.

(b) The following nonvoting members, appointed by the Governor:

(1) A representative of the Public Utilities Commission of Nevada; and

(2) A representative of the Bureau of Consumer Protection in the Office of the Attorney General.

Sec. 32. 1. The Task Force shall meet at least two times each year at the call of the Chair.

2. The Chair may appoint working groups, chaired by one or more members of the Task Force and composed of persons with subject matter expertise, to aid in the work of the Task Force.

3. The Chair may issue guidelines for the operation of the Task Force and amend those guidelines as needed for the management and governance of the Task Force. The Chair shall identify and approve the scope of work and issues to be addressed by the Task Force and any working group.

4. A majority of the voting members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

5. The members of the Task Force serve at the pleasure of the Governor.

6. The members of the Task Force serve without compensation.

Sec. 33. 1. The Task Force shall advise the Governor and the Legislature on:

(a) The potential costs and benefits to transmission providers and their customers in this State of forming or joining a regional transmission organization which provides access to an organized competitive regional wholesale electricity market;

(b) Policies that will accommodate entrance by transmission providers in this State into a regional transmission organization by January 1, 2030;

(c) Policies that will site transmission facilities necessary to achieve this State's clean energy and economic development goals;

(d) Potential areas in this State where growth in demand for electricity or growth in renewable energy generation would be accommodated by additional transmission or regional market opportunities; and

(e) Businesses and industries that could locate in this State as a result of this State's position in an organized competitive regional wholesale electricity market.

2. The Task Force shall, not later than November 30, 2022, and every 2 years thereafter, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on its activities, including any recommended legislation needed to enable entrance by transmission providers in this State into a regional transmission organization.

Sec. 34. 1. The Office of Energy shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out the provisions of sections 31 to 34, inclusive, of this act.

2. To aid and inform the Task Force in carrying out its duties pursuant to section 33 of this act, the Commission, in consultation with the Task Force, may engage a knowledgeable and independent third party to analyze all factors deemed necessary to assess the potential costs and benefits to transmission providers and their customers of forming or joining a regional transmission organization.

Sec. 35. Except as otherwise provided in this chapter, when the Commission reviews an application to make changes in any schedule, there is no presumption that any recorded expenses, investments or other costs included in the application were prudently incurred, unless the Commission has previously determined that such expenses, investments or other costs were prudently incurred. The public utility has the burden of proving that an expense, investment or cost was reasonably and prudently incurred.

Sec. 36. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to \$25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. *Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:*

(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;

(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and

(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.

11. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

- (a) Located on the premises of another person;
- (b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and
- (c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➡ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

~~{11.}~~ 12. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

~~{12.}~~ 13. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 37. NRS 704.061 is hereby amended to read as follows:

704.061 As used in NRS 704.061 to 704.110, inclusive, *and section 35 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.062, 704.065 and 704.066 have the meanings ascribed to them in those sections.

Sec. 38. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, *and section 14 of this act*, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed \$15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➡ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds \$15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds \$50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on

a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➡ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 39. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection ~~{6}~~ 5 as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than ~~{5}~~ 10 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency ~~{and conservation programs directed to low-income}~~ *measures for customers of the electric utility ~~{-}~~ in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.*

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon ~~{intensity}~~ *dioxide emissions that ~~{includes}~~ :*

(1) Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;

(2) Includes the deployment of distributed generation ~~{-}~~ ; and

(3) If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. ~~{The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821.~~

~~—5.}~~ The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

~~{6.}~~ *(f) Include a transportation electrification plan as required by section 14 of this act.*

5. The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

~~{7.}~~ 6. The annual limits proposed pursuant to subsection ~~{6.}~~ 5 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

~~{8.}~~ 7. As used in this section:

(a) ~~["Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.~~

~~—(b)}~~ "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

~~{(c)}~~ (b) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

~~{(d)}~~ (c) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

~~{(e)}~~ (d) "Energy" has the meaning ascribed to it in NRS 704B.090.

~~{(f)}~~ (e) *"Historically underserved community" has the meaning ascribed to it in section 12 of this act.*

(f) *"Low-income household" has the meaning ascribed to it in section 13 of this act.*

(g) "New electric resource" has the meaning ascribed to it in NRS 704B.110.

~~{(g)}~~ (h) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

~~{(h)}~~ (i) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

~~{(i)}~~ (j) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 40. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid

duplication and may prohibit continued participation in the hearing by an intervenor if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➡ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection ~~{6}~~ 5 of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

10. *In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to section 14 of this act, the Commission shall consider:*

(a) *Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:*

(1) *Improve the efficiency of the electric utility's electrical system, operational flexibility or system utilization during off-peak hours;*

(2) *Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;*

(3) *Reduce greenhouse gas emissions and air pollution;*

(4) *Improve air quality in communities most affected by air pollution from the transportation sector;*

(5) *Support increased consumer choice in electric vehicle charging and related infrastructure and services;*

(6) *Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;*

(7) *Foster the investment of private capital in transportation electrification, as defined in section 14 of this act, and the demand for skilled jobs in related services; and*

(8) *Provide information and education on the benefits of transportation electrification to customers.*

(b) *Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.*

(c) *Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.*

(d) *The cost to the customers of the electric utility to implement the plan.*

Sec. 41. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 210 days for all portions of the plan not described in paragraph (a).

↪ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

↪ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed,

any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than ~~{5}~~ 10 percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency ~~{and conservation programs for low income}~~ *measures for customers of the utility or utilities ~~{ }~~ in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.*

6. The Commission may accept ~~{~~
~~—(a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility or utilities meeting the portfolio standard, as defined in NRS 704.7805.~~
~~—(b) A distributed resources plan submitted pursuant to subsection ~~{5}~~ 4 of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.~~

7. ~~{The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.~~

~~—8.}~~ Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

8. *The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of section 21 of this act and includes the evaluations required by subsection 4 of section 21 of this act.*

9. *As used in this section:*

(a) *"Historically underserved community" has the meaning ascribed to it in section 12 of this act.*

(b) *"Low-income household" has the meaning ascribed to it in section 13 of this act.*

Sec. 42. NRS 704.7591 is hereby amended to read as follows:

704.7591 1. An electric utility may dispose of its generation assets pursuant to a merger, acquisition or transaction that is authorized pursuant to NRS 704.329 or pursuant to a transfer of its certificate of public convenience and necessity that is authorized pursuant to NRS 704.410, if:

(a) The electric utility disposes of substantially all of its generation assets and substantially all of its other assets to the other person in the merger, acquisition, transaction or transfer; and

(b) ~~The [other person in the merger, acquisition, transaction or transfer is not a subsidiary or affiliate of the electric utility or a holding company or other person that holds a controlling interest in the electric utility.] Commission approves of the disposal of the generation assets in an order issued pursuant to NRS 704.7588.~~

2. Any person who assumes or has assumed ownership, possession, control, operation, administration or maintenance of a generation asset pursuant to a merger, acquisition, transaction or transfer described in subsection 1 is subject to the provisions of NRS 704.7561 to 704.7595, inclusive.

Sec. 43. NRS 704.783 is hereby amended to read as follows:

704.783 As used in NRS 704.783 to 704.7836, inclusive, *and sections 12 and 13 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.7831 to 704.7834, inclusive, *and sections 12 and 13 of this act* have the meanings ascribed to them in those sections.

Sec. 44. NRS 704.7836 is hereby amended to read as follows:

704.7836 1. The Commission shall establish by regulation for each electric utility goals for energy savings resulting from energy efficiency programs implemented by the electric utility each year, which must be included in the resource plan filed by the electric utility pursuant to NRS 704.741.

2. The Commission may:

(a) Modify a goal for energy savings it has previously established for an electric utility.

(b) Upon receipt of a petition submitted by an electric utility, temporarily lower a goal for energy savings it has previously established for the electric utility if the electric utility demonstrates that economic reasons which are not reasonably within the control of the electric utility will prevent the electric

utility from meeting the goal for energy savings established pursuant to subsection 1.

3. Upon establishment or modification by the Commission of a goal for energy savings for an electric utility pursuant to this section, the affected electric utility may file an amendment to its most recent resource plan filed pursuant to NRS 704.741 to incorporate the goal for energy savings into the resource plan.

4. Each electric utility shall develop and include in its most recent resource plan filed pursuant to NRS 704.741 an energy efficiency plan that:

- (a) Is designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section;
- (b) Includes one or more energy efficiency programs; and
- (c) Is cost effective.

5. In approving an energy efficiency plan developed by an electric utility to meet the goals for energy savings established by the Commission pursuant to this section, the Commission shall approve an energy efficiency plan that is:

- (a) Designed to meet or exceed the goals for energy savings established by the Commission pursuant to this section; and
- (b) Cost effective.

6. The Commission may approve an energy efficiency plan submitted pursuant to NRS 704.741 that consists of energy efficiency and conservation programs that are not cost effective if the Commission determines that the energy efficiency plan as a whole is cost effective.

7. Unless the Commission determines that it is not cost effective, any energy efficiency plan approved by the Commission must provide that not less than ~~{5}~~ 10 percent of the total expenditures related to energy efficiency programs must be ~~{directed to}~~ *spent on* energy efficiency ~~{programs}~~ *measures* for ~~{low-income}~~ *low-income* customers of the electric utility ~~{in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general. For the purposes of this subsection, programs that can offer variable incentive levels must offer higher incentive levels for low-income households.}~~

Sec. 45. NRS 704.788 is hereby amended to read as follows:

704.788 The Office of Economic Development shall not accept an application or give initial approval to any applicant for participation in the Program, and the Commission shall not approve an applicant for participation in the Program, after the earlier of December 31, ~~{2017,}~~ 2024, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated.

Sec. 46. NRS 704.7881 is hereby amended to read as follows:

704.7881 The Commission, in consultation with the Office of Economic Development:

- 1. Shall adopt regulations:

(a) Establishing the discounted electric rates that may be charged by an electric utility pursuant to the Program, which must be established as a percentage of the base tariff energy rate and for which:

(1) In the first and second year of a contract entered into pursuant to NRS 704.7877, ~~[the reduction in the rates as a result of the]~~ *there shall be no discount* ~~[must not exceed 30 percent]~~ of the base tariff energy rate;

(2) In the third ~~[,]~~ and fourth ~~[, fifth and sixth]~~ year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~[20]~~ 30 percent of the base tariff energy rate; ~~and]~~

(3) In the *fifth, sixth, seventh and eighth* year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed ~~[40]~~ 20 percent of the base tariff energy rate; *and*

(4) *In the ninth and tenth year of a contract entered into pursuant to NRS 704.7877, the reduction in the rates as a result of the discount must not exceed 10 percent of the base tariff energy rate;*

(b) Prescribing the form and content of the contract entered into pursuant to NRS 704.7877;

(c) Prescribing the procedure by which an electric utility is authorized to recover through a deferred energy accounting adjustment application the amount of the discount provided to a participant in the Program; and

(d) Prescribing any additional information which must be submitted by an applicant for participation in the Program.

2. May adopt any other regulations it determines are necessary to carry out the provisions of NRS 704.7871 to 704.7882, inclusive.

Sec. 47. NRS 704.7882 is hereby amended to read as follows:

704.7882 The Commission shall, on or before December 31, ~~[2014,]~~ 2022, prepare a written report concerning the Program and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the ~~[78th]~~ 82nd Session of the Legislature. The report must include, without limitation, information concerning:

1. The number of participants in the Program;
 2. The amount of electricity allocated pursuant to the Program;
 3. The total amount of the discounts provided pursuant to the Program;
- and
4. The remaining amount of electricity available for allocation pursuant to the Program.

Sec. 48. NRS 704B.310 is hereby amended to read as follows:

704B.310 1. An eligible customer shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless:

(a) The eligible customer files an application with the Commission between January 2 and February 1 of any year and not later than 280 days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider;

(b) The Commission approves the application by a written order issued in accordance with the provisions of this section; and

(c) The provider holds a valid license.

2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:

(a) Specific information demonstrating that the person filing the application is an eligible customer;

(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;

(c) Specific information concerning the terms and conditions of the proposed transaction that is necessary for the Commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the proposed transaction, the point of receipt of the energy, capacity or ancillary services and the amount of energy, capacity or ancillary services to be purchased from the provider;

(d) Specific information identifying transmission requirements associated with the proposed transaction and the extent to which the proposed transaction requires transmission import capacity; and

(e) Any other information required pursuant to the regulations adopted by the Commission.

3. The Commission shall not require the eligible customer or provider to disclose:

(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or

(b) Any other terms or conditions of the proposed transaction that the Commission determines are commercially sensitive.

4. The Commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the Commission.

5. The Commission shall not approve the application of the eligible customer unless the Commission finds that the proposed transaction:

(a) Will be in the public interest; and

(b) Will not cause the total amount of energy and capacity that eligible customers purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to this section on or after May 16, 2019, to exceed an annual limit set forth in a plan filed with the Commission pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.

6. In determining whether the proposed transaction will be in the public interest, the Commission shall consider, without limitation:

(a) Whether the electric utility that has been providing electric service to the eligible customer will experience increased costs as a result of the proposed transaction;

(b) Whether any remaining customer of the electric utility will pay increased costs for electric service or forgo the benefit of a reduction of costs for electric service as a result of the proposed transaction; and

(c) Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers.

7. If the Commission approves the application of the eligible customer:

(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than 280 days after the date on which the application was filed, unless the Commission allows the eligible customer to begin purchasing energy, capacity or ancillary services from the provider at an earlier date; and

(b) The Commission shall order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the proposed transaction will be in the public interest. Except as otherwise provided in subsection 8, such terms, conditions and payments:

(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customers of the electric utility, except that the terms, conditions and payments must assign all identifiable but unquantifiable risk to the eligible customer;

(2) Must include, without limitation:

(I) Payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility; and

(II) Payment by the eligible customer, or the provider of new electric resources, as applicable, of the annual assessment and any other tax, fee or assessment required by NRS 704B.360;

(3) Must establish payments calculated in a manner that provides the eligible customer with only its load-ratio share of the benefits associated with forecasted load growth if load growth is utilized to mitigate the impact of the eligible customer's proposed transaction; and

(4) Must ensure that the eligible customer pays its load-ratio share of the costs associated with the electric utility's obligations that were incurred as deviations from least-cost resource planning pursuant to the laws of this State including, without limitation, costs incurred to satisfy the requirements of NRS 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580, ~~701B.670,~~ 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, 704.7865, 704.7983 and 704.7985.

8. An eligible customer who:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service,

↪ is required to pay only those costs, fees, charges or rates which apply to current and ongoing legislatively mandated public policy programs, as determined by the Commission.

9. If the Commission does not enter a final order on the application of the eligible customer within 210 days after the date on which the application was filed with the Commission, the application shall be deemed to be denied by the Commission.

Sec. 49. 1. An electric utility in this State shall, on or before September 1, 2021, file with the Public Utilities Commission of Nevada a plan to accelerate transportation electrification in this State for the period beginning January 1, 2022, and ending on December 31, 2024. The plan filed for this period must be designed to provide the greatest economic recovery benefits and opportunities for the creation of new jobs in this State.

2. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan pursuant to this section. The joint plan must include a plan for investments to accelerate transportation electrification in an amount not to exceed \$100,000,000.

3. A plan filed pursuant to this section must include a plan to invest in the following programs:

(a) An Interstate Corridor Charging Depot Program, whereby the electric utility shall supplement the work of the Office of Energy, the Department of Transportation and the Division of Environmental Protection of the State Department of Conservation and Natural Resources in Phase I and Phase II of the Nevada Electric Highway project to increase the availability of public electric vehicle charging infrastructure along Nevada's highways in the service territory of the electric utility and to support electric vehicle tourism traffic to Las Vegas, the Reno-Tahoe area and across the State. The plan must set forth the intended scope and general location for each proposed charging depot. The Interstate Corridor Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers and level 2 chargers, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(b) An Urban Charging Depot Program aimed at providing increased access to public electric vehicle charging infrastructure in metropolitan areas of this State, particularly for customers who are unable to charge vehicles at their home or business. The Urban Charging Depot Program must also be designed to address the needs of tourists, delivery services and businesses that require access to public charging for fleet electrification. The plan must set forth the intended scope and general location for each proposed charging depot. The Urban Charging Depot Program:

(1) Must include the establishment of direct-current fast chargers, level 2 chargers and, where relevant, charging for shared mobility services, including, without limitation, electric scooters and bicycles, which may be owned by the electric utility or a third-party provider.

(2) May include the establishment of electric utility-owned energy storage systems or renewable energy systems which minimize the impact to the grid by reducing the peak demand for electricity.

(c) A Public Agency Electric Vehicle Charging Program to serve the public, workplace and fleet electric charging needs of federal, state and local governmental agencies by reducing the financial barrier for the deployment of electric vehicle charging infrastructure for governmental agencies. The electric utility shall set forth in the plan specific targets and allocations for level 2 electric vehicle charging infrastructure, which must be developed in coordination with the Department of Administration, the State Department of Conservation and Natural Resources, the Department of Transportation and the Office of Energy with the aim of maximizing the Program's effectiveness and utilization. An electric vehicle charging station which is installed under the Program may be owned by a public agency, the electric utility or a third-party provider.

(d) A Transit, School Bus and Transportation Electrification Custom Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of transit agencies, metropolitan planning organizations, the Department of Transportation, public school districts and nongovernmental commercial customers in this State. The electric utility shall not allow a nongovernmental commercial customer to participate in the Transit, School Bus and Transportation Electrification Custom Program unless, as a condition of participation, the nongovernmental commercial customer electrifies more than 50 company vehicles or more than 25 percent of its fleet, and satisfies such additional qualifications as the electric utility may establish. As part of the Transit, School Bus and Transportation Electrification Custom Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

(e) An Outdoor Recreation and Tourism Program to serve the electric vehicle charging infrastructure, energy supply and energy storage needs of the tourism and outdoor recreation economy of this State. Eligibility for any customer ~~[incentives]~~ participation in the Outdoor Recreation and Tourism Program must be offered by the electric utility on a nondiscriminatory basis to both the utility's bundled retail customers and eligible customers, as defined in NRS 704B.080, who purchase or plan to purchase electricity from a provider of new electric resources, as defined in NRS 704B.130. As part of the Outdoor Recreation and Tourism Program, an electric utility may partner with a commercial site to allow for multiple ownership options for the electrical

supply, storage and charging equipment, including, without limitation, ownership by the electric utility.

4. The plan filed pursuant to this section must include any proposed schedules necessary to implement the programs set forth in subsection 3.

5. Not less than:

(a) Forty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments made in or for the benefit of historically underserved communities.

(b) Twenty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to investments in the Outdoor Recreation and Tourism Program pursuant to paragraph (e) of subsection 3.

(c) Twenty percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to incentives for behind-the-meter investments in electric vehicle charging infrastructure or stations.

6. An electric utility shall submit to the Commission any program, software, contract or other instrument that may be used for the billing, control, operation or maintenance of the public and private chargers installed under a plan filed pursuant to this section. The prudent and reasonable expenditures made by the electric utility to evaluate the need for any program, software, contract or other instrument to facilitate the billing, control, operation or maintenance of the public and private chargers installed under the plan may be recovered by the utility through rates charged to the customers of the utility.

7. Any electric vehicle charging infrastructure that is installed as part of a plan which is accepted by the Commission pursuant to this section and which is not installed by employees of the electric utility must be installed by a contractor who holds a valid license in the classification required to perform such work issued by the State Contractors' Board pursuant to regulations adopted by the Board and at least one electrician holding a certification from the Electric Vehicle Infrastructure Training Program.

8. Not later than 90 days after a plan is filed pursuant to subsection 1, the Commission shall issue an order accepting or modifying the plan. If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 10 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

9. If the Commission fails to enter a final order on a plan filed pursuant to subsection 1 within 90 days after the date on which the plan was filed, the plan shall be deemed to be accepted.

10. Not later than 60 days after the Commission issues an order accepting or modifying a plan, or a plan is deemed accepted pursuant to subsection 9, the electric utility shall file with the Commission any schedules necessary to

implement the rate designs and programs approved in the plan. Any tariff filing made pursuant to this section is not subject to the provisions of NRS 704.100.

11. Acceptance by the Commission of a plan submitted pursuant to this section constitutes a finding that the investments contained in the plan, including, without limitation, any proposed incentives to be provided to customers, are prudent and that the utility may recover from the rates charged to the utility's customers all costs that the utility prudently and reasonably incurs to operate, maintain, develop and implement the plan, including, without limitation, any costs associated with acquiring the right to use and develop private or public land. An electric utility may recover the costs that it prudently and reasonably incurs as follows:

(a) The electric utility shall begin recording in a regulatory asset, with carrying charges, an amount that reflects the electric utility's investment in facilities under the plan, including, without limitation:

- (1) Any incentives provided to customers;
- (2) The electric utility's authorized rate of return;
- (3) Any depreciation of the utility's investment in the facilities; and
- (4) The cost of operating and maintaining the facilities.

(b) Carrying charges shall not accrue for any month in which the electric utility earns in excess of its last authorized rate of return. For the purposes of this paragraph, the electric utility's earned rate of return must be calculated quarterly using the 12-month period ending with the last month of the quarter and will apply to the carrying charge calculation in each month of that quarter.

(c) An electric utility shall include a rate to recover all prudent and reasonable expenditures made by the electric utility to develop and implement the plan, including, without limitation, the electric utility's authorized rate of return, in the electric utility's general rate application filed pursuant to NRS 704.110. The rate must be charged to all of the customers in the service territory of the electric utility in which the plan assets reside and reflect all costs incurred in the electric utility's service territory.

12. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in section 14 of this act.
(b) "Historically underserved community" has the meaning ascribed to it in section 12 of this act.

(c) "Transportation electrification" means the use of electricity from external sources to power, wholly or in part, passenger vehicles, trucks, buses, trains, boats or other equipment that transports goods or people.

Sec. 50. 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. 51. 1. A resource plan filed by an electric utility pursuant to NRS 704.741, as amended by section 39 of this act, on or before June 1, 2021, is not required to include, at the time the plan is filed, the transportation electrification plan required by section 14 of this act and NRS 704.741, as amended by section 39 of this act.

2. An electric utility shall, on or before September 1, 2022, file an amendment to its most recent resource plan filed pursuant to NRS 704.741, as amended by section 39 of this act, to incorporate into the resource plan a transportation electrification plan that complies with the provisions of section 14 of this act.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 52. The amendatory provisions of section 48 of this act do not apply to an order issued by the Public Utilities Commission of Nevada pursuant to NRS 704B.310 before July 1, 2023.

Sec. 53. The amendatory provisions of section 46 of this act do not apply to a contract entered into before the effective date of section 46 of this act.

Sec. 54. 1. An electric utility in this State shall, on or before July 1, 2022, file with the Public Utilities Commission of Nevada an amendment to its most recently filed energy efficiency plan filed pursuant to NRS 704.7836 to ensure the energy efficiency plan complies with the amendatory provisions of sections 39 and 44 of this act.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 55. NRS 701.090, 701.500, 701.505, 701.510 and 701.515 are hereby repealed.

Sec. 56. NRS 701B.670 is hereby repealed.

Sec. 57. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 58. 1. This section and sections 1 to 8, inclusive, 11 to 47, inclusive, 49 to 55, inclusive, and 57 of this act become effective upon passage and approval.

2. Section 10 of this act becomes effective on January 1, 2023, and expires by limitation on June 30, 2023.

3. Sections 9, 48 and 56 of this act become effective on July 1, 2023.

4. Section 9 of this act expires by limitation on December 31, 2025.

5. Sections 27 and 31 to 34, inclusive, of this act expire by limitation on December 31, 2031.

6. Sections 3 to 8, inclusive, of this act expire by limitation on June 30, 2049.

7. Sections 45, 46 and 47 of this act expire by limitation on the date on which the last contract entered into pursuant to the Program, as defined in NRS 704.7874, terminates, whether termination is by expiration of the terms of the contract or otherwise.

LEADLINES OF REPEALED SECTIONS

701.090 "Task Force" defined.

701.500 Creation; membership.

701.505 Chair; meetings; regulations; quorum; terms; members serve without compensation.

701.510 Powers and duties.

701.515 Support and assistance to be provided by Director.

701B.670 Legislative findings and declarations; creation of Program; regulations; payment of incentives; purchase of electric service based on time of usage; promotion of electric vehicle infrastructure; review and approval by Commission of annual plans from utilities; recovery of costs by utility.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Amendment No. 744 makes four clarifying changes to Senate Bill No. 448. It changes section 14 to clarify that the program be offered on a nondiscriminatory basis to both bundled retail customers and eligible customers. In section 21, it confirms that the Commission retains full authority to decide any request by an electric utility for the recovery of such costs before a high-voltage transmission infrastructure project is placed into service and to determine if any proposed financial incentive will be provided on the recovery of such costs. New language to section 22 states that nothing in this subsection shall be construed as requiring the Commission to provide a financial incentive to an electric utility. Finally, a new subsection added to section 29.5 requires that 20 percent of the total program expenditures proposed in a plan submitted pursuant to this section must be dedicated to incentives for behind-the-meter investments in electric vehicle-charging infrastructure or stations.

Amendment adopted.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 448 makes various changes related to the energy regulations policies and programs. The bill makes renewable-energy storage facilities and hybrid renewable-energy generation and storage facilities eligible for partial abatements of certain property and sales taxes. It requires an electric utility to amend its integrated resource plan before September 1, 2021, to include a plan for two, high-voltage infrastructure projects to be in service by December 31, 2028. It amends the components of an International Registration Plan (IRP) to include a carbon-dioxide emissions scenario that meets certain goals for reductions in carbon-dioxide emissions by 2050. It also requires transmission providers to join a regional transmission organization before January 1, 2030, unless the Public Utilities Commission allows a waiver or a delay.

The bill requires an electric utility to file a plan by September 1, 2021, for investing up to \$100 million in transportation electrification programs between January 1, 2022, and December 31, 2024, and to amend its IRP by September 1, 2022, to include a plan for accelerating transportation electrification, which must include five specific charging programs.

The bill provides there is no presumption that expenses, investments or costs incurred by the utility were prudently incurred, and places the burden of proof on the utility. It also clarifies that, subject to certain conditions, a net-metering system providing electricity to multiple units in the same property is not deemed a public utility. It extends the economic development of electric rate-rider programs through December 31, 2024, or whenever the set-aside capacity is fully allocated, whichever is earlier, modifies the allowable discounts and requires the Commission to submit a report on the program to the 2023 Legislature by December 31, 2022.

It increases, from 5 percent to 10 percent, the expenditures that must be directed to public schools, historically underserved communities and to low-income households and residential customers as part of an electric utility company's energy-efficiency plan. It also creates the Regional Transportation Coordination Task Force to advise the Governor and the Legislature on energy-transmission policies. Finally, it abolishes the New Energy Industry Task Force and phases out the Electric Vehicle Infrastructure Demonstration Program by July 1, 2023.

Roll call on Senate Bill No. 448:

YEAS—21.

NAYS—None.

Senate Bill No. 448 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 6.

The following Assembly amendment was read:

Amendment No. 598.

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

AN ACT relating to public safety; replacing the term "ex parte order" 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 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 establishes various provisions relating to ex parte and extended orders for protection against high-risk behavior. (NRS 33.500-33.670) Sections 1.7, 3, 7, 9, 10, 12-14 and 16-18 of this bill replace the term "ex parte order" with "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, for an ex parte order, or a risk, for an extended order, 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 the custody of a firearm from the list of factors a court may consider in finding whether a person poses a risk or an imminent risk of causing a self-inflicted injury or injuring another person.

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 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 ~~to~~ ; and (3) cause a record of the expiration or dissolution of the order to be transmitted to the Central Repository for Nevada Records of Criminal History. Section 8 requires a law enforcement agency to return any surrendered firearm to the adverse party not later than 14 days after: (1) the dissolution or expiration of 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 transmit a copy of an ex parte or extended order for protection to the appropriate law enforcement agency and to order the law enforcement agency to serve, without charge, the adverse party personally with the order. (NRS 33.620) Section 9: (1) requires, under certain circumstances, the court to order the appropriate law enforcement agency to serve the adverse party with, in addition to existing requirements, the application, any supplemental documents submitted to the court and notice of the hearing; (2) authorizes the court to withhold or redact certain personal identifying information from the application or any supplemental documents to be served upon the adverse party if the court determines that disclosure of the information would create a substantial threat to the applicant or any other person of bodily harm, intimidation, coercion or harassment; and (3) imposes certain duties on the court if the court withholds or redacts any personal identifying information.

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 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; ~~for~~*
- (2) Dismiss the verified application ~~for~~; or*
- (3) Upon the request of either party and for good cause shown, schedule a hearing in accordance with section 1.5 of this act.*

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 ~~for~~ or upon the request of either party and for good cause shown as provided in subparagraph (3) of paragraph (b) of subsection 1 of 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.

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~~ 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, 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"]~~ "Emergency order" means an ~~ex parte~~ 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 ~~an~~ *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 [.] for protection against high-risk behavior.*

2. A family or household member who reasonably believes that a person poses ~~an~~ *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 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 ~~an~~ *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 court shall issue an ~~ex parte~~ 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:

(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}~~ *emergency order*.

3. An ~~{ex parte}~~ *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. The court shall hold a hearing on the ex parte order and shall issue or deny the ex parte 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 court may hold the hearing on the ex parte order by telephone, which must be recorded in the presence of the magistrate or in the immediate vicinity of the magistrate by a certified court reporter or by electronic means. Any such recording must be transcribed, certified by the reporter if the reporter made the recording and certified by the magistrate. The certified transcript must be filed with the clerk of the court.~~

~~—5. 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 order pursuant to subsection 4.~~

~~—6. 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 order pursuant to subsection 4.~~

~~—7.}~~ 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:

(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]~~ *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]~~ *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}~~ 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 days after the dissolution or expiration of ~~{an ex parte or extended}~~ the 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~~ *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 or extended~~ :*

(a) The emergency order ;

(b) Subject to the provisions of subsection 8, the application and any supplemental documents submitted to the court; and ~~notice~~

(c) 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~~ *emergency* or extended order is successfully served.

~~{4.}~~ 6. A law enforcement agency shall enforce an ~~ex parte~~ *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~~ *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.

8. The court may withhold or redact from the application or any supplemental documents to be served upon the adverse party any personal identifying information of the applicant or any other person if the court determines that disclosure of the personal identifying information would create a substantial threat to the applicant or any other person of bodily harm, intimidation, coercion or harassment. If the court withholds or redacts any personal identifying information pursuant to this subsection, the court shall:

(a) Upon request of the adverse party, provide the adverse party or the adverse party's attorney or agent with an opportunity to interview the applicant or other person whose personal identifying information was withheld or redacted in an environment that provides for protection of the applicant or other person;

(b) Maintain any information or documents withheld or redacted pursuant to this subsection in a confidential file; and

(c) Permit the adverse party or the adverse party's attorney or agent to inspect and to copy or photograph any information or documents withheld or redacted pursuant to this subsection before the hearing described in section 1.5 of this act.

9. As used in this section, "personal identifying information" means any information which would identify a person, including, without limitation, a name, an address, a date of birth or a social security number.

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

33.630 1. Whether or not a violation of an ~~{ex parte}~~ 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}~~ 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}~~ emergency or extended order, if any.

3. Information concerning the terms and conditions of the ~~{ex parte}~~ 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 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 order or at the same time as an application for an ex parte order pursuant to NRS 33.560, the ex parte 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}~~ 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 emergency or 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 ~~{it}~~; and

(c) Cause, on a form prescribed by the Department of Public Safety, a record of the expiration or dissolution of the order to be transmitted to the Central Repository for Nevada Records of Criminal History to ensure that information concerning the adverse party is removed from the Central Repository.

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}~~ 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}~~ 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}~~ 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}~~ 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~~ 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~~ emergency order for protection against high-risk behavior pursuant to 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~~ 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~~ 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~~ *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~~ 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 1.7, 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 "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 "emergency order" shall be deemed to have the same meaning as though the term had remained unchanged.

Sec. 20. NRS 33.610 is hereby repealed.

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

TEXT OF REPEALED SECTION

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 that the Senate concur in Assembly Amendment No. 598 to Senate Bill No. 6.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 7.

The following Assembly amendment was read:

Amendment No. 669.

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

AN ACT relating to courts; providing that the district court has exclusive jurisdiction over the issuance and dissolution of certain orders for protection where the adverse party is a child under 18 years of age; providing that the juvenile court has exclusive jurisdiction over actions relating to the violation of certain orders for protection where the adverse party is a child under 18 years of age; establishing procedures relating to orders declaring that the basis no longer exists for certain orders for protection be transmitted to the Central Repository for Nevada Records of Criminal History if the adverse party is a child under 18 years of age; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

temporary or extended order for protection against domestic violence; and (2) the justice court has exclusive jurisdiction over actions for the issuance of orders for protection against harassment in the workplace, high-risk behavior, sexual assault, and stalking, aggravated stalking or harassment. (NRS 3.223, 4.370)

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

If an order for protection against domestic violence, harassment in the workplace, high-risk behavior, sexual assault or stalking, aggravated stalking or harassment is issued against a child under 18 years of age and information concerning the order for protection is transmitted to the Central Repository for Nevada Records of Criminal History, section 2.7 of this bill authorizes the child to petition a court for an order declaring that the basis no longer exists for the information to be transmitted to the Central Repository. Section 2.7 also establishes procedures relating to: (1) the grant of such a petition; and (2) the removal of the petitioned information from the Central Repository. Finally, section 2.7 establishes procedures relating to the circumstances under which the Central Repository fails to comply with the order to remove the petitioned information. Section 2.3 of this bill makes a conforming change relating to the petition for and the issuance of an order declaring that the basis no longer exists for an order for protection against high-risk behavior.

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

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

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

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

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

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

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

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

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

2. The district court ~~(may, at its discretion,)~~ shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought ~~and~~ upon:

(a) The issuance of any ex parte or temporary order listed in subsection 1;

or

(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.

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

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

(b) The parent or guardian of the child.

4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

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

6. The district court shall automatically seal all records related to the application for, consideration of ~~and~~ and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of ~~21~~ 18 years ~~and~~, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 ~~for~~; or

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

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

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

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

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

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

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive ~~{-}~~, *where the adverse party against whom the order is sought is 18 years of age or older.*

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

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

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment ~~{-}~~ *where the adverse party against whom the order is sought is 18 years of age or older.*

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault ~~{-}~~ *where the adverse party against whom the order is sought is 18 years of age or older.*

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

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

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

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

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

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

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

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

Sec. 2.3. NRS 33.650 is hereby amended to read as follows:

33.650 1. Any time that a court issues an ex parte 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 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 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.

9. If an adverse party to the ex parte or extended order is a child under the age of 18 years, the provisions of section 2.7 of this act govern petitions for and the issuance of orders declaring that the basis for an ex parte or extended order no longer exists.

Sec. 2.7. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon the submission of information relating to any of the following orders for protection where the adverse party is a child under the age of 18 years to the Central Repository for Nevada Records of Criminal History, the adverse party may petition a court for an order declaring that the basis no longer exists for such information to be transmitted to the Central Repository:

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

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

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

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

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

2. A petition brought pursuant to subsection 1 must be filed in the court which issued the order for protection.

3. The court shall grant the petition and issue the order described in subsection 1 if the court finds that the basis for the order for protection no longer exists.

4. 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.

5. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 4, 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.

6. If the Central Repository for Nevada Records of Criminal History fails to remove the information as provided in subsection 5, 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.

7. If a petition brought pursuant to subsection 1 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. 3. The amendatory provisions of this act:

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

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

Senator Scheible moved that the Senate concur in Assembly Amendment No. 669 to Senate Bill No. 7.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 45.

The following Assembly amendment was read:

Amendment No. 599.

SUMMARY—Revises provisions relating to crimes. (BDR 18-421)

AN ACT relating to crimes; changing the name and duties of the Ombudsman for Victims of Domestic Violence; changing the duties and composition of the Committee on Domestic Violence; revising the penalty for a battery which constitutes domestic violence against a pregnant person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Ombudsman for Victims of Domestic Violence within the Office of the Attorney General and prescribes the qualifications and duties of the Ombudsman. (NRS 228.440, 228.450) This bill revises the name, qualifications and duties of the Ombudsman and the Office to expand the scope of the Ombudsman and the Office to include the crimes of sexual assault and human trafficking and amends corresponding references accordingly.

Section 1 of this bill: (1) renames the Office as the Office of Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking; and (2) revises the existing qualifications of the Ombudsman to include the requirement to have knowledge regarding sexual assault and human trafficking. (NRS 228.440) Section 3 of this bill makes a conforming change to reflect the changed name.

Section 2 of this bill: (1) revises the requirement imposed upon the Ombudsman to prepare quarterly reports relating to domestic violence to include sexual assault and human trafficking within the scope of the report; (2) requires the Ombudsman to provide assistance to victims of sexual assault and human trafficking; and (3) requires the Ombudsman to provide education to the public regarding sexual assault and human trafficking. (NRS 228.450)

Existing law creates the Committee on Domestic Violence, whose members are appointed by the Attorney General, and sets forth the duties of the Committee. (NRS 228.470) Section 4 of this bill: (1) adds two additional members to the Committee, one of whom is a representative from the Office of the Court Administrator and one of whom is a representative appointed by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services; (2) eliminates the provision that requires the Committee to review programs for the treatment of persons who commit domestic violence and a corresponding subcommittee assigned to perform that review; and (3) requires the Committee to study issues relating to domestic violence.

Existing law provides that if a person is convicted of a first offense of battery which constitutes domestic violence against a victim who was pregnant at the time of the battery, the person is guilty of a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days, or by a maximum fine of \$2,000, or by both fine and imprisonment. (NRS 193.140, 200.485) Section 7 of this bill provides that for such an offense, a person must be imprisoned for not less than ~~20~~ 20 days ~~[but not more than 6 months]~~ in the county jail, ~~and~~ and may be further punished by a fine of not less than \$500, but not more than \$1,000. ~~[and must participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense. Section 6 of this bill makes a conforming change to reflect the changes in section 7.]~~

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

Section 1. NRS 228.440 is hereby amended to read as follows:

228.440 1. The Office of Ombudsman for Victims of Domestic Violence , *Sexual Assault and Human Trafficking* is hereby created within the Office of the Attorney General.

2. The Attorney General shall appoint a person to serve in the position of Ombudsman for a term of 4 years. The person so appointed:

- (a) Must be knowledgeable about the legal and societal aspects of domestic violence ~~[;]~~ , *sexual assault and human trafficking*;
- (b) Is in the unclassified service of the State; and
- (c) Is not required to be an attorney.

3. The Attorney General may remove the Ombudsman from office for inefficiency, neglect of duty or malfeasance in office.

Sec. 2. NRS 228.450 is hereby amended to read as follows:

228.450 1. The Ombudsman for Victims of Domestic Violence , *Sexual Assault and Human Trafficking* shall:

- (a) Prepare quarterly reports relating to victims of domestic violence , *sexual assault and human trafficking* from information collected from the Central Repository for Nevada Records of Criminal History, if any such information is available.

(b) Provide necessary assistance to victims of domestic violence ~~[-]~~, *sexual assault and human trafficking*.

(c) Provide education to the public concerning domestic violence, *sexual assault and human trafficking*, including, without limitation, the prevention of domestic violence, *sexual assault and human trafficking*, available assistance to victims of domestic violence, *sexual assault and human trafficking*, and available treatment for persons who commit domestic violence ~~[-]~~, *sexual assault and human trafficking*.

(d) Perform such other tasks as are necessary to carry out the duties and functions of his or her office.

2. Except as otherwise provided in this subsection, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.

3. Any grant received by the Office of the Attorney General for assistance to victims of domestic violence, *sexual assault and human trafficking* may be used to compensate the Ombudsman for Victims of Domestic Violence ~~[-]~~, *Sexual Assault and Human Trafficking*.

Sec. 3. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence is hereby created in the State General Fund. Any fee imposed and collected pursuant to NRS 176.094 must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence ~~[-]~~, *Sexual Assault and Human Trafficking*:

(a) Shall administer the Account for Programs Related to Domestic Violence; and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee;

(2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence;

(3) Assisting victims of domestic violence and educating the public concerning domestic violence; and

(4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence must be paid as other claims against the State are paid.

Sec. 4. NRS 228.470 is hereby amended to read as follows:

228.470 1. The ~~Attorney General shall appoint a~~ Committee on Domestic Violence *is hereby created. The Committee is* comprised of the Attorney General or a designee of the Attorney General and:

(a) *The following members appointed by the Attorney General:*

(1) One staff member of a program for victims of domestic violence;

~~[(b)]~~ (2) One staff member of a program for the treatment of persons who commit domestic violence;

~~[(c)]~~ (3) One representative from an office of the district attorney with experience in prosecuting criminal offenses;

~~[(d)]~~ (4) One representative from an office of the city attorney with experience in prosecuting criminal offenses;

~~[(e)]~~ (5) One law enforcement officer;

~~[(f)]~~ (6) One provider of mental health care;

~~[(g)]~~ (7) Two ~~[victims]~~ survivors of domestic violence;

~~[(h)]~~ (8) One justice of the peace or municipal judge;

(9) *One representative from the Office of Court Administrator; and*

~~[(i)]~~ (10) Any other person appointed by the Attorney General.

(b) *One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services, who is appointed by the Administrator of the Division and who has experience related to the certification of programs for the treatment of persons who commit domestic violence.*

↪ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence in this State;

(b) ~~[Review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to NRS 439.258;~~

~~—(c)]~~ Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;

~~[(d)]~~ (c) To the extent that money is available, provide financial support to programs for the prevention of domestic violence in this State;

~~[(e)]~~ (d) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; ~~and~~

~~—(f)]~~ (e) *Study issues that relate to domestic violence, including, without limitation, the intersections between domestic violence and sexual assault and domestic violence and human trafficking; and*

(f) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and

justices of the peace in rural Nevada. The report must include, without limitation:

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence; and

(2) All comments and recommendations received by the Committee.

3. ~~{The Attorney General shall appoint a subcommittee of members of the Committee to carry out the duties prescribed in paragraph (b) of subsection 2. —4.}~~ The Attorney General or the designee of the Attorney General is the Chair of the Committee.

~~{5.}~~ 4. The Committee shall annually elect a Vice Chair ~~{, Secretary and Treasurer}~~ from among its members.

~~{6.}~~ 5. The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair. ~~{Any six members of the Committee constitute a quorum. A majority vote of the quorum is required to take action with respect to any matter. —7.}~~

~~{8.}~~ 6. At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

~~{9.}~~ 7. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~{10.}~~ 8. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~{11.}~~ 9. The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~{NRS 176.094 is hereby amended to read as follows:~~

~~176.094 In addition to any other fine or penalty, if the court finds that a person is guilty of committing an act which constitutes domestic violence pursuant to NRS 33.018, the court shall:~~

~~1. Enter a finding of fact in the judgment of conviction.~~

~~2. Order the person to pay a fee of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~3. [Require] Except as otherwise provided in subsection 4 of NRS 200.485, require for the:~~

~~(a) First offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or~~

~~(b) Second offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less~~

~~than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.~~ (Deleted by amendment.)

Sec. 7. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be ~~sentenced to:~~ *punished by:*

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be ~~sentenced to:~~ *punished by:*

(1) Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; or

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

➡ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 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 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor ~~[.] and shall be punished by imprisonment in the county jail for not less than 30 days but not more than 6 months,]~~ and may be further punished by a fine of not less than \$500, but not more than \$1,000. ~~[In addition to any other penalty, the court shall require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.]~~

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, ~~for other than a battery described in subsection 4,]~~ the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at his or her expense, in a program for the treatment of persons

who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➔ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➔ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or other substance use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill

or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

11. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

12. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

13. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 8. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred

pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

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

Sec. 9. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name has been changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 10. 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.

Senator Dondero Loop moved that the Senate concur in Assembly Amendment No. 599 to Senate Bill No. 45.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 50.

The following Assembly amendment was read:

Amendment No. 536.

SUMMARY—Revises provisions relating to warrants. (BDR 14-405)

AN ACT relating to criminal procedure; prohibiting a magistrate from issuing a no-knock arrest warrant or search warrant except under certain circumstances; requiring an arrest warrant or a search warrant to specify whether it is a no-knock warrant; establishing provisions relating to the manner of execution of a no-knock arrest warrant or search warrant; revising provisions relating to the circumstances under which a summons may be issued instead of an arrest warrant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a magistrate to issue a warrant for the arrest of a defendant if, based on an affidavit or affidavits filed with a complaint or certain

citations, there is probable cause to believe that an offense has been committed and that the defendant has committed the offense, unless a district attorney requests the issuance of a summons, in which case the magistrate must issue a summons. (NRS 171.106) If the affidavit or affidavits are filed with an application for an arrest warrant, section 1.1 of this bill maintains the existing default standard of issuing an arrest warrant, or a summons upon the request of a district attorney; however, if the affidavit or affidavits are filed with certain citations, section 1.1 authorizes a magistrate to issue an arrest warrant or a summons.

Section 1.1 also establishes additional requirements for the issuance of a no-knock warrant. Specifically, section 1.1 prohibits a magistrate from issuing a no-knock warrant for the arrest of a defendant unless an affidavit, sworn to before the magistrate: (1) demonstrates that the underlying offense is punishable as a felony and involves a significant and imminent threat to public safety; (2) demonstrates that identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of significant bodily harm to the peace officer or another person; (3) describes factual circumstances that demonstrate that there are no reasonable alternatives to effectuating the arrest of the person other than in the manner prescribed by the no-knock arrest warrant; (4) states whether the no-knock arrest warrant can be executed during the day and, if it cannot, the reasoning behind such a determination; and (5) certifies that the no-knock arrest warrant will be executed under the guidance of a peace officer trained in executing warrants of arrest.

Existing law requires an arrest warrant to include certain information. (NRS 171.108) In addition to the existing requirements, section 1.2 of this bill requires the arrest warrant to specify whether it is a no-knock arrest warrant. Section 1.3 of this bill makes a conforming change in order to maintain the existing requirements relating to the contents of a summons.

Existing law sets forth the manner of executing arrest warrants. (NRS 171.122) In addition to the existing requirements, section 1.4 of this bill requires peace officers involved in the execution of the no-knock arrest warrant to: (1) make certain determinations before executing the no-knock arrest warrant; and (2) take certain actions in the execution of the no-knock arrest warrant, including making certain disclosures and wearing a portable event recording device. Section 1.5 of this bill makes a conforming change relating to the execution of arrest warrants.

Existing law also authorizes a magistrate to issue a search warrant to search a place or person for any property: (1) that is stolen or embezzled; (2) that is designed or intended for use or which is or has been used as the means of committing a criminal offense; or (3) when the property consists of any item or constitutes any evidence which tends to show that a criminal offense has been committed or that a particular person has committed a criminal offense. (NRS 179.035) Section 2 of this bill sets forth requirements for the issuance

of a no-knock search warrant that are identical to those described in section 1.1 for no-knock arrest warrants.

Existing law requires search warrants to contain certain information. (NRS 179.045) In addition to the existing requirements, section 3.3 of this bill requires the search warrant to specify whether it is a no-knock search warrant.

Existing law sets forth various requirements relating to the manner of executing a search warrant. (NRS 179.075, 179.077) In addition to the existing requirements, section 2.5 of this bill sets forth requirements concerning the execution of no-knock search warrants that are identical to those described in section 1.4 for no-knock arrest warrants.

Sections 1 and 1.9 of this bill define the term "no-knock warrant" for the purposes of arrest warrants and search warrants, respectively. Sections 1.8, 3 and 3.7 of this bill make conforming changes relating to no-knock warrants.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in sections 171.102 to 171.122, inclusive, unless the context otherwise requires, "no-knock warrant" means a warrant for the arrest of a defendant which authorizes a peace officer to enter a premises without first:

- 1. Knocking on the door or ringing the doorbell and identifying the presence of the peace officer; or*
- 2. Identifying the presence of the peace officer and stating the intended purpose of the peace officer for entering the premises.*

Sec. 1.1. NRS 171.106 is hereby amended to read as follows:

171.106 1. If it appears ~~[from the complaint or a citation issued pursuant to NRS 484A.730, 488.920 or 501.386, or]~~ from an affidavit or affidavits filed with ~~[the complaint or citation]~~ an application for a warrant that there is probable cause to believe that an offense, triable within the county, has been committed and that the defendant has committed it, a warrant for the arrest of the defendant ~~[shall]~~ must be issued by the magistrate to any peace officer. Upon the request of the district attorney, a summons instead of a warrant ~~[shall issue.]~~ must be issued.

2. *If it appears from an affidavit or affidavits filed with a complaint or citation issued pursuant to NRS 484A.730, 488.920 or 501.386 that there is probable cause to believe that an offense, triable within the county, has been committed and that the defendant has committed it, the magistrate may issue to any peace officer:*

- (a) A warrant; or*
- (b) A summons.*

3. *A magistrate may not issue a warrant that is a no-knock warrant pursuant to subsection 1 or 2 unless an affidavit filed with the application, complaint or citation, as applicable:*

- (a) Demonstrates that:*
 - (1) The underlying offense:*

(I) Is punishable as a felony; and

(II) Involves a significant and imminent threat to public safety; and

(2) Identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of substantial bodily harm to the peace officer or another person;

(b) Describes with specificity the factual circumstances as to why there are no reasonable alternatives to effectuate the arrest of the defendant other than in the manner prescribed by the no-knock warrant;

(c) States whether the no-knock warrant can be executed during the day and, if it cannot, describes with specificity the factual circumstances that preclude the no-knock warrant from being executed during the day; and

(d) Certifies that the no-knock warrant will be executed under the guidance of a peace officer who is trained in the execution of warrants.

4. More than one warrant or summons may ~~issue~~ be issued on the same application, complaint or citation.

5. If a defendant fails to appear in response to ~~the~~ a summons, a warrant ~~shall issue.~~ must be issued for the arrest of the defendant.

6. ~~A peace officer shall not deliberately misrepresent a material fact or omit material information in an affidavit described in subsection 3, and if the affidavit is based upon a deliberately misrepresented fact or an omission of material information, the magistrate shall reject the affidavit.~~ no-knock warrant issued pursuant to subsection 3 is void if:

(a) A peace officer deliberately misrepresents a material fact or deliberately omits material information in an affidavit in support of an application for the no-knock warrant; and

(b) When the misrepresented material fact is excluded or the omitted material information is included, the affidavit does not meet the criteria set forth in paragraphs (a) to (d), inclusive, of subsection 3.

Sec. 1.2. NRS 171.108 is hereby amended to read as follows:

171.108 ~~The~~ A warrant of arrest is an order in writing in the name of the State of Nevada which ~~shall:~~ must:

1. Be signed by the magistrate with the magistrate's name of office;

2. Contain the name of the defendant or, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty;

3. State the date of its issuance, and the county, city or town where it was issued;

4. ~~Describe~~ State the offense ~~charged~~ described in ~~the complaint; and~~ NRS 171.106;

5. Command that the defendant be arrested and brought before the nearest available magistrate ~~[-]~~ ; and

6. State whether the warrant is a no-knock warrant.

Sec. 1.3. NRS 171.112 is hereby amended to read as follows:

171.112 ~~The~~

1. A summons is an order in writing in the name of the State of Nevada which ~~[shall be in the same form as the warrant except that it shall summon]~~ must:

(a) Include the information described in subsections 1 to 4, inclusive, of NRS 171.108; and

(b) Summon the defendant to appear before a magistrate at a stated time and place.

2. Upon a complaint against a corporation, the magistrate must issue a summons, signed by the magistrate, with the magistrate's name of office, requiring the corporation to appear before the magistrate at a specified time and place to answer the charge, the time to be not less than 10 days after the issuing of the summons.

Sec. 1.4. NRS 171.122 is hereby amended to read as follows:

171.122 1. Except as otherwise provided in subsection ~~{2,}~~ 3, the warrant must be executed by the arrest of the defendant. The *peace* officer need not have the warrant in the *peace* officer's possession at the time of the arrest, but upon request the *peace* officer must show the warrant to the defendant as soon as possible. If the *peace* officer does not have a warrant in the *peace* officer's possession at the time of the arrest, the *peace* officer shall then inform the defendant of the *peace* officer's intention to arrest the defendant, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for the defendant's arrest and detention. If the defendant either flees or forcibly resists, the *peace* officer may, except as otherwise provided in NRS 171.1455, use only the amount of reasonable force necessary to effect the arrest.

2. In addition to the requirements described in subsection 1, if the warrant is a no-knock warrant, the *peace* officers involved in the execution of the no-knock warrant shall:

(a) Before executing the no-knock warrant, determine whether the circumstances necessitate that the arrest of the defendant be effectuated in the manner prescribed by the no-knock warrant and, if they do not, the *peace* officers shall not effectuate the arrest of the defendant in such a manner; and

(b) In executing the no-knock warrant:

(1) Wear prominent insignia that renders the *peace* officers readily identifiable as *peace* officers;

(2) Wear a portable event recording device in accordance with the requirements described in NRS 289.830;

(3) Use only the amount of force reasonably necessary to enter the premises; and

(4) As soon as practicable after entering the premises, identify the presence of the *peace* officers and state the purpose of the *peace* officers for entering the premises.

3. In lieu of executing ~~[the]~~ a warrant by arresting the defendant, a *peace* officer may issue a citation as provided in NRS 171.1773 if:

- (a) The warrant is issued upon an offense punishable as a misdemeanor;
- (b) The *peace* officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;
- (c) The defendant provides satisfactory evidence of his or her identity to the peace officer;
- (d) The defendant signs a written promise to appear in court for the misdemeanor offense; and
- (e) The *peace* officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

~~{3.—The}~~

4. A summons must be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.

Sec. 1.5. NRS 171.152 is hereby amended to read as follows:

171.152 1. The peace officer executing a warrant by arrest shall make return thereof to the magistrate before whom the defendant is brought pursuant to NRS 171.178 and 171.184. At the request of the district attorney any unexecuted warrant must be returned to the magistrate by whom it was issued and must be cancelled.

2. The peace officer executing a warrant by issuance of a citation pursuant to subsection ~~{2}~~ 3 of NRS 171.122 shall:

- (a) Record on the warrant the number assigned to the citation issued thereon;
- (b) Attach the warrant to the citation issued thereon; and
- (c) Return the warrant and citation to the magistrate before whom the defendant is scheduled to appear.

3. On or before the return day the person to whom a summons was delivered for service shall make return thereof to the magistrate before whom the summons is returnable.

4. At the request of the district attorney made at any time while the complaint is pending, a warrant returned unexecuted and not cancelled or a summons returned unserved or a duplicate thereof may be delivered by the magistrate to a peace officer for execution or service.

Sec. 1.7. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.8 to 2.5, inclusive, of this act.

Sec. 1.8. *As used in NRS 179.015 to 179.115, inclusive, and sections 1.8 to 2.5, inclusive, of this act, the words and terms defined in NRS 179.015 and section 1.9 of this act have the meanings ascribed to them in those sections.*

Sec. 1.9. "No-knock warrant" means a search warrant which authorizes a peace officer to enter a premises without first:

1. Knocking on the door or ringing the doorbell and identifying the presence of the peace officer; or

2. Identifying the presence of the peace officer and stating the intended purpose of the peace officer for entering the premises.

Sec. 2. 1. A magistrate shall not issue a no-knock warrant to search the person or place named in the search warrant unless an affidavit sworn to before the magistrate:

(a) Demonstrates that:

(1) The underlying offense:

(I) Is punishable as a felony; and

(II) Involves a significant and imminent threat to public safety; and

(2) Identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of substantial bodily harm to the peace officer or another person;

(b) Describes with specificity the factual circumstances as to why there are no reasonable alternatives to effectuate the search of the place or person other than in the manner prescribed by the no-knock warrant;

(c) States whether the no-knock warrant can be executed during the day and, if it cannot, describes with specificity the factual circumstances that preclude the no-knock warrant from being executed during the day; and

(d) Certifies that the no-knock warrant will be executed under the guidance of a peace officer who is trained in the execution of search warrants.

2. ~~A peace officer shall not deliberately misrepresent a material fact or omit material information in any affidavit described in subsection 1, and if the affidavit is based upon a deliberately misrepresented fact or an omission of material information, the magistrate shall reject the affidavit.~~ no-knock warrant issued pursuant to subsection 1 is void if:

(a) A peace officer deliberately misrepresents a material fact or deliberately omits material information in an affidavit in support of an application for the no-knock warrant; and

(b) When the misrepresented material fact is excluded or the omitted material information is included, the affidavit does not meet the criteria set forth in paragraphs (a) to (d), inclusive, of subsection 1.

Sec. 2.5. In addition to the requirements for the execution of a search warrant described in NRS 179.075 and 179.077, if the search warrant is a no-knock warrant, the peace officers involved in the execution of the no-knock warrant shall:

1. *Before executing the no-knock warrant, determine whether the circumstances necessitate that the search be effectuated in the manner prescribed by the no-knock warrant and, if they do not, the peace officers shall not effectuate the search in such a manner; and*

2. *In executing the no-knock warrant:*

(a) *Wear prominent insignia that renders the peace officers readily identifiable as peace officers;*

(b) *Wear a portable event recording device in accordance with the requirements described in NRS 289.830;*

(c) *Use only the amount of force reasonably necessary to enter the premises; and*

(d) *As soon as practicable after entering the premises, identify the presence of the peace officers and state the purpose of the peace officers for entering the premises.*

Sec. 3. NRS 179.015 is hereby amended to read as follows:

179.015 ~~[As used in NRS 179.015 to 179.115, inclusive, the term "property"]~~ "Property" includes documents, books, papers and any other tangible objects.

Sec. 3.3. NRS 179.045 is hereby amended to read as follows:

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the warrant or as provided in subsection 3. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

2. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.

3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

4. Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be unsealed.

5. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate who authorized the

signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.

6. The warrant must ~~be~~ :

(a) Be directed to a peace officer in the county where the warrant is to be executed ~~[-. It must:~~

~~—(a)] ;~~

(b) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof , ~~[-]~~ or

~~[(b) Incorporate]~~ incorporate by reference the affidavit or oral statement upon which it is based ~~[-~~

~~→The warrant must command]~~ ;

(c) Command the peace officer to search forthwith the person or place named for the property specified ~~[-~~

~~7. The warrant must direct]~~ ;

(d) Direct that ~~[-it]~~ the warrant be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a showing of good cause therefor, inserts a direction that ~~[-it]~~ the warrant be served at any time ~~[-~~

~~8. The warrant must designate]~~ ;

(e) Designate the magistrate to whom it is to be returned ~~[-~~

~~9.] ; and~~

(f) Indicate whether the search warrant is a no-knock warrant.

7. As used in this section, "secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

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

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

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

Sec. 3.7. NRS 179.115 is hereby amended to read as follows:

179.115 NRS 179.015 to 179.115, inclusive, and sections 1.8 to 2.5, inclusive, of this act do not modify any other statute regulating search, seizure and the issuance and execution of search warrants in circumstances for which special provision is made.

Sec. 4. The amendatory provisions of this act apply to a warrant or summons issued on or after October 1, 2021.

Senator Scheible moved that the Senate concur in Assembly Amendment No. 536 to Senate Bill No. 50.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 54.

The following Assembly amendment was read:

Amendment No. 548.

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

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

Legislative Counsel's Digest:

Existing law creates the State Board of Agriculture, consisting of 11 members, and sets forth the qualifications of the members. (NRS 561.045, 561.055) Sections 1 and 2 of this bill increase the membership of the Board to 13 members. Section 3 of this bill makes a conforming change by increasing from six to seven the number of members of the Board that constitute a quorum. (NRS 561.095) Section 2 also revises the membership of the Board by requiring that: (1) ~~one member is actively engaged in livestock production;~~ two members are actively engaged in range or semirange cattle production; (2) two members are actively engaged in growing crops, at least one of which is a specialty crop ; ~~Harvested by mechanical cultivation;~~ (3) one member is working in the field of supplemental nutrition distribution; (4) one member is actively engaged in food manufacturing or animal processing; and (5) one member has veterinary experience in a mixed-animal or large-animal practice and is licensed to practice veterinary medicine in this State. Section 2 further removes the requirement that certain members be actively engaged in: (1) general farming; and (2) growing crops which are planted in rows. (NRS 561.055) Section 4 of this bill: (1) provides that each member who is serving on the ~~[State]~~ Board on June 30, 2022, continues to serve until the expiration of his or her term or until a vacancy occurs, whichever occurs first; and (2) requires the Governor to appoint the members representing supplemental nutrition distribution, food manufacturing or animal processing and mixed-animal or large-animal veterinary practice to terms commencing on July 1, 2022.

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

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

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

Sec. 2. NRS 561.055 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

2. Not more than two members may be residents of the same county . ~~and the range or semirange cattle production members must be residents of different counties.]~~

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

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

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

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

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

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

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

3. One person who satisfies the qualifications set forth in paragraph ~~(4)~~ (k) of subsection 1 of NRS 561.055, as amended by section 2 of this act, to a term commencing on July 1, 2022.

Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2022.

Senator Donate moved that the Senate concur in Assembly Amendment No. 548 to Senate Bill No. 54.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 58.

The following Assembly amendment was read:

Amendment No. 678.

SUMMARY—Revises ~~to certain functions and responsibilities of the Investigation Division of~~ provisions relating to the Department of Public Safety. (BDR 43-352)

AN ACT relating to public safety; revising certain functions and responsibilities of the Investigation Division of the Department of Public Safety and the Chief of the Investigation Division; granting authority to the Director of the Department to authorize the Department, the various divisions of the Department and the officers and employees of the Department to use certain designations to identify themselves; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the primary functions and responsibilities of the Investigation Division of the Department of Public Safety. (NRS 480.140) Section 1 of this bill adds to the functions and responsibilities of the Investigation Division the duty to provide investigative services to other divisions of the Department of Public Safety as determined by the Director of the Department. Section 1 also adds the duties to: (1) investigate certain technological crimes and enforce provisions of law relating to technological crime; and (2) provide investigative services upon request to certain state agencies in criminal investigations relating to cannabis.

Existing law requires the Chief of the Investigation Division to furnish services relating to the investigation of crimes upon the request of the Attorney General or any sheriff, chief of police or district attorney. (NRS 480.460) Section 2 of this bill requires the Chief to provide investigative services to the heads of certain state agencies upon request. Section 2 also requires the Chief to: (1) investigate certain technological crimes and enforce provisions of law relating to technological crime; and (2) provide investigative services upon request to certain state agencies in criminal investigations relating to cannabis.

Existing law establishes the duties and powers of the Director of the Department. (NRS 480.150) Section 1.5 of this bill additionally grants authority to the Director to authorize the Department, the various divisions of

the Department and the officers and employees of the Department to use certain designations to identify themselves.

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

Section 1. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) *Investigate technological crime, as defined in NRS 205A.030, and enforce the provisions of the law of this State relating to technological crime, as defined in NRS 205A.030;*

(c) *Provide investigative services to the divisions of the Department as determined by the Director;*

(d) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; ~~and~~

~~—(e)~~ (e) Upon request, assist:

(1) *The Department of Taxation in carrying out a criminal investigation relating to cannabis pursuant to NRS 372A.200 to 372A.380, inclusive, and chapter 678A of NRS;*

(2) *The Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out a criminal investigation relating to cannabis pursuant to chapter 678C of NRS; and*

(3) *The Cannabis Compliance Board in carrying out a criminal investigation pursuant to title 56 of NRS; and*

(f) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapters 414 and 414A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapters 414 and 414A of NRS and any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and

probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

6. The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

7. The Nevada Office of Cyber Defense Coordination shall:

(a) Serve as the strategic planning, facilitating and coordinating office for cybersecurity policy and planning in this State; and

(b) Execute, administer and enforce the provisions of NRS 480.900 to 480.950, inclusive, and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.900 to 480.950, inclusive, and any other specific statute.

8. The Training Division shall provide training to the employees of the Department.

9. The Records, Communications and Compliance Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 1.5. NRS 480.150 is hereby amended to read as follows:

480.150 1. The Director shall:

(a) Direct and supervise all administrative and technical activities of the Department.

(b) Formulate the policies of the Department and the various divisions thereof.

(c) Coordinate the activities of the various divisions of the Department.

(d) Furnish fiscal, accounting and other administrative services to the various divisions of the Department.

(e) Adopt such regulations as he or she deems necessary for the operation of the Department and the enforcement of all laws administered by the Department.

2. The Director may delegate to the officers and employees of the Department such authorities and responsibilities not otherwise delegated by a specific statute as the Director deems necessary for the efficient conduct of the business of the Department.

3. The Director may authorize:

(a) The Department to use certain designations to identify itself;

(b) The various divisions of the Department to use certain designations to identify themselves, including, without limitation, the designation of "State Police" if such a designation is appropriate; and

(c) The officers and employees of the Department to use certain designations to identify themselves.

Sec. 2. NRS 480.460 is hereby amended to read as follows:

480.460 The Chief of the Investigation Division shall:

1. Furnish services relating to the investigation of crimes, including interrogation with the use of polygraph instruments, upon the request of the following:

(a) The Attorney General ;

(b) The head of any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government which is authorized or required to conduct criminal investigations; or ~~any~~

(c) Any sheriff, chief of police or district attorney.

2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the Investigation Division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs, including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapter 453 of NRS.

7. Furnish information relating to any person of whom he or she maintains a record to any law enforcement agency.

8. Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124.

9. Upon request, assist:

(a) The Department of Taxation in carrying out a criminal investigation relating to cannabis pursuant to NRS 372A.200 to 372A.380, inclusive, and chapter 678A of NRS;

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out a criminal investigation relating to cannabis pursuant to chapter 678C of NRS; and

(c) The Cannabis Compliance Board in carrying out a criminal investigation pursuant to title 56 of NRS.

10. Investigate technological crime, as defined in NRS 205A.030, and enforce the provisions of the law of this State relating to technological crime, as defined in NRS 205A.030.

Sec. 3. This act becomes effective upon passage and approval.

Senator Harris moved that the Senate concur in Assembly Amendment No. 678 to Senate Bill No. 58.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 439.

The following Assembly amendment was read:

Amendment No. 718.

Sections 3, 32.5 and 35 of this act are the only sections affected by this amendment.

Legislative Counsel's Digest:

Existing law declares that "the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity" and, beginning with the 2021-2023 biennium, replaces the Nevada Plan with the Pupil-Centered Funding Plan as the formula for distribution of state financial aid to the public schools in this State to accomplish that objective. (NRS 387.121) Existing law creates the State Education Fund for the purpose of supporting the operation of the public schools in this State and identifies the sources of revenue for the Fund. (NRS 387.1212) Sections 2 and ~~31-34~~ 31, 32, 33 and 34 of this bill include the proceeds of certain additional sources of revenue in the State Education Fund. Section 2 additionally: (1) excludes the interest and income earned on the direct legislative appropriation to the State Education Fund from being credited to the Fund; and (2) eliminates the authorization for the Superintendent of Public Instruction to create one or more accounts in the Fund as necessary to segregate money required to be administered separately by federal law. Section 14 of this bill makes conforming changes relating to the elimination of the authority of the Superintendent of Public Instruction to create such accounts.

Existing law establishes the Education Stabilization Account and authorizes the Interim Finance Committee to direct the State Controller to transfer money from the Education Stabilization Account to the State Education Fund if the Committee finds that the collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund. (NRS 387.1213) Section 3 of this bill: (1) additionally allows the Department of Education to submit a request to the Interim Finance Committee to approve a transfer from the Education Stabilization Account to the State Education Fund if the actual enrollment growth exceeds the projected enrollment growth by an amount that makes such a transfer necessary; and (2) requires the transfer, up to the maximum amount established by existing law, of any remaining balance in the State Education Fund to the Education Stabilization Account at the end of each biennium, rather than at the end of each fiscal year.

Existing law requires the Legislature to appropriate money from the State Education Fund, less the money in the Education Stabilization Account, to

fund, in an amount determined sufficient by the Legislature: (1) the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education; (2) the food service, transportation and similar services of the school districts; (3) the operation of each school district for all pupils generally through adjusted base per pupil funding for each pupil enrolled in the school district; (4) the operation of each charter school and university school for profoundly gifted pupils for all pupils generally through a statewide base per pupil funding amount for each pupil enrolled in such a school, with an adjustment for certain schools; and (5) the additional educational needs of English learners, at-risk pupils, pupils with disabilities and gifted and talented pupils through additional weighted funding for each such pupil. (NRS 387.1214) Section 4 eliminates the requirement to fund the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education from the State Education Fund. Section 4 also eliminates the requirement to provide funding for the additional educational needs of pupils with disabilities through additional weighted funding for each such pupil from the State Education Fund. Sections 4, 6, 8, 13, 22, 23 and 36 of this bill instead require the establishment of a statewide multiplier for the support of pupils with disabilities in a manner generally consistent with the Nevada Plan and funded using the Account for Special Education Services in the State General Fund. Sections 7, 10 and 11 of this bill make conforming changes to reflect the elimination of the requirement to fund the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education from the State Education Fund.

Existing law establishes certain factors which are applied to the statewide base per pupil funding amount to create the adjusted base per pupil funding for each school district and certain charter schools and university schools for profoundly gifted pupils. (NRS 387.1215-387.1218) Section 39 of this bill repeals the adjustment for each necessarily small school in a school district. Section 5 of this bill revises the adjustment for small school districts to instead be an adjustment for the increased cost per pupil to a school district to operate public schools in which relatively fewer pupils are enrolled. Sections 13 and 15 of this bill make conforming changes to reflect the changes to the adjustment factors.

Existing law requires any amount by which the actual ending fund balance of a county school district fund exceeds 16.6 percent of the total actual expenditures for the fund to be transferred to the Education Stabilization Account. (NRS 387.1213) If a county school district fund exceeded 16.6 percent of the total budgeted expenditures for the fund for the fiscal year which ended on June 30, 2020, existing law allows a school district to maintain not more than such an excess in succeeding fiscal years until the school district has an ending fund balance of 16.6 percent or less. (Section 77 of Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4252) Section ~~135~~ 3 of this bill revises this ~~authority~~ requirement to apply to an excess of the total

~~actual~~ budgeted expenditures for a county school district fund rather than the total ~~budgeted~~ actual expenditures.

Existing law authorizes the State Board of Education to accept gifts of money and requires such gifts to be deposited in the Education Gift Fund. (NRS 385.083) Section 1 of this bill requires the interest and income earned on the money in the Education Gift Fund to be credited to the Fund and requires the balance in the Fund at the end of a fiscal year to be carried forward to the next fiscal year.

Existing law requires the Superintendent of Public Instruction to apportion certain money designated for the National School Lunch Program to those school districts that participate in the Program. (NRS 387.124) Section 9 of this bill transfers that duty to the Director of the State Department of Agriculture. Sections 10, 12, 17, 24 and 26 of this bill make conforming changes relating to this transfer.

Existing law establishes certain reporting requirements for the Department of Education and for each school district and public school relating to educational expenditures. (NRS 387.12468) Section 16 of this bill: (1) eliminates such requirements for the Department of Education; and (2) requires such a report by a public school to be posted on an appropriate Internet website.

Existing law requires the Department of Education, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, to establish a recommended minimum expenditure on textbooks, instructional supplies, instructional software and instructional hardware for public schools. (NRS 387.206) Section 18 of this bill revises provisions relating to the timing of such recommendations. Section 19 of this bill requires a certain report published by the Department relating to such expenditures to be published on the Internet website maintained by the Department.

Existing law establishes certain requirements relating to the submission of budgets and expenditures by school districts. (NRS 387.303) Section 20 of this bill transfers responsibility to prescribe the format for a compilation of reports of such information from the Director of the Department of Administration to the Director of the Office of Finance. Section 20 additionally eliminates the authority of the Superintendent of Public Instruction to make certain adjustments when preparing the biennial budget request for the State Education Fund.

Existing law excludes a budgeted ending fund balance of not more than 16.6 percent of the total budgeted expenditures for a county school district fund from being considered for collective bargaining purposes. (NRS 354.6241) Section 32.5 of this bill reduces the portion of a budgeted ending fund balance of a county school district fund which is not subject to collective bargaining from 16.6 percent to 12 percent.

Existing law establishes certain accounts relating to education, including the Educational Trust Account, the Bullying Prevention Account, the Account for

Instruction in Financial Literacy, the Account for Computer Education and Technology, the Grant Fund for Incentives for Licensed Educational Personnel and the Great Teaching and Leading Fund. (NRS 120A.610, 388.1325, 388.895, 391.369, 391A.400, 391A.500) Sections 31 and 39 of this bill eliminate these accounts. Sections 21, 25 and 27-30 of this bill make conforming changes relating to the elimination of such accounts. Section 38 of this bill provides for the reversion or transfer of money in such accounts that has not been committed for expenditure before July 1, 2021.

Section 3 of Senate Bill No. 439 First Reprint is hereby amended as follows:

Sec. 3. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the ~~actual~~ budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total ~~actual~~ budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, ~~for any account created pursuant to subsection 5 of NRS 387.1212,~~ for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that ~~the~~ :

(a) *Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; or*

(b) *The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund,*

↪ *the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.*

5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, ~~for any account created pursuant to subsection 5 of NRS 387.1212,~~ that has not been committed for expenditure on or before June 30 of ~~each~~ *an odd-numbered* fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

NEW section 32.5 of Senate Bill No. 439 First Reprint is hereby added as follows:

Sec. 32.5. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in subsections 3 and 4 and NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For any local government other than a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than 16.67 percent of the total budgeted expenditures, less capital outlay, for a general fund:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

4. For a school district, for the purposes of chapter 288 of NRS ~~16.6~~ 12:

~~(a)~~ (a) A budgeted ending fund balance of not more than ~~16.6~~ 12 percent of the total budgeted expenditures for a county school district fund:

~~(1)~~ (1) Is not subject to negotiations with an employee organization; and

~~(2)~~ (2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits ~~16.6~~ 12; and

(b) Any portion of a budgeted ending fund balance which exceeds 16.6 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization;

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits; and

(3) Except as otherwise provided in section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, must be transferred to the Education Stabilization Account pursuant to NRS 387.1213.

Section 35 of Senate Bill No. 439 First Reprint is hereby amended as follows:

Sec. 35. ~~[Section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, is hereby amended to read as follows:~~

~~Sec. 77. Notwithstanding the provisions of subsection 1 of section 3 of this act, if the ending fund balance of a county school district fund exceeds 16.6 percent of the total [budgeted] actual expenditures for the fund for the fiscal year which ends on June 30, 2020, the county school district may maintain an ending fund balance for its county school district fund in the succeeding fiscal year which does not exceed the ending fund balance for the fiscal year which ends on June 30, 2020, and any amount by which the ending fund balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act. Until the ending fund balance of such a county school district fund reaches 16.6 percent or less of the total [budgeted] actual expenditures for the fund, the ending fund balance for such a county school district fund in each subsequent fiscal year may not exceed the ending fund balance for the county school district fund in the immediately preceding fiscal year, and any amount by which the ending funding balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act.] (Deleted by amendment.)~~

Senator Brooks moved that the Senate concur in Assembly Amendment No. 718 to Senate Bill No. 439.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 2, 12, 14, 15, 16, 18, 28; Assembly Bills Nos. 51, 58, 227.

Senator Cannizzaro moved that the Senate adjourn until Monday, May 24, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:06 a.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate